

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 23, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend An Act To establish a code of law for the District of Columbia to provide that the District shall not charge for the care in a hospital for the mentally ill of a person acquitted solely on the grounds of insanity when the source of the funds being sought were obtained as a result of a judgment or settlement against the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Frank Harris, Jr. Justice Amendment Act of 2008".

Sec. 2. Section 927(f) of An Act To establish a code of law for the District of Columbia, effective March 3, 1901 (31 Stat. 1340; D.C. Official Code § 24-501(f)), is amended to read as follows:

Amend  
§ 24-501

“(f)(1) Except as provided in paragraph (2) of this subsection, when an accused person is acquitted solely on the ground of insanity and ordered confined in a hospital for the mentally ill, the person and the person’s estate shall be charged with the expense of the person’s support in the hospital.

“(2) The District shall not charge a person or his estate for the expense of the person’s support in a hospital for the mentally ill if the source of the funds being sought to compensate the District were obtained as a result of:

“(A) A judgment against the District pertaining to its care of the person;

or

“(B) A settlement reached by the District with a person or his estate pertaining to its care of the person.”.

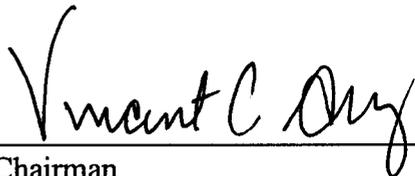
Sec. 3. Fiscal impact statement.

The Council adopts the November 27, 2007 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)).

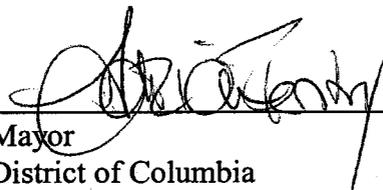
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 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.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 23, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006 to authorize issuance of a note by the District of Columbia pursuant to section 490 of the District of Columbia Home Rule Act; to amend the District of Columbia Housing Authority Act of 1999 to authorize the issuance, sale, and delivery by the District of Columbia Housing Authority of revenue bonds, notes, or other obligations issued pursuant to section 490 of the District of Columbia Home Rule Act, which is secured by a note issued by the District of Columbia secured by payments in lieu of taxes generated by or related to the Capper/Carrollsborg PILOT Area; to amend the District of Columbia Deed Recordation Tax Act to exempt the transfer of real property from recordation; and to amend Title 47 of the District of Columbia Official Code to exempt certain parcels of land and the improvements on the real property in the area known as the Capper/Carrollsborg PILOT Area from real property taxes and to provide for payments in lieu of taxes for the Capper/Carrollsborg PILOT Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Amendment Act of 2008".

## TITLE I. FINANCING

Sec. 101. The PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), is amended as follows:

(a) Section 201 is amended as follows:

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

"(1) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) authorized to be issued from time to time pursuant to this act."

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

"(1A) "Bond Counsel" means a firm or firms of attorneys designated as bond

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counsel from time to time by the Mayor.”.

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

“(5) “Capper/Carrollsborg PILOT Area” means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; all lots in Squares 737, 739, 767, 768, 769, 797, 798, 825, S825, and 882; any portion of the land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsborg PILOT Area.”.

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

“(5A) “Capper/Carrollsborg PILOT Fund” means the nonlapsing fund established under section 204.”.

(5) Paragraph (6) is amended by striking the phrase “the relocation of certain District facilities located within the Capper/Carrollsborg PILOT Area” and inserting the phrase “the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsborg PILOT Area“ in its place.

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

“(8A) “DCHA bonds” means the revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations) issued by or on behalf of DCHA secured by bonds authorized by this act.”.

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

“(8B) “Development costs” means all costs and expenses incurred by or on behalf of the District of Columbia or DCHA relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsborg Public Improvements, including:

“(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsborg Public Improvements;

“(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsborg Public Improvements;

“(C) Expenses incurred for utility lines, structures, or equipment charges;

“(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsborg Public Improvements;

“(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

“(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

“(G) Fees for letters of credit, bond insurance, debt service reserve

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insurance, surety bonds, or similar credit or liquidity enhancement instruments;

“(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

“(I) Expenses necessary or incident to issuing the bonds and DCHA bonds and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the Capper/Carrollsborg Public Improvements; and

“(J) The provision of a proper allowance for contingencies and initial working capital.”

(8) Paragraph (9) is amended by striking the phrase “D.C. Official Code § 47-340.21(14)” and inserting the phrase “D.C. Official Code § 47-340.01(14), including such costs incurred by or on behalf of DCHA with respect to the Capper/Carrollsborg Public Improvements and DCHA bonds” in its place.

(9) Paragraph (10) is amended as follows:

(A) Strike the phrase “the documents as the term “financing documents” is” and insert the phrase “closing documents, as the term is defined in D.C. Official Code § 47-340.01(6), and financing documents, as the term is” in its place.

(B) Strike the phrase “, refinancing, or reimbursement of the costs of the Capper/Carrollsborg Public Improvements” and insert the phrase “or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds” in its place.

(10) Paragraphs (12) through (14) are repealed.

(11) New paragraphs (15), (16), and (17) are added to read as follows:

“(15) “PILOT improvements” means the improvements located on the real property located at Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

“(16) “PILOT improvement payments” means the excess of the payments in lieu of real property taxes payable pursuant to D.C. Official Code § 47-4611 and allocable to the PILOT improvements, over an amount equal to the special tax provided for in section 481 of the Home Rule Act.

“(17) “Pledged PILOT payments” means the sum of:

“(A) Payments in lieu of real property taxes (including any penalties and interest charges) from the Capper/Carrollsborg PILOT Area (other than the PILOT improvements) payable pursuant to D.C. Official Code § 47-4611; and

“(B) The PILOT improvement payments.”

(b) Section 202 is amended as follows:

(1) The section heading is amended by striking the word “Findings” and inserting the phrase “Bond terms” in its place.

(2) Subsections (a) through (c) are amended to read as follows:

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“(a) Pursuant to section 490 of the Home Rule Act, the Mayor is authorized to issue bonds in an aggregate amount not to exceed \$55 million as follows:

“(1) The bond proceeds shall be used as follows:

“(A) An amount not to exceed \$11 million may be used to pay the financing costs incurred by the District and by or on behalf of DCHA and to fund capitalized interest and required reserves; and

“(B) An amount not to exceed \$11 million may be used for development costs of the Capper/Carrollsborg Public Improvements.

“(2) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by pledged PILOT payments and funds (including investments thereof and income thereon) in the Capper/Carrollsborg PILOT Fund.

“(3) The Mayor may pay from the proceeds of the bonds financing costs and reimbursement of development costs incurred by the District or by or on behalf of DCHA.

“(b)(1) The Mayor may take any action (including prescribing terms or conditions not contained in this act) reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds, including determination of:

“(A) The final form, content, designation, provisions, and terms of the bonds;

“(B) The principal amount of the bonds to be issued and the denomination of the bonds;

“(C) The rate or rate of interest or the method of determining the rate or rates of interest on the bonds;

“(D) The dates or dates of issuance, sale, and delivery of, and the payment of interest on, the bonds, one or more series of the bonds and the maturity date or dates of the bonds;

“(E) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, or called;

“(F) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

“(G) The creation of any reserve fund, capitalized interest fund, sinking fund, or other fund with respect to the bonds;

“(H) The time and place of payment of the bonds;

“(I) The manner and method of issuing and selling (including sale by negotiation or competitive bid) of the bonds; and

“(J) The rights and remedies of the holders of the bonds upon default.

“(2) The bonds shall contain a legend, which shall provide that the bonds shall be special obligations of the District, shall be without recourse to the District, shall not be a pledge of and shall not involve the faith and credit or taxing power of the District (other than the pledged PILOT payments and funds (including, without limitation, investments thereof and

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income thereon) in the Capper/Carrollsborg PILOT Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

“(3) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary’s manual or facsimile signature. The Mayor’s execution and delivery of the bonds shall constitute conclusive evidence of the Mayor’s approval, on behalf of the District, of final form and content of the same.

“(4) The official seal of the District of Columbia, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

“(5) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

“(6) The bonds are declared to be issued for essential public and governmental purposes. The bonds, the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

“(7) The District does hereby pledge, covenant, and agree with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way the exemptions from taxation provided for in this act, until the bonds, together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds.

“(c)(1) The bonds shall be issued in the form of a PILOT note to DCHA or its designee, which bonds may secure DCHA bonds or otherwise be applied to finance, refinance or reimburse development costs of the Capper/Carrollsborg Public Improvements.

“(2) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds and, if the interest on one or more series of the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

“(3) Notwithstanding any other provision of law, the aggregate principal amount of bonds that may be issued pursuant to section 6 of the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308-05), shall be reduced by the original aggregate principal amount of bonds (other than refunding bonds, notes, or other obligations).”.

(3) Subsection (h) is amended to read as follows:

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“(h) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, pledged PILOT payments and receipts and revenues thereof realized by the District and deposited in the Capper/Carrollsborg PILOT Fund, and income realized from the temporary investment of those pledged PILOT payments, receipts and revenues.”

(4) New subsections (i), (j), (k), and (l) are added to read as follows:

“(i)(1) The Mayor may prescribe the final form and content of all Financing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

“(2) The Mayor may execute, in the name of the District and on its behalf, the Financing Documents to which the District is a party by the Mayor’s manual or facsimile signature.

“(3) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds and the other Financing Documents to which the District is a party.

“(j) Copies of the specimen bonds and the final Financing Documents shall be filed in the Office of the Secretary of the District of Columbia.

“(k) Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

“(l) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this act.”

(c) Section 203 is amended to read as follows:

“Sec. 203. Limited liability of District.

“(a)(1) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the pledged PILOT payments), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

“(2) No person, including any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents.

“(b)(1) The elected or appointed officials, officers, employees, or agents of the District

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shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligation, or agreements of the District contained in this act, the bonds, or the Financing Documents.

“(2) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds or the Financing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds or the Financing Documents.”.

(d) Section 204 is amended to read as follows:

“Sec. 204. Creation of the Capper/Carrollsborg PILOT Fund.

“(a) There is established separate and apart from the General Fund of the District of Columbia as a nonlapsing fund the Capper/ Carrollsborg PILOT Fund. Notwithstanding any other law, pledged PILOT payments shall be paid by the Treasurer of the District of Columbia, or such other person or office as is from time to time responsible for the collection of real property taxes, to the Chief Financial Officer for deposit in the Capper/Carrollsborg PILOT Fund. The Chief Financial Officer shall deposit into the Capper/ Carrollsborg PILOT Fund the pledged PILOT payments from the Capper/Carrollsborg PILOT Area. The Mayor may pledge and create a security interest in the funds in the Capper/Carrollsborg PILOT Fund for the payment of the costs of carrying out any of the purposes described in subsection (b) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. Payment shall be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

“(b)(1) The funds in the Capper/Carrollsborg PILOT Fund may be used as follows:

“(A) To pay debt service on and secure repayment of the bonds, including principal thereof, premium, if any, and interest thereon; and

“(B) To finance, refinance, or reimburse the District or DCHA for financing costs of the bonds and any DCHA bonds.

“(2) Any portion of the pledged PILOT payments (including investment income thereon) in the Capper/Carrollsborg PILOT Fund in excess of the amounts needed to fund either principal, interest, reserves, redemption payments, premium, if any, and other costs associated with the bonds for the upcoming fiscal year, or the costs of the Capper/Carrollsborg Public Improvements, shall be transferred to the General Fund of the District of Columbia annually at the end of the fiscal year.

“(c) Except as provided in subsection (b) of this section, all funds deposited into the Capper/Carrollsborg PILOT Fund, and any interest earned thereon, 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, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

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(e) A new section 205 is added to read as follows:

“Sec. 205. Payments in Lieu of Taxes Act not to apply.

“This act shall apply notwithstanding the provisions of the Payments in Lieu of Taxes Act of 2004, effective April 5, 2005 (D.C. Law 15-293; D.C. Official Code § 1-308.01 *et seq.*)”.

Sec. 102. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended as follows:

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

“(7A) “Capper/Carrollsborg Public Improvements” means the infrastructure, including streets, sidewalks, walkways, streetscapes, curbs, gutters, and gas, electric, and water utility lines, and other publicly-owned infrastructure, and the relocation, construction, and redevelopment of certain public facilities located within or serving the Capper/Carrollsborg PILOT Area designated pursuant to D.C. Official Code § 47-4611.”.

(2) A new paragraph (13A) is added to read as follows:

“(13A) “Development costs” means all costs and expenses incurred by or on behalf of the District of Columbia or the Authority relating to the development, redevelopment, purchase, acquisition, protection, financing, construction, expansion, reconstruction, restoration, rehabilitation, renovation, repair, furnishing, equipping, and operating of the Capper/Carrollsborg Public Improvements, including:

“(A) The costs of demolishing or removing buildings or structures on, and site preparation of, land acquired or used for, or in connection with, the Capper/Carrollsborg Public Improvements;

“(B) Costs of relocation, construction, and redevelopment of the Capper/Carrollsborg Public Improvements;

“(C) Expenses incurred for utility lines, structures, or equipment charges;

“(D) Interest prior to, and during, construction and for a period as may be necessary for the operation of the Capper/Carrollsborg Public Improvements;

“(E) Provisions for reserves for principal and interest, capitalized interest, and extraordinary repairs and replacements;

“(F) Expenses incurred for architectural, engineering, energy efficiency technology, design and consulting, financial, and legal services;

“(G) Fees for letters of credit, bond insurance, debt service reserve insurance, surety bonds, or similar credit or liquidity enhancement instruments;

“(H) Costs and expenses associated with the conduct and preparation of specification and feasibility studies, plans, surveys, historic structure reports, and estimates of expenses and revenues;

“(I) Expenses necessary or incident to the District of Columbia or the Authority issuing bonds, notes, or other obligations to finance the acquisition, construction, or

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redevelopment of the Capper/Carrollsborg Public Improvements and determining the feasibility and the fiscal impact of financing the acquisition, construction, or redevelopment of the Capper/Carrollsborg Public Improvements; and

“(J) The provision of a proper allowance for contingencies and initial working capital.”.

(b) Section 10 (D.C. Official Code § 6-209) is amended by adding a new subsection (n) to read as follows: Amend § 6-209

“(n)(1) Notwithstanding the provisions of subsections (b), (c), (d), and (e) of this section, the Authority may, without submission to Council, adopt inducement resolutions or resolutions authorizing issuance of bonds, notes, or other obligations and, pursuant to this section, may issue bonds, notes, or other obligations to finance, refinance, or reimburse development costs of the Capper/Carrollsborg Public Improvements undertaken by the Authority. The issuance of bonds, notes, or other obligations by or on behalf of the Authority to finance, refinance, or reimburse development costs of the Capper/Carrollsborg Public Improvements is in furtherance of, and not inconsistent with, the purposes of this act.

“(2) The bonds, notes, or other obligations issued under this section may be secured, in whole or in part, by:

“(A) The note, and security provided therefor, issued by the District of Columbia pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsborg Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), and section 490 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90); and

“(B) Available revenues, assets, or other property of the Authority, subject to pre-existing agreements with HUD.”.

TITLE II. EXEMPTION FROM TAXATION

Sec. 201. Section 302(3) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(3)), is amended by striking the phrase “§ 47-1002(29)” inserting the phrase “§ 47-1002(29) or § 47-1002(30)” in its place. Amend § 42-1102

Sec. 202. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-902(3) is amended by striking the phrase “§ 47-1002(29)” and inserting the phrase “§ 47-1002(29) or § 47-1002(30)” in its place. Amend § 47-902

(b) Section 47-1002 is amended as follows: Amend § 47-1002

(1) Paragraph (28) is amended by striking the word “and” at the end.

(2) Paragraph (29) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (30) is added to read as follows:

“(30)(A) Land (other than Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which becomes

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part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area established pursuant to § 47-4611 upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769) in the Capper/Carrollsbury PILOT Area and not otherwise exempt under this section and all improvements that are located in the Capper/Carrollsbury PILOT Area and not otherwise exempt under this section, for the period specified in subparagraph (B) of this paragraph. Notwithstanding the foregoing, the improvements on Lots 0074 and 0075, Square 737, and Lot 0021, Square 769 (excluding any portion of the land known as Reservation 17A which becomes part of Square 737 and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area established pursuant to § 47-4611 upon abandonment thereof and reversion of Square 737 or 769 or lot included in Square 737 or 769) shall not be exempt from the special tax provided in § 1-204.81.

“(B) This paragraph shall expire the day after the bonds, notes, or other obligations issued by the District of Columbia pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsbury Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the District’s bonds, notes or other obligations are fully met and discharged.”

(c) Chapter 46 is amended as follows:

(1) The table of contents is amended by adding a new section 47-4611 to read as follows:

“47-4611. Payment in lieu of taxes, Capper/Carrollsbury PILOT Area.”

(2) A new section 47-4611 is added to read as follows:

“§ 47-4611. Payments in lieu of taxes, Capper/Carrollsbury PILOT Area.

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

“(1) “Bonds” means any bonds, notes, or other obligations issued by the District pursuant to the PILOT Authorization Increase and Arthur Capper/Carrollsbury Public Improvements Revenue Bonds Approval Act of 2006, effective March 8, 2007 (D.C. Law 16-244; 54 DCR 609), and D.C. Official Code § 1-204.90.

“(2) “Capper/Carrollsbury PILOT Area” means land in the southeast quadrant of the District located in Lots 0045, 0046, 0047, and 0048, Square 799; Lots 0020, 0025, 0026, 0027, 0028, 0816, 0818, 0819, and 0820, Square 800; Lots 0037, 0038, and 0039, Square 824; Squares 737, 739, 767, 768, 769, 797, 798, 825, S825 and 882; any portion of the land known as Reservation 17A which becomes part of Square 737 or 739; and land consisting of streets or alleys located within the Capper/Carrollsbury PILOT Area upon abandonment thereof and reversion to a square or lot included in the Capper/Carrollsbury PILOT Area.

“(3) “DCHA” means the District of Columbia Housing Authority.

“(4) “Improvement Parcels” means Lots 0074 and 0075, Square 737, and Lot 0021, Square 769, but excluding any portion of the land known as Reservation 17A which

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§ 47-4611

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becomes part of Square 737, and land consisting of streets or alleys located within the Capper/Carrollsborg PILOT Area upon abandonment thereof and reversion to Square 737 or 769 or lot included in Square 737 or 769.

“(5) “Owner” means those persons who may, from time to time, own all or a part of the Capper/Carrollsborg PILOT Area.

“(7) “Payment in lieu of taxes” or “PILOT” means payments made in lieu of real property taxes pursuant to this section.

“(8) “PILOT period” means the period commencing April 1, 2007, and ending on the earlier of March 31, 2037, or the day after the principal of bonds, together with interest and premium, if any, thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds are fully met and discharged.

“(b) During the PILOT period, the real property in the Capper/Carrollsborg PILOT Area (other than the Improvement Parcels) shall be exempt from real property taxation. The improvements on the real property within the Improvement Parcels shall be exempt from real property taxation, but shall not be exempt from special tax provided for in § 1-204.81. The land within the Improvement Parcels shall not be exempt from real property taxation pursuant to this section. Real property and improvements within the Capper/Carrollsborg PILOT Area which in the absence of this section would be subject to business improvement district assessments and other special assessments shall not be exempt from such assessments pursuant to this section or § 47-1002(30). Each owner of a parcel in the Capper/Carrollsborg PILOT Area shall make a PILOT in an amount equal to the real estate taxes, if any, that the owner would be obligated to pay on such parcel in the Capper/Carrollsborg PILOT Area in the absence of this section or in the case of the Improvement Parcels on the improvements on such parcel in the absence of this section. The PILOT shall be made in the same manner and at such times as annual real property taxes under Chapter 8 of this title.

“(c) The PILOT shall be subject to the same penalty and interest provisions as unpaid real property taxes under Chapter 8 of this title.

“(d) All PILOT shall be made to the District or its designee.

“(e) The PILOT shall be paid on such dates that the annual real property taxes would have been due and payable on such parcel. An owner shall have at least 30 days from the date of issuance of a bill to pay any PILOT installment. The owner shall deliver such PILOT to the address identified for delivery of such payment on the applicable bill.

“(f) A lien for unpaid PILOT, including penalty and interest, shall attach to the applicable lot within the Capper/Carrollsborg PILOT Area in the same manner and with the same priority as a lien for delinquent real property tax under Chapter 13A of this title. An unpaid PILOT may be collected in accordance with Chapter 13A of this title.

“(g) The owner of a lot within the Capper/Carrollsborg PILOT Area shall have the right to challenge any assessment or reassessment of such lot in accordance with the provisions of Chapter 8 of this title and the applicable PILOT shall reflect the result of such challenge.”

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## TITLE III. FISCAL IMPACT STATEMENT

## Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated January 8, 2008, 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)).

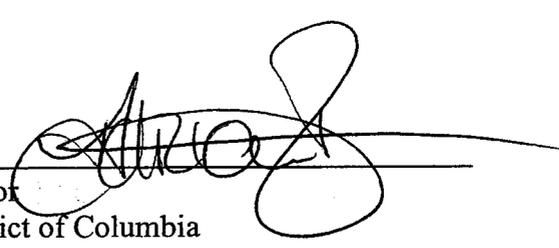
## TITLE IV. EFFECTIVE DATE

## Sec. 401. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property in Lots 842 and 843, Square 2084, to be acquired and owned by Tregaron Conservancy; and to exempt the transfer and recordation tax for the Tregaron Conservancy, Tregaron Limited Partnership, and Washington International School.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tregaron Conservancy Tax Exemption and Relief Act of 2008".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Code is amended as follows:

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

"§ 47-1077. Tregaron Limited Partnership, Lots 842 and 843, Square 2084."

(b) A new section 47-1077 is added to read as follows:

"§ 47-1077. Tregaron Conservancy, Tregaron Limited Partnership, and Washington International School, Lots 842 and 843, Square 2084.

"The portion of real property described as Lots 842 and 843 (formerly Lot 839), Square 2084, which will be transferred from Tregaron Limited Partnership to Tregaron Conservancy, shall be exempt from real property taxation so long as:

"(1) The real property is owned by the Tregaron Conservancy, a District corporation which is exempt from federal taxes, and is used solely to further its tax-exempt purposes;

"(2) The real property is not improved further (except as necessary for maintenance), is maintained as open space and parkland in a manner consistent with the real property's historical significance, and is reasonably accessible to the general public without charge or payment of a fee of any kind; and

"(3) All reports required by § 47-1007 are properly made by the Tregaron Conservancy."

Amend  
§ 47-1077

ENROLLED ORIGINAL

Sec. 3. Transfer exempt from transfer and recordation taxes.

The conveyance of the real property in Lots 842 and 843 (formerly Lot 839), Square 2084 from Tregaron Limited Partnership to Tregaron Conservancy and the Washington International School shall be exempt from the tax imposed by section 303 of the District of Columbia Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), and D.C. Official Code § 47-903.

Sec. 4. Applicability.

Sections 2 and 3 shall apply as of March 1, 2007.

Sec. 5. Inclusion in the budget and financial plan.

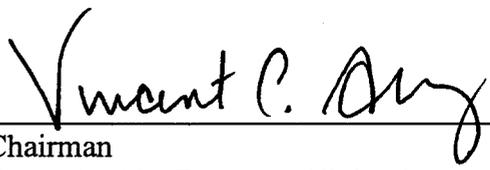
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan or a revised revenue estimate certified by the Chief Financial Officer.

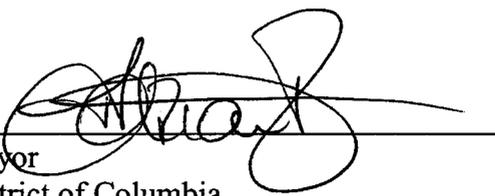
Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED

January 24, 2008

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008

To order the closing of a public alley in Square 696, bounded by I Street, S.E., 1<sup>ST</sup> Street, S.E., K Street, S.E., and Half Street, S.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 696, S.O. 07-8302, Act of 2008".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-202.01), the Council finds that the public alley in Square 696, as shown on the Surveyor's plat filed under S.O. 07-8302, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the official file S.O. 07-8302, including the establishment of an easement required by the District Department of Transportation and fulfillment of the housing linkage contribution required by the Comprehensive Plan.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

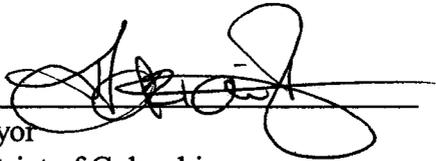
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008

To approve, on a temporary basis, an increase of fiscal year 2008 local funds appropriation authority and the use of funds available in the projected fiscal year 2007 year-end fund balance, revised fiscal year 2008 revenues, and fiscal year 2008 operating cash reserve; and to establish the John A. Wilson Building Centennial Fund under the control of the Secretary to the Council to commemorate the Centennial of the John A. Wilson Building.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2008 Supplemental Appropriations Temporary Act of 2008".

Sec. 2. The Council approves the expenditure of \$191.345 million in supplemental appropriations for fiscal year 2008 as follows:

(a) An amount of \$99.498 million shall be made available from the fiscal year 2007 fund balance pursuant to section 124 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), which shall be allocated on a one-time basis as follows:

(1) An amount of \$43.494 million to the District of Columbia Public Schools to support one-time costs and nonrecurring expenditures consistent with the Public Education Reform Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-451 *et seq.*), which shall include:

(A) An amount of \$23.7 million to offset current facilities inefficiencies;  
(B) An amount of \$5 million to offset current Central Office inefficiencies;

- (C) An amount of \$2.9 million to retain surplus instructional staff;  
(D) An amount of \$7.5 million for additional instructional materials;  
(E) An amount of \$3.2 million for grade realignment;  
(F) An amount of \$500,000 for extra-duty pay; and  
(G) An amount of \$694,000 for a parent-resource center;

(2) An amount of \$6 million to the Workforce Investment Fund to support District of Columbia Public Schools retroactive pay;

## ENROLLED ORIGINAL

(3) An amount of \$12.374 million to the District Department of Transportation as follows:

(A) An amount of \$12 million to support additional street, alley, and sidewalk paving;

(B) An amount of \$149,000 to fund a grant supporting operations of the Blue Bus; and

(C) An amount of \$225,000 to support the Business Transit Connection linking Union Station to the Benning Road Metro;

(4) An amount of \$1.7 million to the Office of the Chief Technology Officer to support maintenance of the Computer Assisted Passenger Prescreening system;

(5) An amount of \$14 million to the Department of Employment Services as follows:

(A) An amount of \$7 million to support the expanded enrollment of ex-offenders and individuals receiving public assistance in the Transitional Employment Program; and

(B) An amount of \$7 million to support the registration of 15,000 participants in the Summer Youth Employment Program for a duration of 10 weeks;

(6) An amount of \$588,000 to the District Department of the Environment as follows:

(A) An amount of \$300,000 to support additional air and soil quality testing in areas of Riggs Park affected by the leak of an underground gasoline storage tank; and

(B) An amount of \$288,000 to fund a flood study of the Palisades;

(7) An amount of \$500,000 to the Department of Small and Local Business Development to support the Main Streets programs on North Capitol Street and Rhode Island Avenue;

(8) An amount of \$9.23 million to the Deputy Mayor for Planning and Economic Development as follows:

(A) An amount of \$3.5 million to grant local funds necessary to obtain federal matching funds available to develop Georgetown Waterfront Park; and

(B) An amount of \$5.73 million to support Broadcast One and the Howard Theater Revitalization;

(9) An amount of \$1 million to the Department of Housing and Community Development to support capital planning, design, and program activities at Park Morton, and to assist, together with \$2 million in funds previously allocated for the redevelopment of Park Morton under D.C. Official Code § 47-340.23(c)(1)(A) and available for this new purpose, in securing necessary temporary-rental accommodations to move a percentage of Park Morton residents;

(10) An amount of \$500,000 to the Department of Health to fund a grant to support development of a burn unit at Children's National Medical Center;

## ENROLLED ORIGINAL

(11) An amount of \$2 million to the Department of Education to be deposited in the Integrated Services Fund, established in section 5203 of the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 4-1345.02), for the purpose of implementing early intervention and prevention programs and interagency initiatives for the benefit of District youth;

(12) An amount of \$300,000 to the Office of Planning as follows:

(A) An amount of \$100,000 to support a grant to restore the historic Pierce Mill;

(B) An amount of \$150,000 to support the costs of a study exploring the potential for community-serving uses of the former site of the Rose School; and

(C) An amount of \$50,000 to hire a consultant to conduct research, develop content, and produce materials for Ward 4 neighborhood development marketing tools;

(13) An amount of \$800,000 to the Children and Youth Investment Trust Fund for the Children and Youth Investment Trust Corporation to fund a grant to Peaceaholics, of which \$200,000 shall be dedicated to the Rebuilding the Village project in Petworth;

(14) An amount of \$250,000 to the Homeland Security and Emergency Management Agency to support community events requiring emergency street closures or security planning;

(15) An amount of \$3.425 million to the Metropolitan Police Department as follows:

(A) An amount of \$1.8 million to support gunshot detection systems expansion;

(B) An amount of \$1 million to expand community partnerships and gang intervention activities;

(C) An amount of \$125,000 to the Metropolitan Police Department to be allocated to the Healthy Families Thriving Communities Collaborative Council to produce a report, which shall be submitted by the end of this fiscal year to the Council of the District of Columbia, on nationwide best practices for community-based gang intervention programs, with recommendations for a long-term strategy to establish a District-wide approach to addressing public safety and the root-cause challenges related to gangs and crews; and

(D) An amount of \$500,000 to the Metropolitan Police Department to provide seed money for the Motor Vehicle Theft Prevention Fund;

(16) An amount of \$2 million to the District of Columbia Sports and Entertainment Commission as an operating subsidy;

(17) An amount of \$232,000 to the Department of Parks and Recreation to fund a grant for the expansion of a boxing and a youth center in Ward 7;

(18) An amount of \$25,000 to the District of Columbia Office on Aging to fund a grant to Palisades Village for aging-in-place programs targeting the Palisades area;

(19) An amount of \$650,000 to the Council of the District of Columbia as

## ENROLLED ORIGINAL

follows:

(A) An amount of \$600,000 to support information technology initiatives;

and

(B) An amount of \$50,000 to fund the study required by the Juvenile Speedy Trial Equity Emergency Act of 2007, passed on emergency basis on December 18, 2007 (Enrolled version of Bill 17-545);

(20) An amount of \$130,000 to the Office of Justice Grants Administration to support the Visitors' Services Center prisoner re-entry program; and

(21) An amount of \$300,000 to the Department of Public Works for a Ward 4 Business Improvement District demonstration project.

(b) An amount of \$73.384 million shall be made available from additional certified fiscal year 2008 revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub L. No. 110-92; H. J. Res. 52), which shall be allocated as follows:

(1) An amount of \$23.7 million shall be allocated on a recurring basis as follows:

(A) An amount of \$16.082 million to the Workforce Investment Fund to support District of Columbia Public Schools negotiated pay increases;

(B) An amount of \$3.211 million to the Office of the Attorney General for the District of Columbia to support the costs of providing legal counsel in matters involving the District of Columbia Public Schools, to alleviate spending pressures at the District of Columbia Public Schools;

(C) An amount of \$209,000 reserved, on a recurring basis, to offset reductions in revenue collections anticipated as a result of the Golden Rule Plaza, Inc. Real Property Tax Exemption and Real Property Tax Relief Emergency Act of 2007, effective November 5, 2007 (D.C. Act 17-177; 54 DCR 11223);

(D) An amount of \$123,000 to the Department of Employment Services to fund 2 additional full-time equivalents that shall monitor First Source compliance;

(E) An amount of \$332,000 to the District Department of Transportation to support the Blue Bus;

(F) An amount of \$1.8 million to the Council of the District of Columbia to support annualization of previously loaded funding;

(G) An amount of \$750,000 to the District of Columbia Auditor to support increased operational and oversight capacity; and

(H) An amount of \$1.193 million to the Department of Human Services to support the Emergency Rental Assistance program.

(2) An amount of \$49.684 million shall be allocated on a one-time basis as follows:

## ENROLLED ORIGINAL

(A) An amount of \$143,000 shall be reserved on a one-time basis to offset reductions in revenue collections anticipated as a result of the Golden Rule Plaza, Inc. Real Property Tax Exemption and Real Property Tax Relief Act of 2007, effective November 5, 2007 (D.C. Act 17-177; 54 DCR 11223);

(B) An amount of \$1.4 million to the Department of Parks and Recreation as follows:

(i) An amount of \$500,000 to fund youth outreach in neighborhoods, including Langston Terrace;

(ii) An amount of \$400,000 to fund Sherrier Place renovations; and

(iii) An amount of \$500,000 to fund a Ward 5 gang-intervention initiative;

(C) An amount of \$30 million to the Housing Production Trust Fund, of which \$11 million shall be used, in consultation with the Department of Human Services, to support housing for chronically-homeless individuals;

(D) An amount of \$3 million to the Pay-As-You-Go Capital Fund to fund family-shelter-capacity building, including purchase, renovation, or disability access improvements at family shelters through the Department of Human Services capital budget;

(E) An amount of \$4 million to the District Department of the Environment to support the Low-Income Home Energy Assistance program;

(F) An amount of \$1 million to the Department of Small and Local Business Development to fund the Small Business Microloan program;

(G) An amount of \$960,000 to the District of Columbia Public Schools to provide start-up funding for the Pre-K-for-All initiative during the first 2 months of the 2008-2009 school year;

(H) An amount of \$600,000 to the District of Columbia Public Library to support the Francis Gregory Library planning;

(I) An amount of \$1.65 million to the Department of Health as follows:

(i) An amount of \$1.35 million to support grants under the Effi Barry HIV/AIDS Initiative Act of 2008, passed on 2<sup>nd</sup> reading on January 8, 2008 (Enrolled version of Bill 17-372); and

(ii) An amount of \$300,000 to fund a grant to the Family Health and Birth Center, Inc.;

(J) An amount of \$350,000 to the Metropolitan Police Department to expand the District's alert system city-wide;

(K) An amount of \$5.981 million to the Children and Youth Investment Trust Fund for the Children and Youth Investment Trust Corporation, to be distributed as follows:

(i) An amount of \$240,000 to fund a grant to the Friends of Ft.

## ENROLLED ORIGINAL

Dupont;

(ii) An amount of \$500,000 to fund a grant to the Alliance for

Concerned Men;

(iii) An amount of \$200,000 to fund a grant to the Parkland

Community Center;

(iv) An amount of \$41,000 to fund a grant to the High Tea

Society; and

(v) An amount of \$5 million to fund grants to organizations

serving youths for after-school and summer programs;

(L) An amount of \$200,000 to the District of Columbia Office on Aging to fund a grant for Iona Senior Services for renovation projects to the lobby and attic and for creating a cultural art center;

(M) An amount of \$200,000 to the University of the District of Columbia to support the Fashion Merchandising program; and

(N) An amount of \$200,000 to the District of Columbia Commission on Arts and Humanities to fund a grant to Black Entertainment Television to develop a pilot television program showcasing District of Columbia emerging poets and other expressive talent and featuring leaders, role models, and mentors.

(c) An amount of \$9.763 million shall be made available from the 2008 operating cash reserve fund in accordance with section 202(j)(3)(B) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 109; D.C. Official Code § 47-392.02(j)(3)(B)), as follows:

(1) An amount of \$3.133 million to the Workforce Investment Fund to support District of Columbia Public Schools severance pay;

(2) An amount of \$3.6 million to the District of Columbia Public Schools to fund one-time restructuring costs with respect to school consolidations;

(3) An amount of \$150,000 to the District Department of Transportation to be used for the second annual Carfree Day, in 2008;

(4) An amount of \$650,000 to the Metropolitan Police Department as follows:

(A) An amount of \$150,000 for additional crime cameras in the Petworth and Brightwood communities; and

(B) An amount of \$500,000 to fund a grant to the Columbia Heights/Shaw Family Support Collaborative, for gang and crew violence prevention and to support immediate and long-term solutions to the elevated gang and crew-related violence throughout the District, to be used to establish a Coordinating Council of principal groups that are currently working on gang and crew prevention and intervention efforts throughout the District, to be put into immediate use to address the root causes of gang and crew involvement, including underemployment, alienation, substance abuse, and mental health challenges and for direct intervention strategies, such as mediations and other conflict-resolution strategies, and to

## ENROLLED ORIGINAL

secure tattoo removal equipment, which operates as part of a comprehensive gang-exit program;

(5) An amount of \$75,000 to the Department of Parks and Recreation for the development of a comprehensive plan for Upshur Park renovation;

(6) An amount of \$100,000 to the Council of the District of Columbia to fund the John A. Wilson Building Centennial Fund; and

(7) An amount of \$2.055 million to the Pay-As-You-Go Capital Fund to restore the Wilson Building Renovation Fund, project number WIL02C, under the direction of the Council of the District of Columbia.

(d) An amount of \$8.7 million shall be made available from additional certified fiscal year 2008 revenues pursuant to section 126 of the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2396), as extended by section 128 of a Joint Resolution Making continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub. L. No. 110-92; H.J. Res. 52), to the Office of Risk Management to fund the District of Columbia Free Clinic Captive Insurance Company, in accordance with the District of Columbia Free Clinic Captive Insurance Company Establishment Emergency Act of 2007, effective October 3, 2007 (D.C. Act 17-113; 54 DCR 9977).

### Sec. 3. Fund availability and appropriation authority.

All funds designated in section 2(a) shall be allocated for the purposes described upon certification that funds are available pursuant to the Comprehensive Annual Financial Report for fiscal year 2007 and upon Congressional enactment of legislation granting the District of Columbia sufficient appropriation authority in fiscal year 2008.

### Sec. 4. Establishment of the John A. Wilson Building Centennial Fund.

(a) There is established the John A. Wilson Building Centennial Fund ("Fund"), to be administered by the Secretary to the Council, which shall be used for the purpose of providing resources for the commemoration of the 100<sup>th</sup> anniversary of the opening of the building, formerly known as the District Building, as the permanent location for the municipal government in the District of Columbia.

(b) Deposits into the Fund shall include appropriated funds, other District funds, private gifts, and donations. All funds 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, but shall be continually available for the uses and purposes of the Fund without regard to fiscal year limitation, subject to authorization by Congress.

(c) The Secretary to the Council is authorized to expend monies in the Fund to commemorate the anniversary.

### Sec. 5. Reporting requirements.

## ENROLLED ORIGINAL

(a) The District of Columbia Public Schools shall file monthly reports, within 15 days following the end of each month, with the Council of the District of Columbia on the obligation and expenditure of any funds pursuant to this act.

(b) The District of Department of Transportation shall file quarterly reports, within 15 days following the end of each quarter, with the Council of the District of Columbia on the obligation and expenditure of any funds pursuant to this act.

Sec. 6. Applicability.

Sections 2 and 3 shall apply upon the approval of the reprogramming of \$33.5 million in annual operating funds for facility maintenance, \$22.203 million in fiscal year 2008 and \$99.827 million in fiscal years 2008-2013 capital budget authority from the District of Columbia Public Schools to the Office of Public Education Facilities Modernization, and any other reprogrammings required by the School Modernization Use of Funds Requirements Congressional Review Emergency Amendment Act of 2007, passed on an emergency basis on December 11, 2007 (Enrolled version of Bill 17-516), and the School Modernization Use of Funds Requirements Temporary Amendment Act of 2007, signed by the Mayor on November 27, 2007 (D.C. Act 17-216; 54 DCR \_\_\_).

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 18, 2007, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

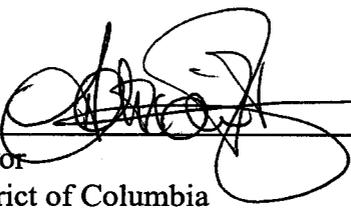
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 24, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008

To authorize, on an emergency basis, the disposition of real property and the issuance of tax increment financing bonds to support a mixed-use development project on Square 441.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disposition and Redevelopment of Lot 854 in Square 441 Emergency Approval Act of 2008".

## TITLE I. DISPOSITION

## Sec. 101. Approval of disposition.

Notwithstanding 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), the Mayor may sell Lot 854 in Square 441 ("Property") as follows:

(1) To Broadcast Center Partners, LLC and Broadcast Residential Partners, LLC, in fee simple, in addition to any appurtenant easements necessary or convenient to construct improvements on the Property, pursuant to a negotiated land disposition agreement upon terms and conditions the Mayor finds to be in the best interests of the District, including the reservation of rights or the exclusion of such portions of the Property necessary or convenient for the operation of the Metrorail Station situated on the Property; and

(2) With respect to any rights or portion of the Property not conveyed pursuant to paragraph (1) of this subsection, to the Washington Metropolitan Area Transit Authority ("WMATA"), through a confirmatory deed or other fee simple transfer, the real property described in the unrecorded special warranty deed dated June 12, 1991 from RLA Revitalization Corporation to WMATA ("1991 Special Warranty Deed"), and the Mayor may include in the conveyance to WMATA any real property currently occupied or used in connection with its operations, including operation and maintenance of the Metrorail Station situated on the Property, not otherwise described in the 1991 Special Warranty Deed; provided, that, if the land square footage that WMATA requires for its operations exceeds 4,146 square feet, which was the square footage contemplated in the 1991 Special Warranty Deed, the Mayor may convey to

## ENROLLED ORIGINAL

WMATA in fee simple, by lease or easement, such excess land at fair market value to be determined by a standard land appraisal method.

## TITLE II. TAX INCREMENT FINANCING

## Sec. 201. Definitions.

For the purposes of this title, the term:

(1) "Authorized Delegate" means the Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer of the District of Columbia, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "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, inclusive of any penalties and interest charges, and exclusive of the special tax provided for in section 481 of the Home Rule Act (.C. Official Code § 1-204.81) pledged to payment of general obligation indebtedness of the District.

(3) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty 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).

(4) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Broadcast Center One TIF Area in any fiscal year of the District minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the Broadcast Center One TIF Area in the base year.

(5) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(6) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(7) "Broadcast Center One TIF Area" means the real property designated as Lots 21, 66, 67, 68, 97, 814, 815, and 854, in Square 441.

(8) "Council" means the Council of the District of Columbia.

(9) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act.

(10) "Chairman" means the Chairman of the Council of the District of Columbia.

(11) "Closing Documents" means all documents and agreements other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

## ENROLLED ORIGINAL

bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(12) "Development costs" shall have the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12- 143; D.C. Official Code § 2-1217.01(13)).

(13) "Development Sponsor" means Broadcast Residential Partners, LLC, a District of Columbia limited liability company, and Broadcast Center Partners, LLC, a District of Columbia limited liability company, collectively.

(14) "District" means the District of Columbia.

(15) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.

(16) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(17) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a mixed-use project consisting of retail, commercial, and residential space, and structure parking in the Broadcast Center One TIF Area.

(18) "TIF" means tax increment financing.

(19) "TIF Note" means a note issued, the payment of which is secured by the pledge of Available Tax Increment.

Sec. 202. Creation of the Broadcast Center One Fund.

(a) There is established as a nonlapsing fund, the Broadcast Center One Fund, which shall be used as provided in subsection (c) of this section. The Chief Financial Officer shall deposit into the Broadcast Center One Fund the Available Tax Increment and any other taxes or fees specifically designated by statute for deposit in the Broadcast Center One Fund.

(b) The Mayor may pledge and create a security interest in the funds in the Broadcast Center One Fund, or any sub-account or sub-accounts within the Broadcast Center One Fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. If bonds are issued, such payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(c) The funds deposited in the Broadcast Center One Fund may be used to:

(1) Secure the repayment of the bonds; and

(2) Finance, refinance, or reimburse the District or the Development Sponsor for costs of the project.

## ENROLLED ORIGINAL

(d) All funds deposited into the Broadcast Center One Fund, and any interest earned thereon, 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, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitations, subject to authorization by Congress.

Sec. 203. Creation of the Broadcast Center One TIF Area.

(a) There is hereby created a TIF area designated the Broadcast Center One TIF Area. The Broadcast Center One TIF Area is defined as the real property designated as Lots 21, 66, 67, 68, 97, 814, 815, and 854, Square 441. As provided under section 202, the Available Tax Increment from the Broadcast Center One TIF Area shall be deposited in the Broadcast Center One Fund and may be used for the purposes set forth in section 202.

(b)(1) The base year for determination of Available Sales Tax Revenues from locations within the Broadcast Center One TIF Area shall be the tax year preceding the year in which this act becomes effective.

(2) The base year for determination of Available Real Property Tax Revenues shall be the tax year of the District when this act becomes effective and the initial assessed value to be used in making the determination of Available Real Property Tax Revenues shall be the assessed value of each lot of taxable real property in the Broadcast Center One TIF Area for the tax year in which this act becomes effective.

Sec. 204. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of bonds in an aggregate amount not to exceed \$8 million to fund costs of the project, the financing costs and costs of issuance, capitalized interest, establishment of debt service or other reserve funds related to the bonds, and any other debt program-related costs as determined by the Chief Financial Officer. The amount of \$6.5 million shall be allocated to the Development Sponsor for development costs.

(b) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by the Available Tax Increment and other funds deposited in the Broadcast Center One Fund.

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses.

Sec. 205. Bond details.

## ENROLLED ORIGINAL

(a) The Mayor may take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes and fees allocated to the Broadcast Center One Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the

## ENROLLED ORIGINAL

Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a) (4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds and the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District hereby pledges, covenants, and agrees with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify, in any way, the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding D.C. Official Code § 28:9-101 *et seq.*:

(1) A pledge made, and security interest created, in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

**Sec. 206. Issuance of the bonds.**

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor.

## ENROLLED ORIGINAL

(c) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(d) The Mayor is authorized to deliver executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(e) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

(f) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into or the Mayor may determine to be necessary or appropriate, for purposes of this act.

Sec. 207. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Broadcast Center One Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, and other moneys that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 208. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

## ENROLLED ORIGINAL

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 209. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes or fees allocated to the Broadcast Center One Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 210. District officials.

(a) Except as otherwise provided in section 209(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall

## ENROLLED ORIGINAL

be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 211. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 212. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

TITLE III. FISCAL IMPACT AND EFFECTIVE DATE

Sec. 301. Inclusion in the budget and financial plan.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 302. Fiscal impact statement.

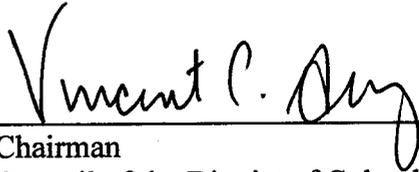
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 11, 2007, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 303. Effective date.

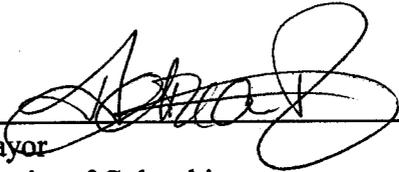
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

**ENROLLED ORIGINAL**

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 24, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property of the Heurich House Foundation and to provide equitable real property tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Act of 2008".

Sec. 2. 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 47-1076 to read as follows:

"47-1076. Heurich House Foundation; Lot 79, Square 115."

(b) A new section 47-1076 is added to read as follows:

"§ 47-1076. Heurich House Foundation; Lot 79, Square 115.

"(a) Subject to the provisions of subsection (b) of this section, the real property (and the historic furniture, furnishings, and other personal property located thereon), described as Lot 79, Square 115, and owned by the Heurich House Foundation, a District nonprofit corporation, shall be exempt from taxation by the District of Columbia so long as:

"(1) The real property is owned by the Heurich House Foundation and is used for carrying on its purposes and activities as a historic house museum and promoting the house as an interpretive and educational vehicle for a variety of aspects of life in Washington, D.C. during the late 19th and 20th centuries, subject to paragraph (2)(B) of this subsection, and is not used for any commercial purposes except as provided in subsection (b) of this section; and

"(2) The improvements on the real property are:

"(A) Maintained by the Heurich House Foundation as a historical building to be preserved for its architectural and historic significance; and

"(B) Accessible to the general public for payment of a reasonable fee at

Note,  
§ 47-1076

ENROLLED ORIGINAL

such reasonable hours and under such conditions as may, from time to time, be prescribed by the Heurich House Foundation.

“(b) Section 47-1005 shall apply with respect to the property made exempt from taxation by this section; provided, that a portion of the property may be rented out to another person or entity as long as the rent or other income generated shall be used for the maintenance and preservation of the historic property.

“(c) The Heurich House Foundation shall make the reports required by § 47-1007 and shall have appeal rights provided by § 47-1009.”.

### Sec. 3. Equitable real property tax relief.

(a) Real property taxes, interest, penalties, fees, and other related charges assessed against the real property described as Lot 79, Square 115, for the period of October 1, 2006 through the effective date of this act, shall be forgiven, and any payments made for such period shall be refunded.

(b) The recordation tax paid by the Heurich House Foundation in 2003 shall be forgiven and refunded.

(c) The personal property located on the real property described as Lot 79, Square 115, shall be exempt from taxation as of July 31, 2007.

### Sec. 4. Inclusion in the budget and financial plan.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

### Sec. 5. Fiscal impact statement.

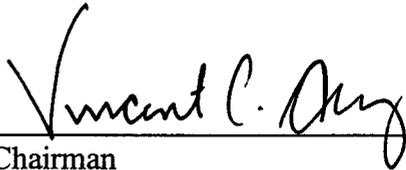
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 6. Effective date.

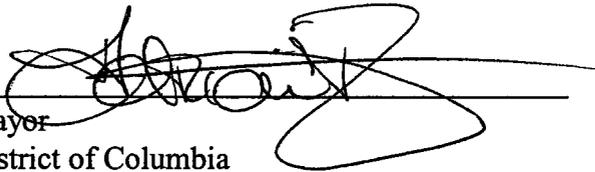
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 24, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 23, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.

West Group  
Publisher

To amend, on an emergency basis, section 47-3801 of the District of Columbia Official Code to designate priority development areas for the supermarket tax incentives.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supermarket Tax Incentives Clarification Emergency Act of 2008".

Sec. 2. Section 47-3801 of the District of Columbia Official Code is amended as follows:

*Note,  
§ 47-3801*

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

"(1A) "Priority development area" means:

"(A) The Downtown East Area, which shall consist of land within the boundary descriptions beginning at the intersection of Pennsylvania Avenue, N.W., and New Jersey Avenue, N.W., to Massachusetts Avenue, N.W.; west on Massachusetts Avenue, N.W., to 15th Street, N.W.; south on 15th Street, N.W., to Pennsylvania Avenue, N.W.; and east on Pennsylvania Avenue, N.W., to New Jersey Avenue, N.W.;

"(B) The Capital City Business and Industrial Area, which shall consist of land within the boundary descriptions beginning at the intersection of New York Avenue, N.E., and 9th Street, N.E., to Montana Avenue, N.E.; north on Montana Avenue, N.E., to W Street, N.E.; west on W Street, N.E., to 13th Street, N.E.; northwest on 13th Street, N.E., to Brentwood Road, N.E.; southwest on Brentwood Road, N.E., to 9th Street, N.E.; and south on 9th Street, N.E., to New York Avenue, N.E.;

"(C) The Capital City Market Area, which shall consist of land within the boundary descriptions beginning at the intersection of Florida Avenue, N.E., and North Capitol Street; southeast on Florida Avenue, N.E., to 12th Street, N.E.; south on 12th Street, N.E., to H Street, N.E.; west on H Street, N.E., to 9th Street, N.E.; and north on 9th Street, N.E., to Florida Avenue, N.E.;

"(D) The Georgia Avenue Area, which shall consist of any square located on or abutting Georgia Avenue, N.W., beginning at the intersection of Florida Avenue, N.W., and north on Georgia Avenue, N.W., to Eastern Avenue, N.W.;

## ENROLLED ORIGINAL

"(E) All land within the District that is located east of the Anacostia River or east of the Potomac River that is not within the Anacostia Waterfront;

"(F) Any District-designated Foreign Trade Zone or Free Trade Zone pursuant to An Act To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, approved June 18, 1934 (48 Stat. 998; 19 U.S.C. § 81a *et seq.*);

"(G) Any federally approved enterprise zone or empowerment zone;

"(H) Any federally approved enterprise community, including Target Area 1: New York Avenue/Northwest; Target Area 2: Marshall Heights; and Target Area 3: Buzzard Point/Anacostia/Congress Heights;

"(I) Any area designated as Development Zone Areas pursuant to Chapter 15 of Title 6, including Alabama Avenue, D.C. Village, and Anacostia;

"(J) Any housing opportunity area, development opportunity area, or new or upgraded commercial center designated on the District of Columbia Generalized Land Use Policies Map that is part of the Comprehensive Plan;

"(K) The Transit Impact Area, which shall consist of any area located within 1500 feet of a Metrorail station in any of the areas set forth in subparagraphs (A) through (L) of this paragraph, or within 1500 feet of a Metrorail station at a designated Metrorail Station Development Opportunity Area, as defined in the District Elements of the Comprehensive Plan of the District of Columbia;

"(L) The Minnesota Avenue area, which shall consist of land within the boundary descriptions beginning from East Capitol Street, N.E., to Nannie Helen Burroughs Avenue, N.E.; the Dix Street area, which shall consist of land within the boundary descriptions beginning from 58th Street, N.E., to Eastern Avenue, N.E.; the Nannie Helen Burroughs area, which shall consist of land within the boundary descriptions beginning from Eastern Avenue, N.E., to 49th Street, N.E.; the Pennsylvania Avenue area, which shall consist of land within the boundary descriptions beginning from Branch Avenue, S.E., to Carpenter Street, S.E.; the Benning Road area, which shall consist of land within the boundary descriptions beginning from East Capitol Street, S.E., to 44th Street, N.E., from Hanna Place, S.E., to Hillside Road, S.E., and from 39th Street, S.E., to 36th Street, S.E.; and the Division Avenue area from Eads Street, N.E., to Hayes Street, N.E.; and

"(M) Any property abandoned or underutilized because of perceived or actual contamination by hazardous substances; or when the expansion or redevelopment is complicated by perceived or actual contamination by hazardous substances."

(b) Paragraph (2) is amended by striking the phrase "as defined in § 2-1219.20."

### Sec. 3. Applicability.

Section 2 shall apply as of October 1, 2007.

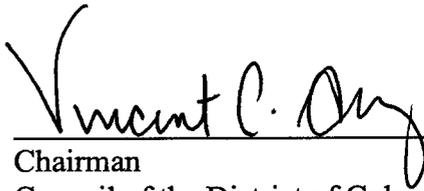
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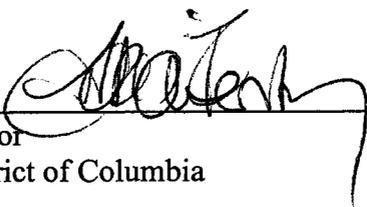
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 23, 2008

## ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-269

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008

To approve, on an emergency basis, Contract No. DCHC-2008-C-9090 with Unity Health Care, Inc., to provide comprehensive primary and specialty health-care services to approximately 37,000 individuals enrolled in the District's Alliance program and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-C-9090 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCHC-2008-C-9090 to provide comprehensive primary and specialty health-care services and authorizes payment to Unity Health Care, Inc., in the amount of \$5.3 million for goods and services received and to be received under that contract.

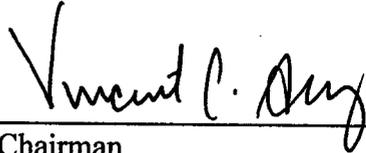
Sec. 3. Fiscal impact statement.

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

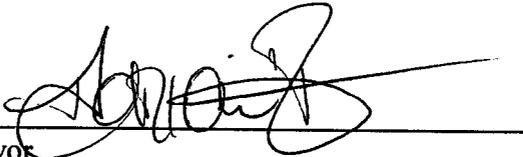
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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2008

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-270

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 29, 2008

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2008 Winter  
 Supp.

West Group  
 Publisher

To amend, on an emergency basis, due to Congressional review, the Neighborhood Investment Act of 2004 to establish the purposes of the Neighborhood Investment Fund, to modify the boundaries of the Deanwood Heights Neighborhood Investment Program target area, and to establish goals for certain target areas.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Investment Congressional Review Emergency Amendment Act of 2008".

Sec. 2. Section 4 of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1073), is amended as follows:

- (a) The existing text is designated as subsection (a).  
 (b) The newly designated subsection (a) is amended as follows:

(1) The lead-in text is amended by striking the phrase "There are established the following Neighborhood Investment Program Target Areas:" and inserting the phrase "There are establishing the following Neighborhood Investment Program Targeted Areas within which revitalization activities shall be supported by funds appropriated from the Neighborhood Investment Fund:" in its place.

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

"(A) Target Area #3 – Deanwood Heights. The Deanwood Heights target area is defined as starting at the corner of Hayes Street and 50<sup>th</sup> Street, N.E., east along Hayes Street, N.E., to 54<sup>th</sup> Place, N.E., south along 54<sup>th</sup> Place, N.E., to Nannie Helen Burroughs Avenue, N.E., east along Nannie Helen Burroughs Avenue, N.E., to Eastern Avenue, N.E., southeast along Eastern Avenue, N.E., to Southern Avenue, N.E., southwest along Southern Avenue, N.E., to East Capitol Street, west along East Capitol Street, to Division Avenue, N.E., north along Division Avenue, N.E., to Nannie Helen Burroughs Avenue, N.E., west along Nannie Helen Burroughs Avenue, N.E. to B&O(CSX) Railroad, northwest along B&O(CSX) Railroad to Eastern Avenue N.E., southeast along Eastern Avenue N.E., to Nannie Helen Burroughs Avenue, N.E., west along Nannie Helen Burroughs, N.E., to Division Avenue, N.E., north along Division Avenue, N.E., to Hayes Street, N.E., and west along Hayes Street, N.E., to the starting point. The Deanwood Heights Target area shall also include west along Marvin Gaye Park and north along 50<sup>th</sup> Street, N.E."

- (3) Paragraph (10) is amended as follows:

- (A) Designate the existing text as subparagraph (A).  
 (B) A new subparagraph (B) is added to read as follows:

ENROLLED ORIGINAL

“(B) Among the goals for this target area are improving connectivity and transit use, creating mixed-use housing opportunities, enhancing neighborhood retail, building on cultural assets, and creating a dynamic destination.”

(4) Paragraph (11) is amended as follows:

(A) Designate the existing text as subparagraph (A).

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

“(B) Among the goals for this target area are economic development, increasing home ownership opportunities, and improving the condition of housing stock in the area.”

(5) Paragraph (12) is amended as follows:

(A) Designate the existing text as subparagraph (A).

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

“(B) Among the goals for this target area are improving public facilities, increasing homeownership opportunities, and enhancing neighborhood retail.”

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

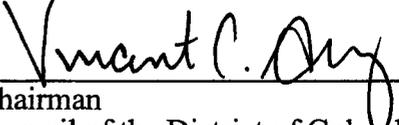
“(b) In determining the geographic extent of the target areas set forth in subsection (a) of this section, the Mayor shall include the properties on both sides of the streets that establish the outer boundaries of each target area.”

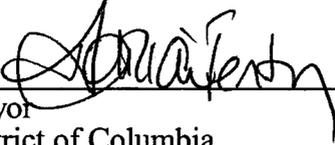
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Neighborhood Investment Amendment Act of 2007, signed by the Mayor on November 26, 2007 (D.C. Act 17-192; 54 DCR 5531), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-271

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish employment without tenure within the Educational Service classification, to require that the Mayor seek a voluntary separation incentive for certain employees of the District of Columbia, and to require the Mayor to submit an evaluation of the personnel reform provisions of this act in September 2012; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Education Personnel Reform Amendment Act of 2008".

Sec. 2. 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 801A (D.C. Official Code § 1-608.01a) is amended as follows:

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

(A) Strike the word "Boards" and insert the word "Board" in its place.

(B) Strike the phrase "the District of Columbia Board of Education for educational employees of the Board of Education and".

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

(A) The introductory language is amended by striking the word "Boards" both times it appears and inserting the word "Board" in its place.

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

"(2)(A)(i) Excluding those employees in a recognized collective bargaining unit, those employees appointed before January 1, 1980, those employees who are based at a local school or who provide direct services to individual students, and those employees required to be

Amend  
§ 1-608.01a

## ENROLLED ORIGINAL

excluded pursuant to a court order (collectively, "Excluded Employees"), a person appointed to a position within the Educational Service shall serve without job tenure.

"(ii) Except for Excluded Employees, the provisions of this paragraph shall apply to all nonschool-based personnel, as defined in section 301(13C), including:

"(I) All Educational Service employees within the District of Columbia Public Schools ("DCPS")

"(II) All Educational Service employees within the Office of Public Education Facilities Modernization; and

"(III) All Educational Service employees within the Office of the State Superintendent for Education transferred pursuant to the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171 *et seq.*).

"(B)(i) A person employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization as of the effective date of the Public Education Personnel Reform Emergency Amendment Act of 2008, passed on emergency basis on January 8, 2008 (Enrolled version of Bill 17-567) ("Emergency Act"), who is not an Excluded Employee shall be reappointed noncompetitively to the Educational Service, in accordance with subparagraph (A) of this paragraph.

"(ii) Within 30 days of the effective date of the Emergency Act, the Mayor shall notify in writing each employee of his or her reappointment. The employee shall accept or decline such reappointment within 10 days of receipt of the reappointment notice.

"(iii) A person declining such reappointment shall receive a written 15-day separation notice and shall be entitled to severance pay pursuant to section 2409.

"(iv) An employee who accepts reappointment who is subsequently terminated shall be terminated in accordance with subparagraph (C)(ii) and (iii) of this paragraph.

"(C)(i) A person employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, or the Office of Public Education Facilities Modernization who is not an Excluded Employee, shall be a probationary employee for one year from his or her date of hire ("probationary period") and may be terminated without notice or evaluation.

"(ii) Following the probationary period, an employee may be terminated, at the discretion of the Mayor; provided, that the employee has been provided a 15-day separation notice and has had at least one evaluation within the preceding 6 months, a minimum of 30 days prior to the issuance of the separation notice.

"(iii) An employee terminated for non-disciplinary reasons may

## ENROLLED ORIGINAL

be given severance pay in accordance with section 903(f).

“(D) The Mayor may terminate without notice or evaluation an employee for the following reasons:

“(i) Conviction of a felony at any time following submission of an employee’s job application;

“(ii) Conviction of another crime at any time following submission of an employee’s job application when the crime is relevant to the employee’s position, job duties, or job activities;

“(iii) Commission of any knowing or negligent material misrepresentation on an employment application or other document given to a government agency;

“(iv) Commission of any on-duty or employment-related act or omission that the employee knew or reasonably should have known is a violation of law; or

“(v) Commission of any on-duty or employment-related act that is gross insubordination, misfeasance, or malfeasance.

“(E) A terminated employee shall retain his or her veterans preference eligibility, if any, in accordance with federal laws and regulations issued by the United States Office of Personnel Management but shall be separated without competition, assignment rights, retreat rights, a right to re-assignment under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to section 2400 of the District of Columbia Personnel Manual, or a right to any internal or administrative review, subject to any right under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), federal law, or common law.

“(F)(i) The Mayor shall establish:

“(I) A positive recruitment program designed to meet current and projected personnel needs;

“(II) A procedure for open competition for initial appointment to the Educational Service, designed to achieve maximum objectivity, reliability, and validity through a practical assessment of attributes necessary to successful job performance and career development, and appointments of persons, made on the basis of merit, by selection from the highest qualified available eligible persons based on specific job requirements, with appropriate regard for affirmative-action goals and veterans preference as provided in Title VII; and

“(III) Written position descriptions for each position within Educational Service and a process for updating the descriptions to maintain accurate and current position descriptions.

“(ii) The Mayor shall provide a written copy of the relevant position description to each new employee and to each reappointed employee upon employment or reappointment.

## ENROLLED ORIGINAL

“(G) Appointments to the Educational Service of persons shall be made in accordance with equal employment opportunity principles, as set forth in Title VII.

“(H) Temporary and other time-limited appointments, which do not confer permanent status, may be made in appropriate cases, at the discretion of the Mayor, including emergency appointments to provide for the maintenance of essential services in situations of natural disaster or catastrophes, where normal-employment procedures are impracticable.

“(I) Within 180 days of the effective date of the Emergency Act, the Mayor shall submit a list to the Council, for informational purposes, of those people employed within the Educational Service in DCPS, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization as of the effective date of the Emergency Act, who, pursuant to subparagraph (B) of this paragraph, declined reappointment and were terminated and who accepted reappointment but were subsequently terminated. The Mayor shall maintain a database of this information on an ongoing basis to be submitted to the Council pursuant to section 5 of the Public Education Personnel Reform Amendment Act of 2008, passed on 2<sup>nd</sup> reading on January 8, 2008 (Enrolled version of Bill 17-450).

“(J)(i) The Mayor shall establish reduction-in-force procedures, including:  
“(I) A prescribed order of separation based on District residency and veterans preference;  
“(II) Priority reemployment consideration of separated employees; and

“(III) Job sharing and reduced hours, if feasible.

“(ii) Notwithstanding any other provision of law or regulation, an Excluded Employee or a nonschool-based employee shall not be assigned or reassigned to replace a classroom teacher.

“(iii) For the purposes of this subparagraph, the term "reduction-in-force" means a reduction in personnel, the need for which shall be declared by the Mayor, that is necessary due to a lack of funding or the discontinuance of a department, program, or function of an agency. A reduction-in-force shall not be considered a punitive or corrective action as it relates to an employee separated pursuant to the reduction in force and no blemish on an employee's record shall ensue.”.

(3) Subsection (c)(3) is amended by striking the word “Boards” and inserting the word “Board” in its place.

(4) Subsection (d) is amended by striking the word “Boards” wherever it appears and inserting the phrase “Mayor or Board” in its place.

(b) Section 903(a)(4) (D.C. Official Code § 1-609.03(a)(4)) is amended to read as follows:

“(4)(A) The Mayor may appoint 25 persons to the District of Columbia Public Schools; provided, that each person appointed pursuant to this paragraph shall be domiciled in

Amend  
§ 1-609.03

## ENROLLED ORIGINAL

the District within 180 days of appointment and shall remain domiciled in the District of Columbia throughout the term of his or her appointment.

“(B) The Mayor shall make his or her best efforts to ensure ward diversity in the appointments.”

(c) Section 1111(a-1) (D.C. Official Code § 1-611.11(a-1)) is amended to read as follows:

Amend  
§ 1-611.11

“(a-1) Notwithstanding any other provision of law, rule, or regulation:

“(1) Except for the Chancellor and any Excepted Service employees appointed pursuant to section 903(a)(4), every employee of the District of Columbia Public Schools shall be:

“(A) Classified as an Educational Service employee;

“(B) Placed under the personnel authority of the Mayor; and

“(C) Subject to all rules of the District of Columbia Public Schools;

“(2) Except for the Director and any Excepted Service employees appointed pursuant to section 903(a)(7), every employee of the Office of Public Education Facilities Modernization shall be:

“(A) Classified as an Educational Service employee; and

“(B) Placed under the personnel authority of the Mayor; and

“(3) Except for the State Superintendent for Education and any Excepted Service employees appointed pursuant to section 903(a)(7), every employee transferred from the District of Columbia Public Schools to the Office of the State Superintendent for Education shall be:

“(A) Classified as an Educational Service employee; and

“(B) Placed under the personnel authority of the Mayor.”

(d) Section 1709(b) (D.C. Official Code § 1-617.09(b)) is amended as follows:

Amend  
§ 1-617.09

(1) Paragraph (1) is amended by striking the phrase “Board of Education” and inserting the phrase “Public Schools” in its place.

(2) Paragraph (5) is amended by striking the phrase “unit; or” and inserting the phrase “or;” in its place.

(3) Paragraph (6) is amended by striking the phrase “of Columbia.” and inserting the phrase “of Columbia; or” in its place.

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

“(7) Employees within the Educational Service in the District of Columbia Public Schools, the Office of the State Superintendent for Education, and the Office of Public Education Facilities Modernization who serve without tenure pursuant to the Public Education Personnel Reform Amendment Act of 2008, passed on 2<sup>nd</sup> reading on January 8, 2008 (Enrolled version of Bill 17-450).”

(e) Section 2402(a) (D.C. Official Code § 1-624.02(a)) is amended by striking the phrase “Educational Service and” and inserting the phrase “Educational Service, except those

Amend  
§ 1-624.02

## ENROLLED ORIGINAL

persons separated pursuant to section 801A(b)(2), and” in its place.

Sec. 3. Rulemaking.

The Mayor shall issue rules to implement the provisions of section 2. The proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 4. Voluntary early-retirement request.

The Mayor shall submit a request to the United States Office of Personnel Management that it authorize voluntary early retirement to employees in the Educational Service classification of the District of Columbia Public Schools, the Office of the State Superintendent of Education, and the Office of Public Education Facilities Modernization hired prior to 1987 and entitled to federal benefit payments.

Sec. 5. Evaluation and re-authorization.

On September 15, 2012, the Mayor shall submit to the Council an assessment of the personnel reform enacted by this act, which shall include:

(1) A comprehensive list of the employees terminated pursuant to this act, as described in section 801A(b)(2)(I) 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 § 1-608.01a(b)(2)(I); and

(2) An assessment of the progress in public education achieved as a result of this act that warrants continuation of the provisions of this act.

Sec. 6. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended to read as follows:

Amend  
§ 38-453

“(6) Direct and manage the modernization or new construction of the District of Columbia Public Schools (“DCPS”) facilities by approving and authorizing decisions at every stage of school modernization, including planning, design, maintenance, procurement, and construction, in accordance with the Facilities Master Plan required by the School Modernization Financing Act, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.01 *et seq.*); provided, that it shall not manage cleaning and janitorial services at DCPS facilities.”

Sec. 7. Fiscal impact statement.

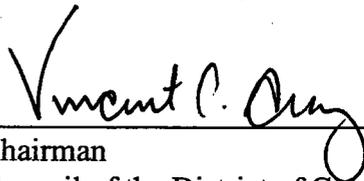
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

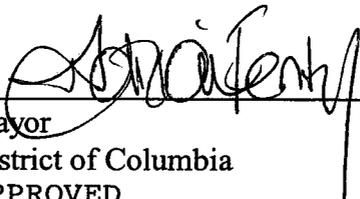
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-272

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 29, 2008

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the Neighborhood Investment Act of 2004 to increase the percentage of funds, derived from the personal property tax, which are deposited into the Neighborhood Investment Fund; to amend section 47-812 of the District of Columbia Official Code to reduce the real property tax rate for Class 2 Properties for the portion of real property tax assessments not exceeding \$3 million; and to amend section 47-1522 of the District of Columbia Official Code to increase the amount of tangible personal property exempt from the personal property tax to \$225,000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Small Business Commercial Property Tax Relief Act of 2008".

Sec. 2. Section 2(a) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071(a)), is amended by striking the phrase "15%" and inserting the phrase "17.4%" in its place.

Amend  
§ 6-1071

Sec. 3. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-812 is amended as follows:

Amend  
§ 47-812

(1) Subsection (b-8)(2)(A) is repealed.

(2) A new subsection (b-9) is added to read as follows:

"(b-9)(1)(A) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 Properties in the District of Columbia for the tax year beginning October 1, 2008, shall be:

"(i) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph; and

"(ii) For the portion of the assessed value exceeding \$3 million, \$1.85 of each \$100 of assessed value.

"(B) The Chief Financial Officer shall compute the real property tax rate for the first \$3 million of assessed value for taxable Class 2 Properties in the District of Columbia, for the tax year beginning October 1, 2008, as follows:

## ENROLLED ORIGINAL

“(i) The Chief Financial Officer shall subtract \$1,199,949,000 from the estimated real property taxes to be collected for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value.

“(ii) The Chief Financial Officer shall compute the real property tax rate (rounded up to the nearest penny) for the first \$3 million of assessed value for taxable Class 2 Properties by taking the amount yielded by sub-subparagraph (i) of this paragraph and applying this amount to reduce the real property tax rate; provided, that the real property tax rate shall not be less than \$.90 of each \$100 of assessed value.

“(C) Before September 16, 2008, the Chief Financial Officer shall submit to the Council the real property tax rate computed under subparagraph (B) of this paragraph.

“(2)(A) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 Property in the District of Columbia for the tax year beginning October 1, 2009, and each tax year thereafter, shall be:

“(i) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph; and

“(ii) For the portion of the assessed value exceeding \$3 million, \$1.85 of each \$100 of assessed value.

“(B) The Chief Financial Officer shall compute the real property tax rate for the first \$3 million of assessed value for taxable Class 2 Properties in the District of Columbia, for the tax year beginning October 1, 2009, and each tax year thereafter, as follows:

“(i) Multiply the total amount of taxes received for taxable Class 2 Properties in the District of Columbia for the prior fiscal year by 10%.

“(ii) Subtract the amount yielded by sub-subparagraph (i) of this subparagraph from the estimated real property taxes to be collected for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value.

“(iii) The Chief Financial Officer shall compute the real property tax rate (rounded up to the nearest penny) for the first \$3 million of assessed value for taxable Class 2 Properties by taking the amount yielded by sub-subparagraph (ii) of this subparagraph and applying this amount to reduce the real property tax rate; provided, that the real property tax rate shall not be less than \$.90 of each \$100 of assessed value.

“(3) The real property tax rate computed in this subsection shall only reduce the real property tax rate. If revenues increase by less than the amount needed to reduce the real property tax rate, the real property tax rate shall be equal to the real property tax rate of the prior fiscal year.

“(4) The Chief Financial Officer shall submit a report to the Council on the impact of this subsection.”.

(b) Section 47-1522(a) is amended by striking the phrase “\$50,000” and inserting the phrase “\$225,000” in its place.

Amend  
§ 47-1522

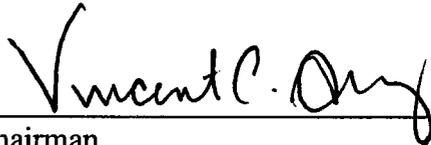
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Sec. 4. Fiscal impact statement.

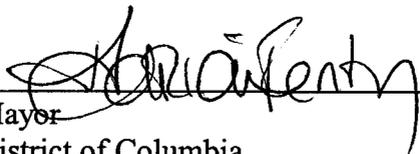
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated January 7, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 29, 2008

*Codification  
 District of  
 Columbia  
 Official Code*

2001 Edition

2008 Summer  
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West Group  
 Publisher

To amend section 47-351.11 of the District of Columbia Official Code to increase from 1% to 10% the amount of District funds deposited in one or more insured financial institutions located in the District that have less than \$550 million in assets.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Funds Reserved Act of 2008".

Sec. 2. Section 47-351.11 of the District of Columbia Official Code is amended as follows:

Amend  
 § 47-351.11

- (a) Strike the phrase "1%" and insert the phrase "10%" in its place.
- (b) Strike the number "350" and insert the number "550" in its place.
- (c) Strike the final period of the section and insert the phrase ", unless the amount of District funds deposited that exceed the federally insured amount meet the collateral requirements set forth in § 47-351.08 and the permitted investment instrument provisions set forth in § 47-351.03." in its place.

Sec. 3. Fiscal impact statement.

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

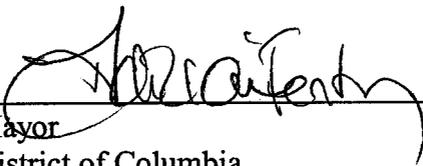
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 29, 2008

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AN ACT

D.C. ACT 17-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008

*Codification  
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To amend section 47-857.06 of the District of Columbia Official Code to modify the allocation of previously granted tax abatement for the Wax Museum project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wax Museum Project Tax Abatement Allocation Modification Act of 2008".

Sec. 2. Section 47-857.06(d)(4) of the District of Columbia Official Code is amended to read as follows:

Amend  
§ 47-857.06

"(4) The tax abatement allowed by this subsection shall be allocated between the K Street Building and the L Street Building based upon the election of the Wax Museum developer, which election shall be made by notification to the Mayor and the Office of Tax and Revenue upon the issuance of a certificate of occupancy for the 1st building to be completed."

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-275

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008

*Codification  
District of  
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To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax abatements for the Constitution Square development project located in Lot 160, Square 711, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Constitution Square Economic Development Act of 2008".

Sec. 2. 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:

"47-4612. Constitution Square development project tax abatements."

(b) A new section 47-4612 is added to read as follows:

"47-4612. Constitution Square development project tax abatements.

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

"(1) "Developer" means CS Master V, LLC, its successors, affiliates, and assigns.

"(2) "Constitution Square Project" means the acquisition, development, construction, installation, and equipping, including the financing, refinancing, or reimbursing of costs incurred, of the mixed-use apartment house, office, grocery store/supermarket, and garage project located on the Constitution Square Property, consisting of:

"(A) Approximately 900 to 1,000 units of residential condominium/apartment house use;

"(B) Approximately 80,000 square feet of retail space;

"(C) Approximately 1.2 million square feet of commercial office space;

"(D) An approximately 50,000 square foot full-service grocery store/supermarket; and

"(E) Other ancillary improvements.

"(3) "Constitution Square Property" means the real property, including any improvements thereon, located in Lot 160, Square 711 (or as the land for such lots may be

Amend  
§ 47-4612

## ENROLLED ORIGINAL

subdivided into a record lot or lots or assessment and taxation lots, condominium lots, air rights lots, or any combination in the future).

"(b)(1) The tax imposed by Chapter 8 of this title on the Constitution Square Property shall be abated as follows:

"(A) In tax year 2009, taxes in excess of 107% of the taxes paid for tax year 2008;

"(B) In tax year 2010, taxes in excess of 113.96% of the taxes paid for tax year 2008; and

"(C) In tax year 2011 and each year thereafter, taxes in excess of 121.25% of the taxes paid for tax year 2008.

"(2) The real property tax abatement granted by paragraph (1) of this subsection shall only apply for the 10 consecutive real property tax years beginning in the tax year in which the developer begins development on the Constitution Square Property. The developer shall notify the Director of the Real Property Tax Administration of the Office of Tax and Revenue by certified mail that development has started within 30 days after the commencement of development.

"(3) The real property tax abatement granted by paragraph (1) of this subsection shall not exceed, in the aggregate, \$6 million, plus 6% per year of the unused amount of the real property tax abatement from the commencement of development.

"(c) The abatement pursuant to subsection (b) of this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the Constitution Square Project or the Constitution Square Property.

"(d) This section shall not prevent or restrict the developer from utilizing any other tax, development, or other economic incentives available to the Constitution Square Project or the Constitution Square Property, including an associated supermarket, which other tax, development, or other economic incentives shall include the supermarket tax incentives set forth in Chapter 38 of this title.

"(e) Nothing in this provision shall be construed to limit the owner of the Constitution Square Property from appealing or contesting its real estate tax assessment."

### Sec. 3. Inclusion in the budget and financial plan.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

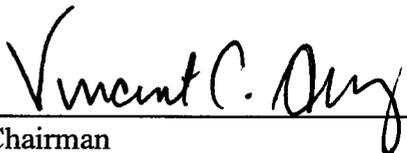
### Sec. 4. Fiscal impact statement.

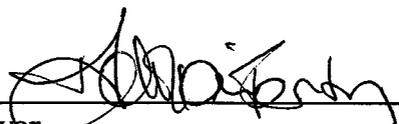
The Council adopts the fiscal impact statement of the Chief Financial Officer, dated January 3, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
 \_\_\_\_\_  
 Chairman  
 Council of the District of Columbia

  
 \_\_\_\_\_  
 Mayor  
 District of Columbia  
 APPROVED  
 January 29, 2008

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-276

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008

*Codification  
 District of  
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To amend, on a temporary basis, the District of Columbia Election Code of 1955 to change the procedures for the presidential primary ballot access.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Presidential Primary Ballot Access Temporary Amendment Act of 2008".

Sec. 2. Section 5(b)(2) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(b)(2)), is amended to read as follows:

Note,  
 § 1-1001.05

"(2) No person shall be listed on the ballot as a candidate for nomination for President in such primary unless:

"(A) He or she has complied with the rules of the political party to be listed on the ballot; and

"(B) The political party certifies the names of the persons who have qualified for the ballot to the Board no later than January 3<sup>rd</sup> of each presidential election year."

Sec. 3. Fiscal impact statement.

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

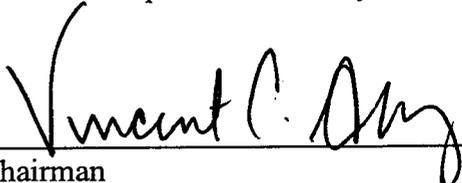
Sec. 4. Effective date.

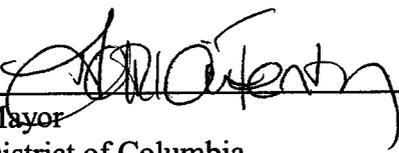
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

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

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

  
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Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 29, 2008

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-277

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 29, 2008

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To amend Chapter 9 of Title 16 of the District of Columbia Official Code to revise definitions, to require support orders to contain provisions for health insurance coverage and cash medical support, to require one or both parents to obtain health insurance coverage for a child subject to a support order if the health insurance coverage is accessible and available at reasonable cost, to amend the definition of reasonable cost for health insurance coverage, to include contributions associated with public and private health insurance coverage in the definition of extraordinary medical expenses, and to require the review and modification of support orders every 3 years in cases where there has been an assignment of support rights under the District of Columbia Public Assistance Act of 1983; and to amend the Medical Support Establishment and Enforcement Amendment Act of 2004 to update definitions and revise the priority for the withholding of different types of support obligations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Support Compliance Amendment Act of 2008".

Sec. 2. Chapter 9 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended to read as follows:

"§ 16-901. Definitions.

"For the purposes of this chapter, the term:

"(1) "Cash medical support" means an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent, through employment or otherwise, or for extraordinary medical expenses as defined in § 16-916(j)(1), or for other medical costs not covered by insurance.

"(2) "Court" means the Superior Court of the District of Columbia.

"(3) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

Amend  
 § 16-901

## ENROLLED ORIGINAL

“(4) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

“(5) "IV-D agency" means the organizational unit of the District government, or any successor organizational unit, that is responsible for administering or supervising the administration of the District's State Plan under title IV, part D, of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

“(6) "IV-D case" means a case in which the IV-D agency provides services for the purpose of establishing paternity or establishing, modifying, or enforcing a child support obligation.

“(7) "Health insurance coverage" means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer that is available to either parent, under which medical services could be provided to a dependent child.

“(8) "Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.”

(b) Section 16-911(a)(1) is amended to read as follows:

“(1) require the spouse or domestic partner to pay pendente lite alimony to the other spouse or domestic partner; require one party to pay pendente lite child support, including health insurance coverage, cash medical support, or both, for his or her minor children committed to another party's care; and require the spouse or domestic partner to pay suit money, including counsel fees, to enable such other spouse to conduct the case. The Court may enforce any such order by attachment, garnishment, or imprisonment for disobedience, and all support orders shall be enforceable by withholding as provided in § 46-207 and § 46-251.07. In determining pendente lite alimony for a spouse or domestic partner, the Court shall consider the factors set forth in § 16-913(d) and may make an award of pendente lite alimony retroactive to the date of the filing of the pleading that requests alimony.”

(c) Section 16-916 is amended as follows:

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

“(c) When a father or mother fails to maintain his or her minor child, the Court may decree that the father or mother pay reasonable sums periodically for the support and

Amend  
§ 16-911

Amend  
§ 16-916

## ENROLLED ORIGINAL

maintenance of the child, including health insurance coverage and cash medical support, and may decree that the father or mother pay Court costs, including counsel fees, to enable plaintiff to conduct the cases.”.

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

“(c-1) A support order entered under this section shall contain terms providing for the payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage, cash medical support, or both, consistent with § 16-916.01.”.

(3) Subsection (c-2) is amended to read as follows:

“(c-2) In all cases where accessible health insurance coverage is available to either or both parents at reasonable cost, the court shall order either or both parents to provide the health insurance coverage, consistent with § 16-916.01.”.

(4) Subsection (c-3) is amended to read as follows:

“(c-3) In selecting among health insurance coverage options, the court shall consider, at a minimum, the cost, comprehensiveness, and accessibility of all health insurance coverage options available to either parent.”.

(5) New subsections (c-3A), (c-3B), and (c-3C) are added to read as follows:

“(c-3A) In cases where accessible health insurance coverage is not available to either parent at reasonable cost, or where the medical expenses of a child are not fully covered by health insurance, the court shall order either or both parents to pay cash medical support consistent with § 16-916.01.

“(c-3B) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent’s gross income.

“(c-3C) For the purposes of this section, health insurance coverage shall be considered accessible if, based on the work history of the parent providing the coverage, it will be available for at least one year, and if the child lives within the geographic area covered by the plan or within 30 minutes or 30 miles of primary care services.”.

(d) Section 16-916.01 is amended as follows:

(1) Subsection (i)(5) is amended by striking the phrase “it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism” and inserting the phrase “the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent’s gross income” in its place.

(2) Subsection (j)(1) is amended by striking the phrase “include copayments and deductibles,” and inserting the phrase “include copayments, deductibles, and contributions associated with public and private health insurance coverage,” in its place.

(3) Subsection (r)(2) is amended to read as follows:

Amend  
§ 16-916-01

## ENROLLED ORIGINAL

“(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S. C. § 651 *et seq.*), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of the support order under the guideline. The IV-D agency shall conduct the review in all cases where there is an assignment of support rights pursuant to § 4-205.19, and at the request of either parent in all other cases. If the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline, and shall petition for a modification of the support order when there is an assignment of support rights or if requested by a parent.”

Sec. 3. The Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; D.C. Official Code § 46-251.01 *et seq.*), is amended as follows:

(a) Section 101(2) (D.C. Official Code § 46-251.01(2)) is amended by striking the period and inserting the phrase “that is available to either parent, under which medical services could be provided to a dependent child.” in its place.

Amend  
§ 46-251.01

(b) Section 106(b) (D.C. Official Code § 46-251.06(b)) is amended to read as follows:

Amend  
§ 46-251.06

“(b) In selecting an option in consultation with the child’s custodian pursuant to subsection (a) of this section, the IV-D agency shall consider, at a minimum, the cost, comprehensiveness, and accessibility of the health insurance coverage. For the purposes of this section, health insurance coverage shall be considered accessible if, based on the work history of the parent providing the coverage, it will be available for at least one year, and if the child lives within the geographic area covered by the plan or within 30 minutes or 30 miles of primary care services.”

(c) Section 108 (D.C. Official Code § 46-251.08) is amended to read as follows:

Amend  
§ 46-251.08

“Sec. 108. Priority of withholding for employee contributions to health insurance coverage.

“(a) If there are insufficient funds available within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), to meet the employee’s contribution necessary for the coverage of each child included in a support order and to comply with a notice or order to withhold received pursuant to section 13 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-212), the employer shall allocate the funds available according to the following priority, unless the court directs otherwise:

- “(1) Current child and spousal support;
- “(2) Health insurance premiums or current cash medical support;
- “(3) Arrearages for current support and current cash medical support; and
- “(4) Other child support obligations.

“(b) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate

ENROLLED ORIGINAL

among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied. The employer shall fully satisfy each priority level stated in subsection (a) of this section for all of the employee's support orders before applying payments to an obligation with a lesser priority.

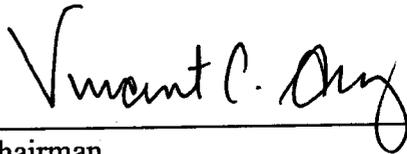
“(c) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage.”

Sec. 4. Fiscal impact statement.

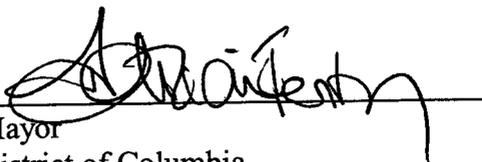
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED

January 29, 2008  
Codification District of Columbia Official Code, 2001 Edition

## ENROLLED ORIGINAL

## AN ACT

D.C. ACT 17-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Summer  
Supp.West Group  
Publisher

To amend the District of Columbia Home Rule Act to require the Mayor to transmit requests for accessing the contingency reserve fund to the Council, to require a certification by the Office of the Chief Financial Officer to be submitted to the Council with each request, and to require Council approval before funds may be allocated from the contingency reserve fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contingency Cash Reserve Transparency Amendment Act of 2008".

Sec. 2. Section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a), is amended as follows:

Amend  
§ 1-204.50a

(a) Subsection (a)(5)(B) is repealed.

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

(1) Paragraph (4)(A) is amended by striking the phrase "nonrecurring or unforeseen" and inserting the phrase "nonrecurring and unforeseen" in its place.

(2) Paragraph (5) is amended to read as follows:

"(5) *Allocation of contingency cash reserve.* – Funds may be allocated from the contingency reserve fund only after:

"(A) The Mayor has transmitted a request for accessing the contingency reserve fund to the Council of District of Columbia, which shall include an analysis by the Chief Financial Officer that certifies:

"(i) That the criteria in paragraph (4) of this subsection have been satisfied;

"(ii) That funds are not available from other sources to carry out the purposes of the allocation; and

"(iii) That the impact of the allocation will not have an adverse impact on the balance and integrity of the contingency cash reserve fund; and

"(B)(i) A 14-day period of Council review, beginning on the date the Mayor transmits the request to the Council, has passed and there has been no disapproval

## ENROLLED ORIGINAL

resolution filed with the signatures of at least 4 Councilmembers, at which time the request shall be deemed approved;

“(ii) A disapproval resolution with the signatures of at least 4 Councilmembers has been filed within the 14-day review period, and a 45-day period of Council review, beginning on the date the Mayor transmits the request to the Council, has passed without approval or disapproval by the Council, upon which time the request shall be deemed approved; or

“(iii) The Council has approved the request.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), publication in the District of Columbia Register, and enactment of the act by the United States Congress.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

UNSIGNED

\_\_\_\_\_  
Mayor  
District of Columbia  
January 29, 2008

ENROLLED ORIGINAL

AN ACT  
D.C. ACT 17-279

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JANUARY 29, 2008

Codification  
District of  
Columbia  
Official Code

2001 Edition

2008 Summer  
Supp.

West Group  
Publisher

To amend the Retail Incentive Act of 2004 to expand the scope of eligible projects, to permit tenants to apply for assistance under the act, and to proscribe certified business enterprise agreement requirements for such assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Downtown Retail TIF Amendment Act of 2008".

Sec. 2. 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 2(8) (D.C. Official Code § 2-1217.71(8)) is amended as follows:

Amend  
§ 2-1214.71

(1) Strike the phrase "direct onsite retail sales to consumers," and insert the phrase "direct onsite retail sales to consumers or providing a unique entertainment attraction," in its place.

(2) Strike the phrase "general merchandise goods to specialized customers" and insert the phrase "general merchandise goods to specialized customers, or providing a unique entertainment attraction," in its place.

(b) Section 5 (D.C. Official Code § 2-1217.74) is amended as follows:

Amend  
§ 2-1214.74

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

(A) Paragraph (1)(A) through (K) is amended by striking the word "retailer" each time it appears and inserting the phrase "retailer or unique entertainment attraction" in its place.

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

(i) The lead-in text is amended by striking the phrase "A requirement that the owner of any building" and inserting the phrase "A requirement that the owner of any building or tenant applying for the TIF" in its place.

(ii) Subparagraphs (A), (B), (C), (E), (F), and (G) are amended by striking the phrase "owner's agreement" each time it appears and inserting the phrase "owner's agreement or tenant's agreement" in its place.

(iii) Subparagraph (D) is amended to read as follows:

"(D) The owner's agreement or tenant's agreement to sign an LSDBE

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certified business enterprise agreement that establishes a goal of hiring LSDBEs to perform construction or operations work, the costs of which equals 35% of the Bond proceeds.”.

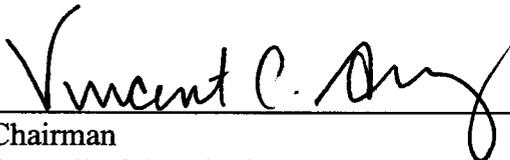
(2) Subsection (c) is amended by striking the sentence “Notwithstanding anything to the contrary herein, the Rules of Operation shall provide that a Retail Development Project that, either directly or as part of a larger development project, has already received proceeds of Bonds through another TIF program shall not be designated a TIF Area under this act.”.

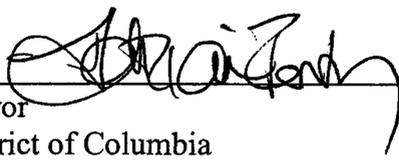
Sec. 3. Fiscal impact statement

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED  
January 29, 2008

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AN ACT

D.C. ACT 17-280

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2008*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2008 Winter  
Supp.West Group  
Publisher

To amend, on an emergency basis, the Choice in Drug Treatment Act of 2000 to establish the Access to Recovery Voucher Program to provide District residents with access to culturally-sensitive substance-abuse treatment and recovery-support services, to establish a segregated account within the Addiction Recovery Fund into which shall be deposited the federal grant funds awarded to the Addiction Prevention and Recovery Administration for the Access to Recovery Voucher Program to be expended solely for the purposes of that program and to require that any rules promulgated to apply specifically to the Access to Recovery Voucher Program shall be submitted to the Council for approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Choice in Drug Treatment Emergency Amendment Act of 2008".

Sec. 2. The Choice in Drug Treatment Act of 2000, effective July 18, 2000 (D.C. Law 13-146; D.C. Official Code § 7-3001 *et seq.*), is amended as follows:

(a) A new section 4a is added to read as follows:

"Sec. 4a. Establishment of the Access to Recovery Voucher program.

"(a) There is established the Access to Recovery Voucher Program ("ATR"), which shall be administered by APRA. The purpose of ATR shall be to provide District residents with access to culturally-sensitive substance abuse treatment and recovery support services for the duration of the 3-year federal Access to Recovery grant awarded to APRA and to serve as an addition and complement to the Choice in Drug Treatment Program, established by section 4.

"(b) The duty of APRA to administer ATR shall include:

"(1) Community outreach and education;

"(2) Collaborating with federal and local agencies in regard to individuals returning to the community after being incarcerated who require substance-abuse treatment or recovery-support services; and

"(3) Ensuring that ATR achieves the projected target of serving over 11,000 individuals."

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(b) Section 5 (D.C. Official Code § 7-3004) is amended as follows:

Note,  
§ 7-3004

(1) Subsection (a) is amended by striking the phrase "The Fund shall be comprised" and inserting the phrase "Except as provided for in subsection (a-1) of this section, the Fund shall be comprised" in its place.

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

"(a-1) There is established within the Fund a segregated account to be known as the ATR Account, into which shall be deposited the federal grant funds awarded to APRA for ATR to be expended solely for the purposes of ATR, in accordance with federal requirements and regulations promulgated to implement this act."

(3) Subsection (b) is amended by striking the phrase "The Fund shall be used only for" and inserting the phrase "Except as provided in subsection (a-1) of this section, the Fund shall be used only for" in its place.

(c) Section 16(a) (D.C. Official Code § 7-3015(a)) is amended as follows:

Note,  
§ 7-3015

(1) Designate the existing text as paragraph (1).

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

"(2)(A) Except as provided for in subparagraph (B) of this paragraph, all rules promulgated pursuant to paragraph (1) of this subsection shall apply to the provisions of the Choice in Drug Treatment Emergency Amendment Act of 2008, passed on emergency basis on January 8, 2008 (Enrolled version of Bill 17-565) ("Choice in Drug Treatment Emergency Amendment Act of 2008").

"(B) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to apply specifically to the provisions of the Choice in Drug Treatment Emergency Amendment Act of 2008. Any such rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved."

### Sec. 3. Fiscal impact statement.

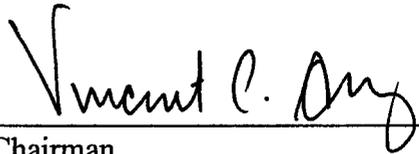
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

### Sec. 4. Effective date.

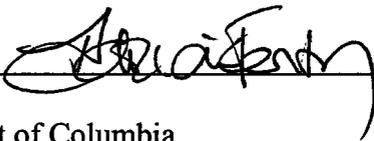
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
January 29, 2008