

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 26, 2006

To authorize, on an emergency basis, payment to Lincoln Property Company for renovation and reconstruction services provided to the Department of Human Services without a written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lincoln Property Company Payment Authorization Emergency Act of 2006".

Sec. 2. Pursuant to section 105(d) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)), the Council authorizes the Department of Human Services to pay Lincoln Property Company \$139,994.19 for renovation and reconstruction services received from June 1, 2005 through June 30, 2005, for costs incurred without a written contract.

Sec. 3. Fiscal impact statement.

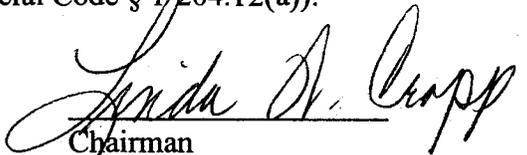
The Council adopts the April 4, 2006 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

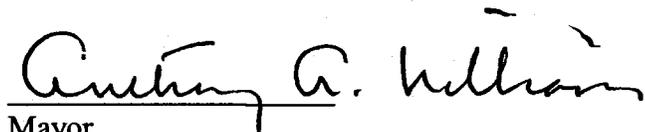
Sec. 4. Effective date.

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
April 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 26, 2006

To authorize, on an emergency basis, the Mayor to issue grants of up to \$2.1 million to the Children and Youth Investment Collaborative to allow community partners to continue their youth violence program initiatives.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Grant-Making Authority for Youth Violence Initiatives Emergency Act of 2006".

Sec. 2. From funds made available pursuant to section 126 of the District of Columbia Appropriations Act, 2006 approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2520), to the Department of Youth Rehabilitation Services, the Mayor is authorized to make grants of up to \$2.1 million to the Children and Youth Investment Collaborative to allow community partners to continue their youth violence program initiatives, such as gang intervention, truancy reduction services, and crisis response efforts.

Sec. 3. The Mayor may promulgate any rules necessary to implement the provisions of this act.

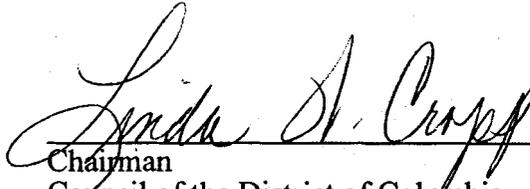
Sec. 4. Fiscal impact statement.

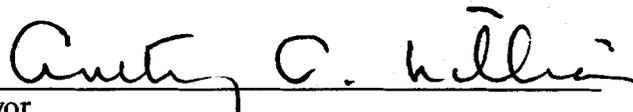
The Council adopts the fiscal impact statement provided by the Chief Financial Officer dated March 30, 2006, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
April 26, 2006

AN ACT

D.C. ACT 16-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

To approve, on an emergency basis, the award of a contract by the District of Columbia Sports and Entertainment Commission for crowd control services at RFK Memorial Stadium and to authorize payment for services under that contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contemporary Services Corporation Contract Approval and Payment Authorization Emergency Act of 2006".

Sec. 2. 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 contract with Contemporary Services Corporation for crowd control services at RFK Memorial Stadium is approved and payment in the amount of \$1.47 million is authorized for services received under this contract.

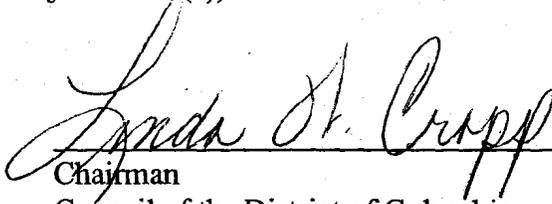
Sec. 3. Fiscal impact statement.

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)).

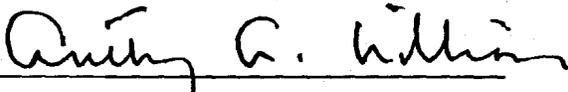
Sec. 4. Effective date.

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
April 26, 2006

AN ACT

D.C. ACT 16-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

To order, on an emergency basis, the closing of a portion of the alley system in Square 743N, bordered by South Capitol Street, S.E., L Street, S.E., New Jersey Avenue, S.E., and M 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 Public Alleys in Square 743N, S.O. 04-12457, Emergency Act of 2006".

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 of the District of Columbia finds that portions of the alley system in Square 743N, as shown on the Surveyor's plat filed under S.O. 04-12457, are unnecessary for alley purposes and orders them closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of the closing of these public alleys is contingent upon the satisfaction of all conditions by District agencies and affected public utilities set forth in the official file of S.O. 04-12457.

Sec. 3. This alley-closing legislation will facilitate development of approximately one-half of Square 743N as a mixed-use residential (approximately 226,000 square feet in 265 units) and office (approximately 263,000 square feet) project with ground floor retail uses (approximately 15,000 square feet) and underground parking (approximately 240 spaces). This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new recordation, transfer, property, income, and sales tax revenues. The project will also generate a number of new jobs during construction of the project and in the operation of the ground floor commercial uses.

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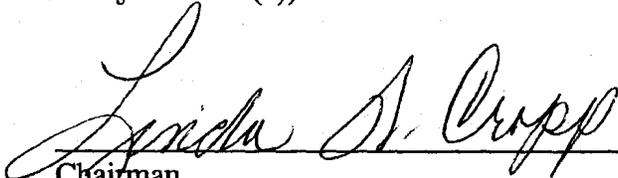
Sec. 4. Fiscal impact statement.

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)).

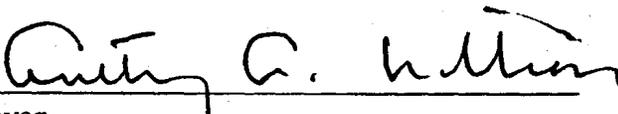
Sec. 5. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Mayor, the Office of the Surveyor of the District of Columbia, the Office of Planning, the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs, and the District of Columbia Recorder of Deeds.

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 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
April 26, 2006

AN ACT

D.C. ACT 16-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Theft and White Collar Crimes Act of 1982 to authorize a criminal penalty for the offense of attempt to commit identity theft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Identity Theft Technical Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 127c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.03), is amended as follows:

Note,
§ 22-3227.03

(a) Subsection (a) is amended by adding the phrase ", or attempted to be obtained," after the phrase "if the property obtained".

(b) Subsection (b) is amended by adding the phrase ", or attempted to be obtained," after the phrase "of the property obtained".

Sec. 3. Applicability.

This act shall apply as of April 26, 2006.

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)).

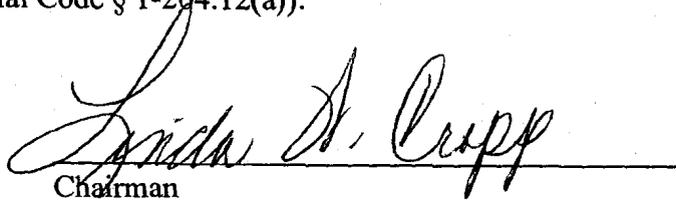
Sec. 5. Effective date.

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

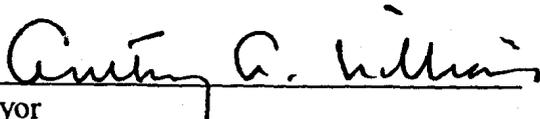
MAY 5 - 2006

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
April 26, 2006

AN ACT
D.C. ACT 16-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

*Codification
District of
Columbia
Official Code*

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To amend, on an emergency basis, due to Congressional review, the District of Columbia Traffic Act, 1925 to require that drug offense conviction information include a social security number and a driver's license number.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Drug Offense Driving Privileges Revocation and Disqualification Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 13a(a) of the District of Columbia Traffic Act, 1925, effective March 16, 1989 (D.C. Law 7-222; D.C. Official Code § 50-1403.02(a)), is amended by striking the sentence "A copy of the conviction or adjudication shall be forwarded by the court to the Mayor." and inserting the sentence "Notification of the conviction or adjudication shall be sent electronically by the court to the Mayor within one business day of the conviction or adjudication and shall include the person's name, address, date of birth, conviction date, driver's license number (if any), social security number (if any), the offense, and any other information required by the Mayor in order to take the action required by this section." in its place.

Note,
§ 50-1403.02

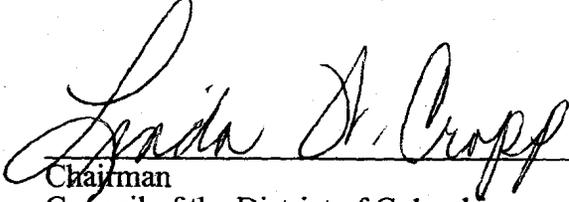
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Drug Offense Driving Privileges Revocation and Disqualification Temporary Amendment Act of 2006, signed by the Mayor on February 27, 2006 (D.C. Act 16-295; 53 DCR 1871), 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)).

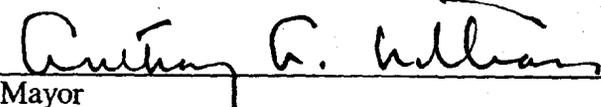
Sec. 4. Effective date.

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), 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. 813; D.C. Official Code § 1-206.02(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2006 Summer
 Supp.

West Group
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To amend, on an emergency basis, due to Congressional review, Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, to add provisions of an amendment that were not reflected in the enrollment of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, to add a missing word to section 47-857.04(b)(3)(A), to correct a cross-reference; to correct the name of an entity that was given a tax exemption, to correct the lot number of another entity which was given real property tax exemptions, to re-codify the limitation on deduction for royalty payments by corporations, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, to correct the basic tax rate for electricity users; to amend the Fiscal Year 2006 Budget Support Act to correct and re-codify a provision regarding real property exemptions for nonprofit organizations and to correct paragraph numbering; to amend the Arena Tax Amendment Act of 1994 to clarify and provide the real property tax exemption of the MCI Arena in accordance with a certain executed and recorded ground lease; to amend a resolution to include a cross reference that was inadvertently omitted; to amend the Uniform Disposition of Unclaimed Property Act of 1980 to add a missing word; and to clarify the effective date of an amendatory provision for the taxation of heating oil.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Finance and Revenue Technical Amendments Congressional Review Emergency Act of 2006".

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

- (a) Section 47-368.03(d)(2) is repealed.
- (b) Section 47-857.04 is amended as follows:
- (1) Subsection (a) is amended by striking the phrase "December 31, 2004" and inserting the phrase "September 30, 2004" in its place.
- (2) Subsection (b) is amended to read as follows:
- "(b)(1) For the purposes of this subsection, the term "downtown area" means:
- "(A) The area described in section 199 of Title 10 of the District of

Note,
 § 47-386.03
 Note,
 § 47-857.04

Columbia Municipal Regulations (10 DCMR § 199) and designated on the District of Columbia Generalized Land Use Policies Map; and

"(B) Eligible area #2.

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

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

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

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

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

"(C) The tax abatement may be transferred within:

"(i) Five years after receipt by the eligible project of a final certificate of occupancy issued for the entirety of the project; or

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

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

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

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

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

Note,
§ 47-857.06

Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection)" in its place.

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

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

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

"(C) If the residential project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the annual amount of the abatement of real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection) shall be \$675,000."

(d) The table of contents for Chapter 10 of Title 47 of the District of Columbia Official Code is amended by striking the phrase "lots 34" and inserting the phrase "lots 33" in its place.

(e) Section 47-1065 is amended as follows:

(1) Subsection(a)(1) is amended by striking the phrase "Golden Rule Place" and inserting the name "Golden Rule Plaza" in its place.

(2) By striking the phrase "lots 34" wherever it appears and inserting the phrase "lots 33" in its place.

(f) Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (19) to read as follows:

"(19) *Royalty payments.* ---

"(A) Royalty payments, if the royalty payments are directly or indirectly paid, accrued, or incurred to a related member during the taxable year and deductible in calculating federal taxable income.

"(B) The disallowance of the deduction under subparagraph (A) of this paragraph shall not apply if and to the extent that the payments satisfy any of the following conditions:

"(i) The related member during the same taxable year directly or indirectly paid, received, accrued, or incurred the amount of the obligation to or from a person or entity that is not a related member, and the transaction was done for a valid business purpose and the payments are made at arm's length;

"(ii) The related member receiving the royalty payments acquired the intangible assets for which royalty payments are being made from a person or entity that was not a related member, the transaction was done for a valid business purpose, and the royalty payments are made at arm's length;

"(iii) The royalty payments are paid or incurred to a related member organized under the laws of a country other than the United States, and the country has entered into a comprehensive income tax treaty with the United States; or

Note, § 47-1065

Note, § 47-1803.03

“(iv) The related member receiving the royalty payments is subject to a tax measured by its net income or receipts in a state or possession of the United States imposing a statutory tax rate of at least 4.5%; provided, that a related member receiving the royalty payment shall not be considered to be subject to a tax merely by virtue of the related member’s inclusion in a combined or consolidated return in one or more states.

“(C) For the purposes of this paragraph, the term:

“(i) "Majority interest" means:

“(I) In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation, or more than 50% of the capital, profits, or beneficial interest in the voting stock of the corporation; or

“(II) In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits, or beneficial interest in the partnership, association, trust or other entity.

“(ii) "Related entity" means (I) a stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; (II) a stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or (III) a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50% of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986 shall apply for purposes of determining whether the ownership requirements of this paragraph have been met.

“(iii) "Related member" means:

“(I) A person that, with respect to the taxpayer any time during the taxable year, is a related entity;

“(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(III) A controlled group of which the taxpayer is also a component; or

“(IV) Is a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

“(iv) "Royalty payments" mean payments directly connected to the use, maintenance, or management of licenses, trademarks, copyrights, trade names, trade dress, service marks, mask works, trade secrets, patents, and any other similar types of

intangible assets as are set forth in regulations promulgated by the Chief Financial Officer, including amounts allowable as interest deductions under § 47-1803.02(a)(2), to the extent that such amounts are directly or indirectly for, related to, or in connection with the use, maintenance, or management of such intangible assets.

"(v) "State" shall include the District of Columbia.

"(vi) "Valid business purpose" means one or more business purposes, other than the avoidance or reduction of taxation, which, alone or in combination, constitute the primary motivation for some business activity or transaction, which activity or transaction changes in a meaningful way, apart from tax effects, the economic position of the taxpayer."

(2) Subsection (b)(7) is repealed.

(g) Section 47-2501 is amended as follows:

(1) Subsection (a-1) is repealed.

(2) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

(3) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of \$0.0077" and inserting the phrase "a tax of \$0.007" in its place.

(B) Sub-subparagraph (ii)(I) is amended to read as follows:

"(ii)(I) Pay to the Mayor a tax of \$0.0007 for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month."

(4) Subsection (e) is amended by striking the word "necessary" and inserting the phrase "necessary or appropriate" in its place.

(h) Section 47-3902(d) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

Note,
§ 47-2501

Note,
§ 47-3902

Sec. 3. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, effective April 12, 2005 (D.C. Law 15-329; 52 DCR 5831), is repealed.

Sec. 4. Section 1182 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended to read as follows:

"Sec. 1182. Section 47-3505 of the District of Columbia Official Code is amended by adding a new subsection (f) to read as follows:

"(f)(1) Subject to the requirements of paragraphs (2) and (3) of this subsection, any nonprofit organization that has been denied exemption from District of Columbia real property taxes pursuant to § 47-1002 and has acquired property to develop more than 10 units of housing for affordable or lower income homeownership households in the District of Columbia and

Note,
§ 47-3505

subdivides the acquired property into more than 10 units shall have 2 years from the date of the subdivision of the property to hold the property as exempt from the recordation, transfer, and real property taxes associated with the acquisition and development of the property for low-income or affordable housing.

“(2) Recordation, transfer, and real property tax assessments associated with the acquisition of a property under paragraph (1) of this subsection shall not be assessed against a nonprofit organization that acquires property and subdivides it for resale into more than 10 units to low-income home owners when the first low-income home owner purchases a home within 2 years of the subdivision of the real property into lots on the records and cadastral maps of the Office of Tax and Revenue.

“(3) Real property owned or acquired by a nonprofit organization shall be exempt from recordation, transfer and real property taxes if the nonprofit organization subdivides the property into more than 10 units of low-income housing and completes the sale of all units of low-income housing on the property within 4 years from the date of acquisition.”.

Sec. 5. Section 3 of the Arena Tax Amendment Act of 1994, effective September 28, 1994 (D.C. Law 10-189; 41 DCR 5857), is amended to read as follows:

Note,
§ 47-1005

“(a) Notwithstanding any other law, that portion of the real property, described as lot 0047 in square 0455, in preparation for occupation and use, under construction for occupation or use, or occupied and used as a multi-purpose arena and related amenities shall be exempt from real property taxation, possessory interest taxation and business improvement district taxation.

“(b) The exemption provided by this section shall apply so long as the Land Disposition Agreement - Ground Lease, by and between The District of Columbia Redevelopment Land Agency, The District of Columbia, and DC Arena, LP, dated as of December 29, 1995 and recorded with the Recorder of Deeds on January 5, 1996 as instrument number 9600001285, remains in effect.”.

Sec. 6. Section 2 of the Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994, effective December 6, 1994 (Res. 10-475; 41 DCR 8157), is amended by striking the phrase “pursuant to the District Owned Surplus Real Property Amendment Act of 1989, effective March 14, 1990 (D.C. Law 8-96; D.C. Code § 9-401)” and inserting the phrase “pursuant to section 1(b)(3) and (6) of An Act authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 9-401(b)(3) and (6))” in its place.

Sec. 7. Section 117(d) of the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-117(d)), is amended by striking the phrase “filed later than October 1” and inserting the phrase “filed no later than

Note,
§ 41-117

October 1" in its place.

Sec. 8. The Finance and Revenue Technical Corrections Temporary Amendment Act of 2005, effective June 17, 2005 (D.C. Law 16-7; 52 DCR 4148), is amended by adding a new section 4a to read as follows:

Note, § 47-2501

“Sec. 4a. Applicability.

“Section 2(d) shall apply for the period beginning May 1, 2003 and ending December 31, 2004.”.

Sec. 9. Applicability.

- (a) Section 2(a) and (g)(1) through (3) shall apply as of January 1, 2005.
- (b) Section 2(d) and (e) shall apply as of April 1, 2004.
- (c) Section 2(h) shall apply as of April 8, 2005.
- (d) Section 5 shall apply as of September 28, 1994.
- (e) Section 6 shall apply as of December 6, 1994.
- (f) Section 7 shall apply as of October 1, 2004.

Sec. 10. Fiscal impact statement.

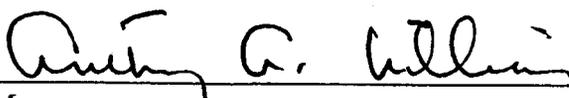
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 11. 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

April 26, 2006
Codification District of Columbia Official Code, 2001 Edition

MAY 5 - 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

To authorize, on an emergency basis, the expenditure through a grant of up to \$1 million of local funds to My Sister's Place, Inc., for its Sanctuary Plus Campaign to raise capital funds to provide shelter assistance for victims of domestic violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "My Sister's Place, Inc., Grant Authority Emergency Act of 2006".

Sec. 2. From funds made available in Fiscal Year 2006 for domestic violence programs, pursuant to section 1016(3) of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), the Mayor is hereby authorized to make a grant of up to \$1 million to My Sister's Place, Inc., for its Sanctuary Plus Campaign to raise capital funds to provide shelter assistance for victims of domestic violence.

Sec. 3. The Mayor may promulgate any rules necessary to implement section 2 of this act.

Sec. 4. The Council adopts the fiscal impact statement provided by the Chief Financial Officer, dated April 4, 2006, 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)).

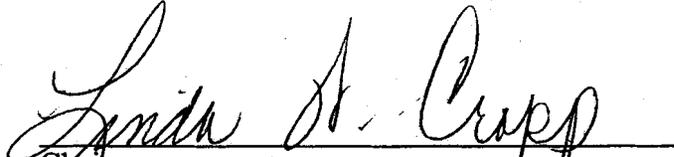
Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

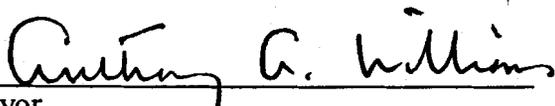
MAY 5 - 2006

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

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
April 26, 2006

AN ACT
D.C. ACT 16-363

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Summer
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

To amend, on an emergency basis, the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to clarify that this law does not prohibit disclosure and release of information and records of the Mental Retardation and Developmental Disabilities Fatality Review Committee and the Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disclosure of Mental Retardation and Developmental Disabilities Fatality Review Committee and Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit Information and Records Emergency Amendment Act of 2006".

Sec. 2. Section 512 of the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1305.12), is amended as follows:

Note,
§ 7-1305.12

(a) Designate the existing text as subsection (a).

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

“(b) Nothing in subsection (a) of this section shall be construed to prevent access to, nor disclosure and release of, information and records held, created by, provided to, or received by the Mental Retardation and Developmental Disabilities Fatality Review Committee, established by Mayor’s Order 2005 - 143, issued September 30, 2005 (53 DCR 161), and the Mental Retardation and Developmental Disabilities Incident Management and Investigations Unit, including all agency records, committee reports, service provider records, and other government documents; provided, that any disclosure and release of the information and records shall not include the disclosure or release of any customer’s identifying information.”

MAY 5 - 2006

DISTRICT OF COLUMBIA REGISTER

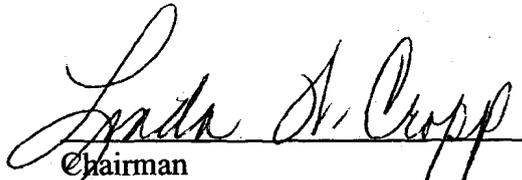
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the April 4, 2006 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.

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

UNSTIGNED

Mayor
District of Columbia
April 26, 2006

MAY 5 - 2006

AN ACT
D.C. ACT 16-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2006 Summer
Supp.

West Group
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To approve, on an emergency basis, an amendment to the Cable Television Franchise Agreement between the District of Columbia government and Comcast Cablevision of the District, LLC, to enable additional contributions to be made to the District's Institutional Network.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comcast Cable Television Franchise Agreement Modification Emergency Act of 2006."

Sec. 2. Pursuant to Title II of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1254.01 *et seq.*), the Council approves the proposed amendment to the Cable Television Franchise Agreement, dated October 21, 2002, between the District of Columbia government and Comcast Cablevision of the District, LLC entitled the "Cable Television Franchise Amendment Agreement".

Note,
§ 34-1254.01

Sec. 3. There shall be no additional staff or resources required in order to execute the provisions of the agreement that is approved by this act.

Sec. 4. Applicability.

The application of this act is subject to execution, by Comcast Cablevision of the District, LLC, the Mayor, and the Chairman of the Council, of the written instrument approved by section 2 and entitled the "Cable Television Franchise Amendment Agreement".

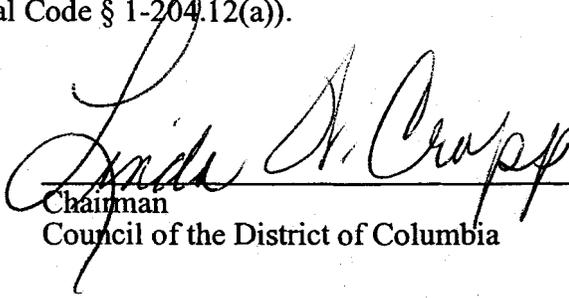
Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated April 3, 2006, 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)).

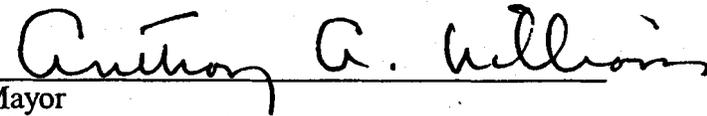
Sec. 6. Effective date.

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

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
April 26, 2006

AN ACT
D.C. ACT 16-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Summer
Supp.

West Group
Publisher

To direct the Mayor, on an emergency basis, to enter into consultation with the Commanding General of the National Guard of the District of Columbia to establish a plan for the National Guard to assist the Special Operations Division of the Metropolitan Police Department with its functions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Operations Coordination Emergency Act of 2006".

Sec. 2. Establishment of a plan to coordinate operations.

The Mayor is hereby directed to consult with the Commanding General of the National Guard of the District of Columbia to establish a plan whereby the National Guard Reaction Force provides supplemental manpower to the Special Operations Division of the Metropolitan Police Department to assist it in the performance of its duties. The plan shall be implemented within 180 days of the effective date of this act.

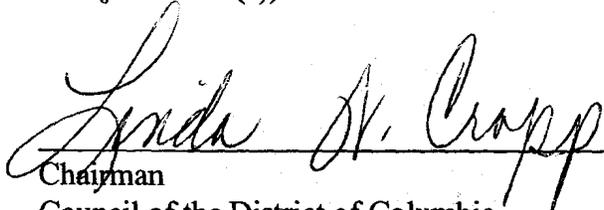
Sec. 3. Fiscal impact statement

The Council adopts the fiscal impact statement of the Budget Director to the Council dated April 4, 2006, 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 § 1-202.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
APPROVED
April 26, 2006

AN ACT

D.C. ACT 16-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

*Codification
District of
Columbia
Official Code*

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To amend the Uniform Interstate Family Support Act of 1995 to clarify jurisdictional rules with respect to efforts to modify existing orders and to identify which order is controlling, to provide clearer guidance as to the redirection of support payments to an obligee's current state of residence, to provide for the recognition of foreign support orders if the District establishes comity with that country or if the United States State Department has determined that reciprocity exists, and to incorporate technical updates concerning the use of electronic communications, the evolution of specific agency practices and forms, and organizational changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Family Support Amendment Act of 2006".

Sec. 2. The Uniform Interstate Family Support Act of 1995, effective February 9, 1996 (D.C. Law 11-81; D.C. Official Code § 46-301.01 *et seq.*), is amended as follows:

(a) Title I is amended as follows:

(1) Section 101 (D.C. Official Code § 46-301.01) is amended as follows:

(A) Paragraph (9) is amended by striking the phrase “, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act”.

(B) New paragraphs (16A) and (16B) are added to read as follows:

“(16A) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

“(16B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.”.

(C) Paragraph (19) is amended by striking the phrase “, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act”.

Amend
§ 46-301.01

(D) Paragraph (22)(B) is amended to read as follows:

“(B) A foreign country or political subdivision that:

“(i) Has been declared to be a foreign reciprocating country or political subdivision under federal law;

“(ii) Has established a reciprocal arrangement for child support with the District, as provided in section 308(b); or

“(iii) Has enacted a law or established procedures for the issuance and enforcement of support orders which are substantially similar to the procedures under this act.”.

(E) Paragraph (23) is amended to read as follows:

“(23) “Support enforcement agency” means a public official or agency authorized to seek:

“(A) Enforcement of support orders or laws relating to the duty of support;

“(B) Establishment or modification of child support;

“(C) Determination of parentage;

“(D) Location of obligors or their assets; or

“(E) Determination of the controlling child-support order.”.

(F) Paragraph (24) is amended to read as follows:

“(24) “Support order” means a judgment, decree, order, or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney’s fees, and other relief.”.

(2) Section 103 (D.C. Official Code § 46-301.03) is amended to read as follows:

Amend
§ 46-301.03

“Sec. 103. Remedies cumulative.

“(a) Remedies provided by this act are cumulative and do not affect the availability of remedies under other law, including the recognition of a support order of a foreign country or political subdivision on the basis of comity.

“(b) This act does not:

“(1) Provide the exclusive method of establishing or enforcing a support order under the law of the District; or

“(2) Grant a tribunal of the District jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this act.”.

(b) Title 2 is amended as follows:

(1) Part A is amended as follows:

(A) Strike the heading “PART A. EXTENDED PERSONAL JURISDICTION.”.

(B) Section 201 (D.C. Official Code § 46-302.01) is amended as follows:

ENROLLED ORIGINAL

(i) Designate the existing text as subsection (a).

Amend
§ 46-302.01

(ii) The newly designated subsection (a) is amended as follows:

(I) The lead-in text is amended by striking the phrase “establish, enforce, or modify” and inserting the phrase “establish or enforce” in its place.

(II) Paragraph (2) is amended by striking the word “consent” and inserting the phrase “consent in a record” in its place.

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

“(b) The bases of personal jurisdiction set forth in subsection (a) of this section or in any other law of the District may not be used to acquire personal jurisdiction for a tribunal of the District to modify a child support order of another state unless the requirements of sections 611 and 615 are met.”

(C) Section 202 (D.C. Official Code § 46-302.02) is amended to read as follows:

Amend
§ 46-302.02

“Sec. 202. Duration of personal jurisdiction.

“Personal jurisdiction acquired by a tribunal of the District in a proceeding under this act or other law of the District relating to a support order continues as long as a tribunal of the District has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by sections 205, 206, and 211.”

(2) Part B is amended as follows:

(A) Strike the heading “PART B. PROCEEDINGS INVOLVING 2 OR MORE STATES.”

(B) Section 204 (D.C. Official Code § 46-302.04) is amended by striking the phrase “in another state” in the section heading.

Amend
§ 46-302.04

(C) Section 205 (D.C. Official Code § 46-302.05) is amended to read as follows:

Amend
§ 46-302.05

“Sec. 205. Continuing, exclusive jurisdiction to modify child-support order.

“(a) A tribunal of the District that has issued a child-support order consistent with the law of the District has and shall exercise continuing, exclusive jurisdiction to modify its child-support order if the order is the controlling order and:

“(1) At the time of the filing of a request for modification, the District is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

“(2) Even if the District is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of the District may continue to exercise jurisdiction to modify its order.

“(b) A tribunal of the District that has issued a child-support order consistent with the law of the District may not exercise continuing, exclusive jurisdiction to modify the order if:

“(1) All of the parties who are individuals file consent in a record with the

tribunal of the District that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

“(2) Its order is not the controlling order.

“(c) If a tribunal of another state has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that act which modifies a child-support order of a tribunal of the District, tribunals of the District shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

“(d) A tribunal of the District that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

“(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.”.

(D) Section 206 (D.C. Official Code § 46-302.06) is amended to read as follows:

Amend
§ 46-302.06

“Sec. 206. Continuing jurisdiction to enforce child-support order.

“(a) A tribunal of the District that has issued a child-support order consistent with the law of the District may serve as an initiating tribunal to request a tribunal of another state to enforce:

“(1) The order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

“(2) A money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.

“(b) A tribunal of the District having continuing jurisdiction over a support order may act as a responding tribunal to enforce the order.”.

(3) Part C is amended as follows:

(A) Strike the heading “PART C. RECONCILIATION WITH ORDERS OF OTHER STATES.”.

(B) Section 207 (D.C. Official Code § 46-302.07) is amended to read as follows:

Amend
§ 46-302.07

“Sec. 207. Determination of controlling child-support order.

“(a) If a proceeding is brought under this act and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

“(b) If a proceeding is brought under this act, and 2 or more child-support orders have been issued by tribunals of the District or another state with regard to the same obligor and same child, a tribunal of the District having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine which order controls:

“(1) If only one of the tribunals would have continuing, exclusive jurisdiction

under this act, the order of that tribunal controls and must be so recognized.

“(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act:

“(A) An order issued by a tribunal in the current home state of the child controls; or

“(B) If an order has not been issued in the current home state of the child, the order most recently issued controls.

“(3) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of the District shall issue a child-support order, which controls.

“(c) If 2 or more child-support orders have been issued for the same obligor and same child, upon request of a party who is an individual or a support enforcement agency, a tribunal of the District having personal jurisdiction over both the obligor and the obligee who is an individual shall determine which order controls under subsection (b) of this section. The request may be filed with a registration for enforcement or registration for modification pursuant to Title 6, or may be filed as a separate proceeding.

“(d) A request to determine which is the controlling order must be accompanied by a copy of every child-support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

“(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) of this section has continuing jurisdiction to the extent provided in section 205 or 206.

“(f) A tribunal of the District that determines by order which is the controlling order under subsection (b)(1) or (2) or (c) of this section, or that issues a new controlling order under subsection (b)(3) of this section, shall state in that order:

“(1) The basis upon which the tribunal made its determination;

“(2) The amount of prospective support, if any; and

“(3) The total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by section 209.

“(g) Within 30 days after issuance of an order determining which is the controlling order, the party obtaining the order shall file a certified copy of it in each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining the order that fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

“(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this section must be recognized in proceedings under this act.”.

(C) Section 208 (D.C. Official Code § 46-302.08) is amended as follows: Amend

(i) The section heading is amended by striking the phrase § 46-302.08

“Multiple child” and inserting the word “Child” in its place.

(ii) The text is amended by striking the word “multiple” both times it appears.

(D) Section 209 (D.C. Official Code § 46-302.09) is amended to read as follows:

Amend § 46-302.09

“Sec. 209. Credit for payments.

“A tribunal of the District shall credit amounts collected for a particular period pursuant to any child-support order against the amounts owed for the same period under any other child-support order for support of the same child issued by a tribunal of the District or another state.”.

(E) New sections 210 and 211 are added to read as follows:

“Sec. 210. Application of act to nonresident subject to personal jurisdiction.

“A tribunal of the District exercising personal jurisdiction over a nonresident in a proceeding under this act, under other law of the District relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to section 316, communicate with a tribunal of another state pursuant to section 317, and obtain discovery through a tribunal of another state pursuant to section 318. In all other respects, Titles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of the District.

“Sec. 211. Continuing, exclusive jurisdiction to modify spousal-support order.

“(a) A tribunal of the District issuing a spousal-support order consistent with the law of the District has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

“(b) A tribunal of the District may not modify a spousal-support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

“(c) A tribunal of the District that has continuing, exclusive jurisdiction over a spousal-support order may serve as:

“(1) An initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in the District; or

“(2) A responding tribunal to enforce or modify its own spousal-support order.”.

(c) Title 3 is amended as follows:

(1) Section 301 (D.C. Official Code § 46-303.01) is amended as follows:

(A) Subsection (b) is repealed.

(B) Subsection (c) is amended by striking the word “commence” and inserting the word “initiate” in its place.

Amend § 46-303.01

(2) Section 302 (D.C. Official Code § 46-303.02) is amended by striking the word “Action” and inserting the word “Proceeding” in its place in the section heading.

Amend § 46-303.02

(3) Section 303(1) (D.C. Official Code § 46-303.03(1)) is amended by striking

Amend § 46-303.03

the phrase “, including the rules on choice of law,”.

(4) Section 304 (D.C. Official Code § 46-303.04) is amended as follows:

Amend
§ 46-303.04

(A) Subsection (a) is amended by striking the phrase “3 copies of”.

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

“(b) If requested by the responding tribunal, a tribunal of the District shall issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign country or political subdivision, upon request, the tribunal shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding state.”.

(5) Section 305 (D.C. Official Code § 46-303.05) is amended as follows:

Amend
§ 46-303.05

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

(i) The lead-in text is amended by striking the phrase “otherwise authorized by law” and inserting the phrase “not prohibited by other law” in its place.

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

“(1) Issue or enforce a support order, modify a child-support order, determine the controlling child-support order, or determine parentage;”.

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

“(f) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of the District shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.”.

(6) Section 306 (D.C. Official Code § 46-303.06) is amended by striking the word “it” and inserting the phrase “the tribunal” in its place.

Amend
§ 46-303.06

(7) Section 307 (D.C. Official Code § 46-303.07) is amended as follows:

Amend
§ 46-303.07

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

(i) The lead-in text is amended by striking the word “agency” and inserting the phrase “agency of the District” in its place, and by striking the phrase “as appropriate”.

(ii) Paragraph (4) is amended by striking the phrase “written notice” and inserting the phrase “notice in a record” in its place.

(iii) Paragraph (5) is amended by striking the phrase “written communication” and inserting the phrase “communication in a record” in its place.

(B) Redesignate subsection (c) as subsection (f).

(C) New subsections (c), (d), and (e) are added to read as follows:

“(c) A support enforcement agency of the District that requests registration of a child-support order in the District for enforcement or for modification shall make reasonable efforts:

“(1) To ensure that the order to be registered is the controlling order; or

“(2) If 2 or more child-support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

“(d) A support enforcement agency of the District that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

“(e) A support enforcement agency of the District shall issue or request a tribunal of the District to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 319.”.

(8) Section 307a (D.C. Official Code § 46-303.07a) is redesignated as section 308 and amended to read as follows:

Recodify
§ 46-303.08

“Sec. 308. Duty of Mayor to order or provide services.

“(a) If the Mayor determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Mayor may order the agency to perform its duties under this act or may provide those services directly to the individual.

“(b) The Mayor may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with the District and take appropriate action for notification of the determination.”.

(9) Section 308 (D.C. Official Code § 46-303.08) is redesignated as section 309.

Recodify
§ 46-303.09

(10) Section 309 (D.C. Official Code § 46-303.09) is amended as follows:

Recodify
§ 46-303.10

(A) Redesignate the section as section 310.

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

(i) Paragraph (2) is amended by striking the phrase “register of” and inserting the phrase “register of names and addresses of” in its place.

(ii) Paragraph (3) is amended by striking the phrase “individual obligee” and inserting the phrase “obligee who is an individual” in its place.

(11) Section 310 (D.C. Official Code § 46-303.10) is amended as follows:

Recodify
§ 46-303.11

(A) Redesignate the section as section 311.

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

“(a) In a proceeding under this act, a petitioner seeking to establish a support order, to determine parentage, or to register and modify a support order of another state must file a petition. Unless otherwise ordered under section 312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal.

The petition may include any other information that may assist in locating or identifying the respondent.”.

(12) Section 311 (D.C. Official Code § 46-303.11) is redesignated as section 312 and amended to read as follows:

Recodify
§ 46-303.12

“Sec. 312. Nondisclosure of information in exceptional circumstances.

“If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or the public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice.”.

(13) Section 312 (D.C. Official Code § 46-303.12) is amended as follows:

Recodify
§ 46-303.13

(A) Redesignate the section as section 313.

(B) Subsection (c) is amended by striking the phrase “(enforcement and modification of support order after registration)”.

(14) Section 313 (D.C. Official Code § 46-303.13) is amended as follows:

Recodify
§ 46-303.14

(A) Redesignate the section as section 314.

(B) Subsection (a) is amended by striking the phrase “a proceeding” and inserting the phrase “a proceeding under this act” in its place.

(15) Section 314 (D.C. Official Code § 46-303.14) is redesignated as section 315.

Recodify
§ 46-303.15

(16) Section 315 (D.C. Official Code § 46-303.15) is amended as follows:

Recodify
§ 46-303.16

(A) Redesignate the section as section 316.

(B) Subsection (a) is amended by striking the phrase “the petitioner in a responding tribunal” and inserting the phrase “a nonresident party who is an individual in a tribunal” in its place.

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

“(b) An affidavit, a document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing in another state.”.

(D) Subsection (e) is amended by striking the word “writing” and inserting the word “record” in its place.

(E) Subsection (f) is amended by striking the word “may” and inserting the word “shall” in its place.

(F) A new subsection (j) is added to read as follows:

“(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child.”.

(17) Section 316 (D.C. Official Code § 46-303.16) is redesignated as section

Recodify
§ 46-303.17

317 and amended to read as follows:

“Sec. 317. Communications between tribunals.

“A tribunal of the District may communicate with a tribunal of another state or foreign country or political subdivision in a record, or by telephone or other means, to obtain information concerning the laws, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state or foreign country or political subdivision. A tribunal of the District may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision.”

318. (18) Section 317 (D.C. Official Code § 46-303.17) is redesignated as section

Recodify § 46-303.18

(19) Section 318 (D.C. Official Code § 46-303.18) is amended as follows:

Recodify § 46-303.19

(A) Redesignate the section as section 319.

(B) Designate the existing text as subsection (a).

(C) New subsections (b) and (c) are added to read as follows:

“(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in the District, upon request from the support enforcement agency of the District or another state, a support enforcement agency of the District or a tribunal of the District shall:

“(1) Direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

“(2) Issue and send to the obligor’s employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

“(c) The support enforcement agency of the District receiving redirected payments from another state pursuant to a law similar to subsection (b) of this section shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.”

(d) Title 4 is amended by amending section 401 (D.C. Official Code § 46-304.01) as follows:

Amend § 46-304.01

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

“(b) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

“(1) A presumed father of the child;

“(2) Petitioning to have his paternity adjudicated;

“(3) Identified as the father of the child through genetic testing;

“(4) An alleged father who has declined to submit to genetic testing;

“(5) Shown by clear and convincing evidence to be the father of the child;

“(6) An acknowledged father as provided by D.C. Official Code §§ 16-909.01 to 16.909.03 and 16-909.05;

“(7) The mother of the child; or

“(8) An individual who has been ordered to pay child support in a previous

proceeding and the order has not been reversed or vacated.”.

(2) Subsection (c) is amended by striking the phrase “(duties and powers of responding tribunal)”.

(e) Title 5 is amended as follows:

(1) Section 501 (D.C. Official Code § 46-305.01) is amended by striking the phrase “sent to the person or entity” and inserting the phrase “sent by or on behalf of the obligee, or by the support enforcement agency, to the person” in its place.

Amend
§ 46-305.01

(2) Section 502(c)(2) (D.C. Official Code § 46-305.02(c)(2)) is amended by striking the phrase “or agency”.

Amend
§ 46-305.02

(3) Section 503 (D.C. Official Code § 46-305.03) is amended to read as follows:
“Sec. 503. Employer’s compliance with 2 or more income-withholding orders.

Amend
§ 46-305.03

“If an obligor’s employer receives 2 or more income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the orders if the employer complies with the law of the state of the obligor’s principal place of employment to establish the priorities for withholding and allocating income withheld for 2 or more child-support obligees.”.

(4) Section 506 (D.C. Official Code § 46-305.06) is amended as follows:

Amend
§ 46-305.06

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

(i) Strike the phrase “employer in the District” and insert the phrase “employer in the District by registering the order in a tribunal of the District and filing a contest to that order as provided in Title 6, or otherwise contesting the order” in its place.

(ii) Strike the sentence “Section 604 applies to the contest.”.

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

(i) Paragraph (2) is amended by striking the word “order” and inserting the phrase “order relating to the obligor” in its place.

(ii) Paragraph (3) is amended by striking the phrase “or agency” both times it appears.

(5) Section 507(a) (D.C. Official Code § 46-305.07(a)) is amended by striking the word “party” and inserting the phrase “party or support enforcement agency” in its place.

Amend
§ 46-305.07

(f) Title 6 is amended as follows:

(1) The heading is amended to read as follows: “TITLE 6. REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER.”.

(2) Section 601 (D.C. Official Code § 46-306.01) is amended by striking the word “an”.

Amend
§ 46-306.01

(3) Section 602 (D.C. Official Code § 46-306.02) is amended as follows:

Amend
§ 46-306.02

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

(i) The lead-in text is amended by striking the word “documents” and inserting the word “records” in its place.

(ii) Paragraph (2) is amended by striking the phrase “all orders” and inserting the phrase “the order” in its place, and by striking the phrase “an order” and

inserting the phrase "the order" in its place.

(iii) Paragraph (3) is amended by striking the phrase "party seeking" and inserting the phrase "person requesting" in its place.

(iv) Paragraph (5) is amended by striking the word "The" and inserting the phrase "Except as otherwise provided in section 312, the" in its place, and by striking the phrase "agency or".

(B) New subsections (d) and (e) are added to read as follows:

"(d) If 2 or more orders are in effect, the person requesting registration shall:

"(1) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

"(2) Specify the order alleged to be the controlling order, if any; and

"(3) Specify the amount of consolidated arrears, if any.

"(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination."

(4) Section 604 (D.C. Official Code § 46-306.04) is amended to read as follows:

Amend
§ 46-306.04

"Sec. 604. Choice of law.

"(a) Except as otherwise provided in subsection (d) of this section, the law of the issuing state governs:

"(1) The nature, extent, amount, and duration of current payments under a registered support order;

"(2) The computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

"(3) The existence and satisfaction of other obligations under the support order.

"(b) In a proceeding for arrears under a registered support order, the statute of limitation of the District or of the issuing state, whichever is longer, applies.

"(c) A responding tribunal of the District shall apply the procedures and remedies of the District to enforce current support and collect arrears and interest due on a support order of another state registered in the District.

"(d) After a tribunal of the District or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of the District shall prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears."

(5) Section 605 (D.C. Official Code § 46-306.05) is amended as follows:

Amend
§ 46-306.05

(A) Subsection (b) is amended by striking the phrase "The notice" and inserting the phrase "A notice" in its place.

(B) Redesignate subsection (c) as subsection (d).

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

“(c) If the registering party asserts that 2 or more orders are in effect, a notice must also:

“(1) Identify the 2 or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrears, if any;

“(2) Notify the nonregistering party of the right to a determination of which is the controlling order;

“(3) State that the procedures provided in subsection (b) of this section apply to the determination of which is the controlling order; and

“(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.”

(6) Section 606(a) (D.C. Official Code § 46-306.06(a)) is amended by striking the phrase “(contest of registration or enforcement)”.

Amend
§ 46-306.06

(7) Section 607(a) (D.C. Official Code § 46-306.07(a)) is amended as follows:

Amend
§ 46-306.07

(A) Paragraph (6) is amended by striking the word “or” at the end.

(B) Paragraph (7) is amended by striking the phrase “(choice of law)”, by striking the word “arrearages” and inserting the phrase “alleged arrearages” in its place, and by striking the period and inserting the phrase “; or” in its place.

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

“(8) The alleged controlling order is not the controlling order.”

(8) Section 610 (D.C. Official Code § 46-306.10) is amended by striking the number “611” and inserting the phrase “611, 613, or 615” in its place, and by striking the phrase “(modification of child support order of another state)”.

Amend
§ 46-306.10

(9) Section 611 (D.C. Official Code § 46-306.11) is amended to read as follows:

Amend
§ 46-306.11

“Sec. 611. Modification of child-support order of another state.

“(a) If section 613 does not apply, except as otherwise provided in section 615, upon petition, a tribunal of the District may modify a child-support order issued in another state which is registered in the District if, after notice and hearing, the tribunal finds that:

“(1) The following requirements are met:

“(A) Neither the child, the obligee who is an individual, nor the obligor resides in the issuing state;

“(B) A petitioner who is a nonresident of the District seeks modification; and

“(C) The respondent is subject to the personal jurisdiction of the tribunal of the District; or

“(2) The District is the state of residence of the child, or a party who is an individual is subject to the personal jurisdiction of the tribunal of the District, and all of the parties who are individuals have filed consents in a record in the issuing tribunal for a tribunal of the District to modify the support order and assume continuing, exclusive jurisdiction.

“(b) Modification of a registered child-support order is subject to the same

requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of the District and the order may be enforced and satisfied in the same manner.

“(c) Except as otherwise provided in section 615, a tribunal of the District may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If 2 or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under section 207 establishes the aspects of the support order which are nonmodifiable.

“(d) In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor’s fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of the District.

“(e) On the issuance of an order by a tribunal of the District modifying a child-support order issued in another state, the tribunal of the District becomes the tribunal having continuing, exclusive jurisdiction.”

(10) Section 612 (D.C. Official Code § 46-306.12) is amended to read as follows:

Amend
§ 46-306.12

“Sec. 612. Recognition of order modified in another state.

“If a child-support order issued by a tribunal of the District is modified by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of the District:

“(1) May enforce its order that was modified only as to arrears and interest accruing before the modification;

“(2) May provide appropriate relief for violations of its order which occurred before the effective date of the modification; and

“(3) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement.”

(11) A new section 615 is added to read as follows:

“Sec. 615. Jurisdiction to modify child-support order of foreign country or political subdivision.

“(a) If a foreign country or political subdivision that is a state will not or may not modify its order pursuant to its laws, a tribunal of the District may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal whether or not the consent to modification of a child-support order otherwise required of the individual pursuant to section 611 has been given or whether the individual seeking modification is a resident of the District or of the foreign country or political subdivision.

“(b) An order issued pursuant to this section is the controlling order.”

(g) Title 7 is amended by amending section 701 (D.C. Official Code § 46-307.01) to read as follows:

“Sec. 701. Proceeding to determine parentage.

Amend
§ 46-307.01

“A court of the District authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage brought under this act or a law or procedure substantially similar to this act.”

(h) Title 8 is amended by amending section 802(b) (D.C. Official Code § 46-308.02(b)) by striking the phrase “the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.”

Amend
§ 46-308.02

(i) Title 9 is amended by amending section 901 (D.C. Official Code § 46-309.01) to read as follows:

Amend
§ 46-309.01

“Sec. 901. Uniformity of application and construction.

“In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.”

Sec. 3. Applicability.

This act shall apply as of April 1, 2007.

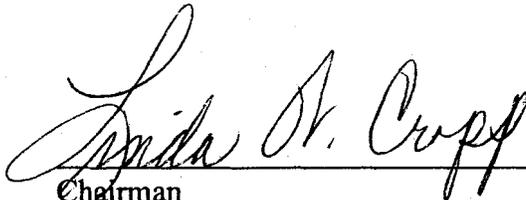
Sec. 4. Fiscal impact statement.

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
April 26, 2006

AN ACT

D.C. ACT 16-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

Codification
District of
Columbia
Official Code

2001 Edition

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To amend section 16-916.01 of the District of Columbia Official Code to revise and update the child support guideline, to clarify, expand, and specify what would be considered income for purposes of calculating child support and how income is determined and verified, to update the formula based on more current measurements of child-rearing costs and other economic factors, to increase the self-support reserve for the parent with a legal duty to pay support, to clarify the factors used in determining when departures from use of the guideline are appropriate and to require that judicial officers state the reasons for departures, to clarify when revisions to the guidelines constitute a change in circumstances warranting modification of a support order, to require judicial officers to inquire about child support in all domestic relations and intrafamily cases, and to limit retroactive child support to 24 months prior to the date of filing of the petition for support and allow credit for voluntary payments; to repeal an unnecessary provision in section 16-916 of the District of Columbia Official Code; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to provide that incarceration for contempt for failure to pay child support shall not constitute a change in circumstances sufficient to warrant a modification of a support order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Child Support Guideline Revision Act of 2006".

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

(a) Section 16-916.01 is amended to read as follows:

"§ 16-916.01. Child Support Guideline.

"(a) In any case that involves the establishment of child support, or in any case that seeks to modify an existing support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the child support guideline ("guideline") established in this section.

"(b) In every action for divorce or custody, and in every proceeding for protection involving an intrafamily offense, instituted pursuant to Chapter 10 of Title 16, where a party has

Amend
§ 16-916.01

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a legal duty to pay support to another party, the judicial officer shall inquire into the parties' child support arrangements. If the party entitled to child support has not requested support, or if the parties have agreed against the entry of a support order, the judicial officer shall advise the parties, regardless of whether they are represented by counsel, of the parties' entitlement to receive and obligation to pay child support under the guideline.

"(c) The guideline shall be based on the following principles:

"(1) The guideline shall set forth an equitable approach to child support in which both parents share legal responsibility for the support of the child.

"(2) The subsistence needs of each parent shall be taken into account in the determination of child support.

"(3) A parent has the responsibility to meet the child's basic needs, as well as to provide additional child support above the basic needs level.

"(4) Application of the guideline shall be gender neutral.

"(5) The guideline shall be applied consistently regardless of whether either parent is a Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, or General Assistance for Children recipient, or a recipient of benefits under any substantially similar means-tested public assistance program.

"(6) The guideline shall be applied presumptively.

"(d)(1) For the purposes of this section, the term "gross income" means income from any source, including:

"(A) Salary or wages, including overtime, tips, or income from self-employment;

"(B) Commissions;

"(C) Severance pay;

"(D) Royalties;

"(E) Bonuses;

"(F) Interest or dividends;

"(G) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;

"(H) Social Security;

"(I) Veteran's benefits;

"(J) Insurance benefits;

"(K) Worker's compensation;

"(L) Unemployment compensation;

"(M) Pension;

"(N) Annuity;

"(O) Income from a trust;

"(P) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;

"(Q) A contract that results in regular income;

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“(R) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;

“(S) Income from life insurance or an endowment contract;

“(T) Regular income from an interest in an estate, directly or through a trust;

“(U) Lottery or gambling winnings that are received in a lump sum or in an annuity;

“(V) Prize or award;

“(W) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or

“(X) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.

“(2) For a parent subject to self-employment tax, $\frac{1}{2}$ of Social Security and Medicare taxes due and payable on current income shall be deducted from the parent's gross income before the child support obligation is computed.

“(3) Alimony paid by either parent to the other parent subject to the support order shall be deducted from the gross income of the parent paying the alimony before the child support obligation is computed. Alimony received from any person, including alimony received from the other parent subject to the support order, shall be added to the gross income of the parent receiving the alimony before the child support obligation is computed. Deductions and additions for alimony shall be made regardless of whether the alimony is court ordered or paid pursuant to an agreement.

“(4) A support order that is being paid by either parent shall be deducted from the parent's gross income before the child support obligation is computed.

“(5) Each parent shall receive a deduction from gross income for each child living in the parent's home for whom the parent owes a legal duty to pay support, if the child is not subject to the support order. The amount of the deduction shall be calculated by determining the basic child support obligation for the additional child in the parent's home pursuant to subsection (f)(2) of this section, using only the income of the parent entitled to the deduction. This figure shall be multiplied by 75%, and the resulting amount subtracted from the parent's gross income before the child support obligation is computed.

“(6) Gross income shall not include benefits received from means-tested public assistance programs, such as Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, General Assistance for Children, Supplemental Security Income, or Food Stamps.

“(7) Gross income shall not include income received by or on behalf of a child in the household of a parent or third-party custodian, including foster care and guardianship payments, if the income is for a child who is not subject to the support order.

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“(8) If a child subject to the support order is in the care of a third party, both parents may be required to pay child support. The income of the third party shall not be considered in the calculation of child support.

“(9) If a child subject to the support order receives Social Security Disability Insurance (“SSDI”) derivative benefits through either parent, the amount of the derivative benefit paid to the child shall be included in the gross income of the parent from whom the benefit derives.

“(10) If the judicial officer finds that a parent is voluntarily unemployed or underemployed as a result of the parent's bad faith or deliberate effort to suppress income, to avoid or minimize the parent's child support obligation, or to maximize the other parent's obligation, the judicial officer may impute income to this parent and calculate the child support obligation based on the imputed income. The judicial officer shall not impute income to a parent who is physically or mentally unable to work or who is receiving means-tested public assistance benefits. The judicial officer shall issue written factual findings stating the reasons for imputing income at the specified amount.

“(11) The judicial officer shall determine the adjusted gross income of each parent based on evidence, including pay stubs, tax returns, employer statements, affidavits, and oral testimony provided under oath.

“(e) The judicial officer shall determine each parent's adjusted gross income by making the additions to and deductions from gross income specified in subsection (d) of this section.

“(f)(1) Except in cases of shared physical custody as described in subsection (q) of this section, the child support obligation shall be calculated according to the following procedure:

“(A) Determine each parent's adjusted gross income according to subsection (e) of this section.

“(B) Using the parents' combined adjusted gross income, locate the basic child support obligation from the Schedule of Basic Child Support Obligations referenced in subsection (w) of this section. If the parents' combined adjusted gross income falls between the amounts shown in the schedule, the basic child support obligation shall be rounded up to the next higher amount.

“(C) Calculate each parent's percentage share of combined adjusted gross income by dividing each parent's adjusted gross income by the combined adjusted gross income.

“(D) Multiply the basic child support obligation from paragraph (2) of this subsection by each parent's percentage share of combined adjusted gross income from paragraph (3) of this subsection to determine each parent's share of the basic child support obligation. When the parents do not have shared physical custody as defined in subsection (q) of this section, the parent with whom the child does not primarily reside shall be the parent with a legal duty to pay support. The parent with a legal duty to pay support shall pay that parent's share of the basic child support obligation to the parent with whom the child primarily resides. Adjustments for health insurance premiums, extraordinary medical expenses, child care expenses, and SSDI derivative benefits shall be made to this amount according to subsections (i)

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through (l) of this section. The parent with whom the child primarily resides shall be presumed to spend that parent's own share of child support directly on the child.

“(2) Worksheet A in Appendix II may be used to calculate the child support obligation under this subsection.

“(g)(1) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. As of the effective date of the Child Support Guideline Revision Act of 2006, the self-support reserve shall be \$12,382. The self-support reserve shall be updated every 2 years and any revision shall be published in the District of Columbia Register.

“(2) A parent with a legal duty to pay support, but with adjusted gross income below the self-support reserve, shall be considered unable to contribute the amount determined under subsection (f) of this section. The judicial officer shall treat a parent at this level of income on an individual basis, and shall order the parent to pay only the amount that the judicial officer determines the parent is able to pay, while meeting personal subsistence needs.

“(3) Where the judicial officer finds that a parent with adjusted gross income below the self-support reserve has the ability to pay child support under paragraph (2) of this subsection, there shall be a presumption that the parent can pay a minimum amount of \$50 per month, while meeting personal subsistence needs. The presumption may be rebutted downward to \$0 or upward above \$50 per month by evidence of resources or circumstances affecting the parent's ability to pay, including age, employability, disability, homelessness, incarceration, inpatient substance abuse treatment, other inpatient treatment, or other appropriate circumstances. The judicial officer shall issue written factual findings stating the reasons for the entry of a minimum order below or above \$50 per month.

“(h) The guideline shall not apply presumptively in cases where the parents' combined adjusted gross income exceeds \$240,000 per year. In these cases, the child support obligation shall not be less than the amount that the parent with a legal duty to pay support would have been ordered to pay if the guideline had been applied to combined adjusted gross income of \$240,000. The judicial officer may exercise discretion to order more child support, after determining the reasonable needs of the child based on actual family experience. The judicial officer shall issue written factual findings stating the reasons for an award of additional child support.

“(i)(1) All orders shall contain terms providing for the payment of medical expenses for the child in accordance with section 16-916.

“(2) Amounts paid by either parent for health insurance premiums for a child subject to the support order shall be divided between the parents in proportion to their respective adjusted gross incomes and added to the parents' respective shares of the basic child support obligation.

“(3) A parent shall present proof of the increase in a health insurance premium incurred as a result of the addition of the child to the health insurance policy. The proof

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provided shall identify clearly that the source of the increase of the health insurance premium is the child subject to the support order. The cost to add the child shall be reasonable.

“(4) If a parent has family health insurance coverage in the parent's health insurance plan for a second family, the addition of the child who is subject to the support order need not result in an additional cost of health insurance coverage to the parent. The parent shall provide proof that the child has been added to the health insurance coverage. An adjustment shall not be made if there is no additional cost of health insurance coverage to the parent.

“(5) Health insurance coverage shall be considered reasonable in cost if it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism.

“(j)(1) Extraordinary medical expenses are uninsured or unreimbursed medical expenses in excess of \$250 per year, per child subject to the support order. These expenses include co-payments and deductibles, and costs that are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, or the diagnosis or treatment of a health condition.

“(2) Extraordinary medical expenses shall be divided between the parents in proportion to their respective adjusted gross incomes.

“(3) If extraordinary medical expenses are recurring and the judicial officer can reasonably determine future expenses when the support order is established or modified, the judicial officer shall add each parent's proportionate share of the expenses to the parent's share of the basic child support obligation. The parents shall pay other extraordinary medical expenses in proportion to their adjusted gross incomes when these expenses are incurred. If either parent advances payment for these expenses to a provider of services, the other parent shall reimburse that parent for the other parent's proportionate share of the expense within 30 days of receiving written proof of the expense and payment.

“(k) Reasonable child care expenses incurred for a child subject to the support order due to the employment or education of either parent shall be divided between the parents in proportion to their adjusted gross incomes and added to their respective shares of the basic child support obligation. Child care expenses shall be determined by actual family experience, unless the judicial officer determines that the actual family experience is not in the best interest of the child. If there is no actual family experience, or if the actual family experience is not in the best interest of the child, the judicial officer shall determine a reasonable child care expense based on the cost of child care from a licensed source. If the primary residential parent chooses child care with an actual cost that is less than the level required to provide child care from a licensed source, the judicial officer shall use the actual child care expense to calculate the child support obligation.

“(l) If a child subject to the support order receives SSDI derivative benefits from the parent with a legal duty to pay support, the following adjustment to the child support obligation shall be made:

“(1) After the child support obligation is calculated pursuant to subsections (f) through (k) of this section, the amount of the SSDI derivative benefit paid to the child shall be

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subtracted from the child support obligation. If the SSDI derivative benefit is less than the child support obligation, the order shall be set at the difference between the child support obligation and the SSDI derivative benefit. If the SSDI derivative benefit is greater than the child support obligation, the order shall be set at zero.

“(2) If the judicial officer finds that SSDI derivative benefits were paid to a child subject to the support order prior to the filing of the petition to establish or motion to modify child support, these benefits shall be credited toward any retroactive child support or accumulated arrears owed pursuant to the support order.

“(m) As the last calculation in the determination of child support, the judicial officer shall calculate a low-income adjustment to ensure that the parent with a legal duty to pay support is able to satisfy personal subsistence needs after the payment of child support. The judicial officer shall apply this low-income adjustment after additions to and deductions from the parent’s share of the basic child support obligation have been made pursuant to subsections (i) through (l) of this section. The low-income adjustment shall be calculated as follows:

“(1) Calculate a child support obligation for the parent with a legal duty to pay support according to subsections (f) and (i) through (l) of this section.

“(2) Determine the parent’s maximum ability to pay child support by subtracting the self-support reserve from the parent’s adjusted gross income. If the remainder is negative or less than \$600 per year, apply subsection (g) of this section to determine the parent’s child support obligation.

“(3) If the parent’s maximum ability to pay child support calculated under paragraph (2) of this subsection is greater than or equal to \$600 per year, compare the parent’s maximum ability to pay child support to the child support obligation calculated in paragraph (1) of this subsection. The parent’s child support obligation shall be the lesser of these 2 amounts.

“(n) The child support obligation, including additions for health insurance premiums, extraordinary medical expenses, and child care expenses, shall not exceed 35% of the adjusted gross income of the parent with a legal duty to pay support.

“(o)(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is different from the amount of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed-upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorneys informed the clients of the guideline. If the clients have not been informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

“(2) The propriety of a departure from the guideline based on the consent of the parties shall be justified in writing with a statement of the factors that form the basis for the judicial officer’s finding that the departure is fair and just. A transcript filed in the jacket shall

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suffice as a writing.

“(p) Application of the guideline shall be presumptive. The guideline shall be applied unless its application would be unjust or inappropriate in the circumstances of the particular case. The propriety of any departure from the guideline under this subsection shall be justified in writing with a statement of the factors that form the basis for the judicial officer’s finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing. The factors that may be considered to overcome the presumption are:

“(1) The needs of the child are exceptional and require more than average expenditures;

“(2) The gross income of the parent with a legal duty to pay support is substantially less than that of the parent to whom support is owed;

“(3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the guideline amount;

“(4) Either parent supports a dependent other than a child subject to the support order, including a biological or adoptive child, a step-child, or an elderly relative, and application of the guideline would result in extraordinary hardship;

“(5) The parent with a legal duty to pay support needs a temporary period of reduced child support payments to permit the repayment of a debt or rearrangement of the parent’s financial obligations; a temporary reduction may be included in a support order if:

“(A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the parent’s family responsibilities;

“(B) The time of the reduction does not exceed 12 months; and

“(C) The support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;

“(6) The parent to whom support is owed receives child support for a child living in this parent’s home, other than the child subject to the support order, and the resulting gross income of the household to which support is owed causes the standard of living of that household to be greater than that of the household of the parent with a legal duty to pay support. For the purposes of this paragraph, the standard of living of a household shall be measured by dividing the gross income available to the household from all sources by the federal poverty guideline, as reported by the United States Department of Health and Human Services, for the number of adults contributing to the household, plus the number of children;

“(7) A child subject to the support order has regular and substantial income that can be used for the care of the child without impairment of the child’s current or future education;

“(8) The parent with a legal duty to pay support has special needs that increase the costs of the parent’s subsistence;

“(9) The parent with a legal duty to pay support pays for certain expensive necessities for the child, such as tuition;

“(10) The parent with a legal duty to pay support is 18 years old or younger and a full-time student;

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“(11) The child is a respondent in a neglect proceeding and has been placed outside the home with a goal of reunification with the parent; or

“(12) Any other exceptional circumstance that would yield a patently unfair result.

“(q)(1) Where a child spends 35% or more of the time during the year with each parent, there shall be a presumption that the parents have shared physical custody of the child. The child support obligation shall be calculated according to the following procedure:

“(A) Determine the adjusted basic child support obligation by calculating the basic child support obligation pursuant to subsection (f)(2) of this section and multiplying it by 1.5.

“(B) Determine each parent’s proportionate share of the adjusted basic child support obligation based on each parent’s share of combined adjusted gross income.

“(C) Determine the amount of child support to be retained by each parent by multiplying each parent’s share of the adjusted basic child support obligation by the percentage of time the child spends with the relevant parent.

“(D) Subtract the amount of child support to be retained by each parent from the relevant parent’s share of the adjusted basic child support obligation to determine the amount of each parent’s child support obligation.

“(E) The parent owing the greater amount under subparagraph (D) of this paragraph shall be the parent with a legal duty to pay support, and shall pay the difference between the 2 amounts to the other parent.

“(F) Additions to and deductions from the parents’ respective shares of the adjusted basic child support obligation determined under subparagraph (D) of this paragraph, shall be made as specified in subsections (i) through (l) of this section.

“(G) A child support obligation calculated based on shared physical custody shall not exceed the amount that the parent with a legal duty to pay support would pay if this parent’s child support obligation were calculated based on the other parent’s sole custody pursuant to subsection (f) of this section.

“(2) Where the presumption of shared physical custody does not apply because the child does not spend 35% or more of the time during the year with each parent, the judicial officer shall presumptively calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

“(3) If the presumption of shared physical custody applies pursuant to paragraph (1) of this subsection, either parent may rebut this presumption by proving that the method of calculating the child support obligation based on shared physical custody would be unjust or inappropriate because of the parents’ particular arrangements for the custody of the child. If a parent rebuts this presumption, the judicial officer shall calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

“(4) If the presumption of shared physical custody does not apply pursuant to paragraph (1) of this subsection, either parent may rebut the presumption that the support obligation should be calculated based on sole physical custody pursuant to subsection (f) of this

section by proving that use of that method would be unjust or inappropriate based on the parents' particular arrangements for the custody of the child and that a calculation based on shared physical custody would yield a fair and just result. If a parent rebuts the presumption that the child support obligation should be calculated based on sole physical custody under this paragraph, the judicial officer shall calculate the child support obligation based on shared physical custody pursuant to paragraph (1) of this subsection.

“(5) Where a parent has challenged the applicability of either method for calculating the child support obligation under this subsection, the judicial officer shall issue written factual findings stating the reason for using either the shared custody or sole custody method of calculation.

“(6) Worksheet (B) in Appendix III may be used to calculate the child support obligation under this subsection.

“(r) A support order issued under this section or section 46-204, shall be subject to modification by application of the guideline subject to the following conditions or limitations:

“(1) The parents in a child support proceeding shall exchange relevant information on finances or dependents every 3 years and shall be encouraged to update a support order voluntarily using the updated information and the guideline. Relevant information is any information that is used to compute child support pursuant to the guideline.

“(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. In cases where the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline.

“(3) If a support order does not provide for the payment of medical expenses for each child subject to the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.

“(4)(A) There shall be a presumption that there has been a substantial and material change of circumstances that warrants a modification of a support order if application of the guideline to the current circumstances of the parents results in an amount of child support that varies from the amount of the existing support order by 15% or more. The presumption is rebutted by:

“(i) Proof of special circumstances, such as a circumstance that would justify a departure from the guideline; or

“(ii) Proof of substantial reliance on the original support order issued prior to the adoption of or revision to the guideline, and that application of the guideline would yield a patently unjust result.

“(B) If a change to the guideline results in a support order that differs from the current support order by 15% or more, the presumption stated in subparagraph (A) of this paragraph shall apply, and the current order may be modified without any additional

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showing of a change in circumstances.

“(C) Nothing in this paragraph shall be construed to limit the ability of a parent to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the parent with a legal duty to pay support to pay, regardless of whether this change results in a support order that differs by 15% or more from the current order.

“(5) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02), the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent’s incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a request, the court shall modify the support order in accordance with the guideline. The court may modify the support order from the date on which the IV-D agency received notice under this paragraph of the parent’s incarceration.

“(6) The basic child support obligation, as adjusted by additions and deletions made pursuant to subsections (i) through (l) of this section, shall be used to compute the amount of child support the guideline would yield for modification and to apply the test for the presumption.

“(7) If a support order is issued after September 27, 1987, and the amount of the support order differs from the guideline, by order of the court or by a merged agreement of the parties, the presumption shall not apply within one year of the issuance of the support order.

“(8) If a motion to modify a support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the judicial officer may enter an order modifying the support order in accordance with the guideline unless a party requests a hearing within 30 days of service of the motion for modification. No support order shall be modified without a hearing if a hearing is timely requested.

“(9) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the court, to modify the child support amount by agreement of the parties at any time. This agreement shall be reviewed by a judicial officer for issuance of a revised support order in the same manner as an original agreement of the parties is reviewed.

“(10) The judicial officer shall justify any departure from the guideline in writing with a statement of the factors that form the basis for the finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing.

“(11) Notwithstanding paragraph (4)(B) of this subsection, if a new child is born to the parents, the guideline shall be applied to the entire family and one order shall be issued

for all the children in the family. If possible, the 2 cases shall be consolidated if child support for the last child is petitioned as a separate case.

“(12) Nothing in this subsection shall preclude a party from moving to modify a support order at any other time.

“(s) A support order shall not be deemed invalid on the sole basis that the support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127; 37 DCR 3).

“(t) Upon the occurrence of a substantial and material change in circumstances sufficient to warrant the modification of a child support obligation pursuant to the guideline, the judicial officer may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

“(u) If an order or agreement providing for child support does not set forth a date on which the child support commences, the child support shall be deemed to commence on the date the order was entered or the date the agreement was executed.

“(v)(1) When a case is brought to establish child support, the judicial officer may award retroactive child support for a period not to exceed the 24 months preceding the filing of the petition or request for child support, unless the parent to whom support is owed proves that the parent with a legal duty to pay support has acted in bad faith or there are other extraordinary circumstances warranting an award of retroactive child support beyond the 24-month period. Upon this showing, the judicial officer may award retroactive child support for a period that exceeds the 24 months prior to the filing of the petition or request for child support. The judicial officer shall issue written factual findings stating the reason for awarding retroactive child support beyond the 24 month period.

“(2) Retroactive child support shall be determined by calculating the guideline using the parents' incomes during the retroactive period and by considering the current ability to pay of the parent with a legal duty to pay support according to subsections (g) and (m) of this section.

“(3) If the parent with a legal duty to pay support made voluntary payments or contributions to the child's expenses during the retroactive period, and proves these payments or contributions, the judicial officer shall credit the payments or contributions against an award of retroactive child support.

“(w) The Schedule of Basic Child Support Obligations contained in Appendix I shall be used to determine child support under the guideline.

“(x) The worksheets contained in Appendices II and III may be used to calculate child support obligations under the guideline. Refer to Worksheet B in Appendix III to calculate child support in cases involving shared physical custody pursuant to subsection (q) of this section. Refer to Worksheet A in Appendix II to calculate child support in all other cases.

“(y) The Mayor shall recommend to the Council every 4 years whether the dollar values in subsections (g)(3), (h), (j)(1), (m)(2), and (m)(3) of this section should be adjusted for inflation.”

(b) Section 16-916(f) is repealed.

Amend
§ 16-916

Sec. 3. Section 5(a) 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 § 46-204(a)), is amended as follows:

Amend
§ 46-204

(a) Subsection (a) is amended by striking the phrase “§ 16-916.01(o)(2) or (o)(2A)” and inserting the phrase “D.C. Official Code § 16-916.01(r)(3) or (r)(4)” in its place:

(b) Subsection (d) is amended by adding a new paragraph (3) to read as follows:

“(3) Incarceration for contempt for failure to pay child support pursuant to section 26b shall not constitute a change in circumstances sufficient to warrant a modification of support under subsection (a) of this section.”

Sec. 4. Applicability.

This act shall apply as of April 1, 2007.

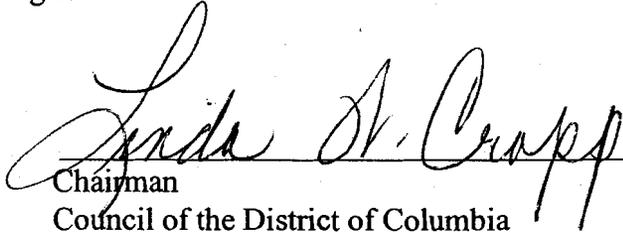
Sec. 5. Fiscal impact statement.

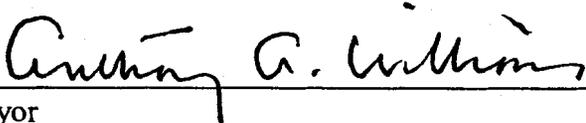
The Council adopts the February 27, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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), 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
April 26, 2006

APPENDIX I

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
12,382	3261	4634	5410	6063
12,600	3310	4702	5488	6151
13,200	3444	4890	5705	6393
13,800	3577	5076	5919	6632
14,400	3695	5244	6113	6847
15,000	3810	5411	6306	7063
15,600	3926	5578	6500	7279
16,200	4042	5740	6693	7494
16,800	4157	5902	6886	7710
17,400	4270	6064	7074	7926
18,000	4371	6226	7261	8141
18,600	4471	6389	7448	8352
19,200	4571	6550	7629	8547
19,800	4669	6692	7791	8728
20,400	4760	6835	7952	8908
21,000	4851	6958	8114	9088
21,600	4941	7081	8276	9269
22,200	5032	7205	8438	9449
22,800	5123	7328	8599	9629
23,400	5214	7451	8761	9809
24,000	5305	7575	8905	9990
24,600	5395	7698	9045	10170
25,200	5486	7821	9185	10350
25,800	5577	7945	9326	10530
26,400	5668	8068	9463	10697
27,000	5759	8190	9593	10850
27,600	5849	8306	9724	10995
28,200	5936	8423	9854	11140

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COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR OR MORE CHILDREN
28,800	6023	8539	9984	11285
29,400	6110	8655	10114	11430
30,000	6205	8782	10256	11588
30,600	6305	8915	10405	11754
31,200	6405	9048	10554	11921
31,800	6503	9181	10703	12087
32,400	6596	9315	10852	12253
33,000	6689	9448	11001	12419
33,600	6782	9581	11151	12605
34,200	6875	9716	11318	12791
34,800	6966	9861	11485	12977
35,400	7061	9998	11652	13163
36,000	7158	10132	11819	13349
36,600	7255	10266	11986	13535
37,200	7352	10399	12151	13721
37,800	7449	10533	12313	13908
38,400	7546	10666	12465	14092
39,000	7643	10800	12617	14274
39,600	7740	10933	12769	14456
40,200	7837	11067	12921	14623
40,800	7934	11201	13070	14769
41,400	8031	11334	13192	14906
42,000	8128	11453	13314	15041
42,600	8222	11564	13435	15177
43,200	8304	11674	13557	15313
43,800	8387	11785	13679	15448
44,400	8469	11895	13800	15584
45,000	8551	12006	13922	15720
45,600	8633	12116	14043	15855
46,200	8715	12227	14165	15991
46,800	8797	12337	14287	16126
47,400	8879	12448	14408	16262

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COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR OR MORE CHILDREN
48,000	8961	12558	14530	16376
48,600	9043	12668	14642	16487
49,200	9125	12779	14742	16598
49,800	9207	12879	14841	16709
50,400	9290	12979	14941	16820
51,000	9372	13079	15041	16932
51,600	9455	13180	15140	17043
52,200	9538	13280	15240	17154
52,800	9621	13380	15340	17265
53,400	9703	13480	15439	17376
54,000	9786	13580	15539	17487
54,600	9869	13680	15639	17598
55,200	9952	13780	15738	17716
55,800	10034	13881	15838	17849
56,400	10117	13981	15954	17983
57,000	10200	14085	16074	18117
57,600	10283	14195	16194	18250
58,200	10369	14306	16314	18384
58,800	10455	14417	16434	18518
59,400	10542	14528	16554	18651
60,000	10628	14638	16674	18785
60,600	10715	14749	16793	18919
61,200	10801	14860	16913	19052
61,800	10888	14971	17033	19186
62,400	10974	15081	17153	19320
63,000	11061	15192	17273	19451
63,600	11147	15303	17392	19582
64,200	11234	15414	17509	19712
64,800	11320	15522	17626	19843
65,400	11406	15628	17743	19973
66,000	11490	15735	17860	20103
66,600	11575	15842	17977	20234

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COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
67,200	11659	15949	18094	20364
67,800	11743	16056	18211	20495
68,400	11827	16163	18328	20625
69,000	11911	16270	18445	20755
69,600	11995	16377	18562	20886
70,200	12080	16483	18679	21016
70,800	12164	16590	18796	21147
71,400	12248	16697	18913	21277
72,000	12332	16804	19030	21408
72,600	12416	16911	19147	21538
73,200	12500	17018	19264	21668
73,800	12585	17125	19381	21799
74,400	12662	17232	19498	21936
75,000	12733	17338	19617	22076
75,600	12805	17445	19743	22216
76,200	12877	17560	19868	22356
76,800	12949	17676	19994	22496
77,400	13024	17785	20119	22636
78,000	13101	17885	20245	22776
78,600	13178	17984	20370	22916
79,200	13254	18083	20496	23056
79,800	13331	18182	20622	23196
80,400	13408	18282	20743	23336
81,000	13485	18381	20850	23476
81,600	13562	18480	20957	23616
82,200	13639	18579	21064	23756
82,800	13715	18678	21171	23896
83,400	13792	18778	21278	24035
84,000	13869	18877	21385	24154
84,600	13946	18976	21492	24273
85,200	14023	19075	21599	24393
85,800	14100	19174	21707	24512

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
86,400	14177	19274	21814	24632
87,000	14253	19373	21921	24751
87,600	14338	19483	22039	24883
88,200	14424	19593	22158	25015
88,800	14509	19702	22276	25148
89,400	14594	19812	22395	25280
90,000	14679	19922	22514	25410
90,600	14764	20032	22632	25537
91,200	14849	20142	22751	25665
91,800	14934	20251	22865	25792
92,400	15019	20361	22979	25919
93,000	15104	20467	23093	26046
93,600	15189	20571	23207	26173
94,200	15272	20674	23320	26300
94,800	15349	20778	23434	26427
95,400	15427	20881	23548	26554
96,000	15504	20985	23662	26681
96,600	15582	21089	23776	26808
97,200	15659	21192	23890	26935
97,800	15736	21296	24004	27062
98,400	15814	21399	24118	27189
99,000	15891	21503	24232	27316
99,600	15969	21606	24346	27443
100,200	16046	21710	24460	27570
100,800	16123	21814	24574	27697
101,400	16201	21917	24688	27824
102,000	16278	22021	24802	27951
102,600	16356	22124	24916	28078
103,200	16433	22228	25030	28205
103,800	16510	22331	25143	28332
104,400	16588	22435	25257	28459
105,000	16665	22539	25371	28586

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
105,600	16743	22642	25485	28713
106,200	16820	22746	25599	28840
106,800	16897	22849	25713	28966
107,400	16975	22953	25827	29093
108,000	17052	23056	25940	29219
108,600	17130	23160	26053	29345
109,200	17207	23266	26167	29471
109,800	17284	23372	26280	29598
110,400	17364	23478	26393	29724
111,000	17447	23584	26506	29850
111,600	17529	23690	26620	29976
112,200	17611	23796	26733	30103
112,800	17694	23902	26846	30229
113,400	17776	24008	26959	30355
114,000	17858	24114	27073	30481
114,600	17940	24220	27186	30608
115,200	18023	24326	27299	30734
115,800	18105	24432	27412	30860
116,400	18187	24538	27525	30986
117,000	18270	24644	27639	31113
117,600	18352	24750	27752	31239
118,200	18434	24856	27865	31365
118,800	18517	24962	27978	31491
119,400	18599	25068	28092	31618
120,000	18681	25174	28205	31744
120,600	18763	25280	28318	31870
121,200	18846	25386	28431	31997
121,800	18928	25492	28545	32123
122,400	19010	25598	28658	32249
123,000	19093	25704	28771	32375
123,600	19175	25810	28884	32502
124,200	19257	25916	28998	32628

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COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
124,800	19339	26022	29111	32754
125,400	19422	26128	29224	32880
126,000	19504	26234	29337	33007
126,600	19586	26340	29450	33133
127,200	19669	26447	29564	33259
127,800	19748	26553	29677	33385
128,400	19827	26659	29790	33512
129,000	19905	26765	29903	33638
129,600	19983	26871	30017	33764
130,200	20062	26977	30130	33892
130,800	20140	27080	30243	34022
131,400	20219	27181	30357	34152
132,000	20297	27282	30473	34281
132,600	20376	27383	30590	34411
133,200	20454	27484	30706	34541
133,800	20533	27585	30820	34671
134,400	20611	27686	30931	34801
135,000	20688	27787	31042	34931
135,600	20765	27888	31153	35060
136,200	20842	27989	31264	35190
136,800	20918	28090	31375	35319
137,400	20995	28191	31486	35442
138,000	21072	28292	31597	35566
138,600	21149	28392	31708	35690
139,200	21225	28493	31819	35814
139,800	21302	28594	31930	35937
140,400	21379	28695	32041	36061
141,000	21456	28796	32152	36185
141,600	21532	28897	32263	36309
142,200	21609	28998	32374	36432
142,800	21686	29099	32485	36556
143,400	21763	29200	32596	36680

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
144,000	21839	29301	32707	36804
144,600	21916	29402	32818	36928
145,200	21993	29503	32929	37051
145,800	22070	29604	33040	37175
146,400	22147	29705	33151	37299
147,000	22223	29805	33262	37423
147,600	22300	29906	33373	37546
148,200	22377	30007	33484	37670
148,800	22454	30108	33595	37794
149,400	22530	30209	33706	37918
150,000	22607	30310	33817	38041
150,600	22684	30411	33928	38165
151,200	22761	30512	34039	38289
151,800	22837	30613	34150	38413
152,400	22914	30714	34261	38536
153,000	22991	30815	34372	38660
153,600	23068	30916	34483	38784
154,200	23144	31017	34594	38908
154,800	23221	31118	34705	39031
155,400	23298	31219	34816	39155
156,000	23375	31319	34927	39279
156,600	23452	31420	35038	39403
157,200	23528	31521	35149	39527
157,800	23605	31622	35260	39650
158,400	23682	31723	35371	39774
159,000	23759	31824	35482	39898
159,600	23835	31925	35593	40022
160,200	23912	32026	35704	40145
160,800	23989	32127	35815	40269
161,400	24066	32228	35926	40393
162,000	24142	32329	36037	40517
162,600	24219	32430	36148	40640

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
163,200	24296	32531	36259	40764
163,800	24373	32632	36370	40888
164,400	24449	32732	36481	41012
165,000	24526	32833	36592	41135
165,600	24603	32934	36703	41259
166,200	24680	33035	36814	41383
166,800	24757	33136	36925	41507
167,400	24833	33237	37036	41630
168,000	24910	33338	37147	41735
168,600	24987	33439	37258	41836
169,200	25064	33540	37366	41937
169,800	25140	33641	37457	42039
170,400	25217	33742	37548	42140
171,000	25294	33837	37639	42242
171,600	25371	33924	37730	42343
172,200	25447	34012	37821	42445
172,800	25520	34100	37912	42546
173,400	25591	34187	38003	42648
174,000	25662	34275	38094	42749
174,600	25733	34363	38184	42850
175,200	25804	34451	38275	42952
175,800	25876	34538	38366	43053
176,400	25947	34626	38457	43155
177,000	26018	34714	38548	43256
177,600	26089	34802	38639	43358
178,200	26160	34889	38730	43459
178,800	26231	34977	38821	43561
179,400	26302	35065	38912	43662
180,000	26374	35152	39003	43764
180,600	26445	35240	39094	43865
181,200	26516	35328	39185	43966
181,800	26587	35416	39276	44068
182,400	26658	35503	39367	44169
183,000	26729	35591	39458	44271
183,600	26801	35679	39549	44372
184,200	26872	35767	39640	44474

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR OR MORE CHILDREN
184,800	26943	35854	39731	44575
185,400	27014	35942	39822	44677
186,000	27085	36030	39913	44778
186,600	27156	36117	40004	44879
187,200	27227	36205	40095	44981
187,800	27299	36293	40186	45082
188,400	27370	36381	40277	45184
189,000	27441	36468	40368	45285
189,600	27512	36556	40459	45387
190,200	27583	36644	40550	45488
190,800	27654	36732	40641	45590
191,400	27725	36819	40732	45691
192,000	27797	36907	40823	45793
192,600	27868	36995	40914	45894
193,200	27939	37082	41005	45995
193,800	28010	37170	41096	46097
194,400	28081	37258	41187	46198
195,000	28151	37346	41278	46300
195,600	28216	37433	41369	46401
196,200	28282	37521	41460	46503
196,800	28347	37609	41551	46604
197,400	28412	37697	41642	46706
198,000	28478	37784	41733	46807
198,600	28543	37864	41824	46908
199,200	28608	37945	41915	47010
199,800	28674	38025	42006	47111
200,400	28739	38106	42097	47213
201,000	28804	38187	42188	47314
201,600	28870	38267	42272	47416
202,200	28935	38348	42356	47517
202,800	29000	38428	42439	47619
203,400	29066	38509	42523	47720
204,000	29131	38589	42606	47821
204,600	29196	38670	42690	47917
205,200	29262	38750	42773	48010
205,800	29327	38831	42857	48103
206,400	29392	38912	42941	48196
207,000	29458	38992	43024	48289
207,600	29523	39073	43108	48383

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
208,200	29588	39153	43191	48476
208,800	29654	39234	43275	48569
209,400	29719	39314	43358	48662
210,000	29784	39395	43442	48755
210,600	29850	39476	43525	48848
211,200	29915	39556	43609	48942
211,800	29980	39637	43693	49035
212,400	30046	39717	43776	49128
213,000	30111	39798	43860	49221
213,600	30176	39878	43943	49314
214,200	30242	39959	44027	49407
214,800	30307	40039	44110	49501
215,400	30372	40120	44194	49594
216,000	30438	40201	44277	49687
216,600	30503	40281	44361	49780
217,200	30568	40362	44445	49873
217,800	30634	40442	44528	49966
218,400	30699	40523	44612	50060
219,000	30764	40603	44695	50153
219,600	30830	40684	44779	50246
220,200	30895	40765	44862	50339
220,800	30960	40845	44946	50432
221,400	31026	40926	45029	50525
222,000	31091	41006	45113	50619
222,600	31156	41087	45197	50712
223,200	31222	41167	45280	50805
223,800	31287	41248	45364	50898
224,400	31352	41329	45447	50991
225,000	31418	41409	45531	51084
225,600	31483	41490	45614	51178
226,200	31548	41570	45698	51271
226,800	31614	41651	45782	51364
227,400	31679	41731	45865	51457
228,000	31744	41812	45949	51550
228,600	31810	41892	46032	51643
229,200	31875	41973	46116	51737
229,800	31941	42054	46199	51830
230,400	32006	42134	46283	51923

ENROLLED ORIGINAL

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
231,000	32071	42215	46366	52016
231,600	32137	42295	46450	52109
232,200	32202	42376	46534	52202
232,800	32267	42456	46617	52296
233,400	32333	42537	46701	52389
234,000	32398	42618	46784	52482
234,600	32463	42698	46868	52575
235,200	32529	42779	46951	52668
235,800	32594	42859	47035	52761
236,400	32659	42940	47118	52855
237,000	32725	43020	47202	52948
237,600	32790	43101	47286	53041
238,200	32855	43181	47369	53137
238,800	32921	43262	47453	53235
239,400	32986	43343	47536	53332
240,000	33051	43423	47621	53429

APPENDIX II

Worksheet A: Sole Physical Custody

Name of Petitioner: _____
Name of Respondent: _____
Jacket Number _____ IV-D Number _____

Children	Dates of Birth	Children	Dates of Birth

PART I. BASIC OBLIGATION	Petitioner	Respondent	Combined
1. GROSS INCOME	\$	\$	
a. Plus or minus alimony [§ 16-916.01 (d)(3)]			
b. Minus prior child support orders [§ 16-916.01 (d)(4)]			
c. Adjustment for additional children living in the home [§ 16-916.01 (d)(5)]			
2. ADJUSTED GROSS INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF ADJUSTED GROSS INCOME (Each parent's Line 2 divided by combined Line 2)	%	%	100%
4. BASIC OBLIGATION (Use Line 2 combined to find amount from schedule [§ 16-916.01(f)(2)])		\$	

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5. EACH PARENT'S SHARE OF THE BASIC CHILD SUPPORT OBLIGATION (Line 3 x Line 4 for each parent)	\$	\$
PART II. ADJUSTMENTS FOR ADDITIONAL EXPENSES (Expenses paid directly by each parent)		
6a. Children's Portion of Health Insurance Premium [§ 16-916.01 (i)]	\$	\$
6b. Extraordinary Medical Expenses [§ 16-916.01 (j)] (if not paid directly to provider)	\$	\$
6c. Child Care Expenses [§ 16-916.01 (k)] (if not paid directly to provider)	\$	\$
6d. Total Adjustments (For each parent, add Lines 6a, 6b, and 6c)	\$	\$
7. EACH PARENT'S SHARE OF ADDITIONAL EXPENSES (Line 3 for each parent x Line 6d Combined)	\$	\$
8. BASIC OBLIGATION PLUS ADDITIONAL EXPENSES (Line 5 + Line 7 for each parent)	\$	\$
9. ADJUSTMENT FOR PARENT WITH A LEGAL DUTY TO PAY SUPPORT (For the parent with whom the child does not primarily reside, Enter Line 6d)	\$	
10. RECOMMENDED CHILD SUPPORT ORDER (Subtract Line 9 from Line 8 for the paying parent only)	\$	
PART III. LOW INCOME ADJUSTMENT [§ 16-916.01(m)]		
11. SELF SUPPORT RESERVE		\$ 12,382

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12. PAYING PARENT'S INCOME AVAILABLE FOR SUPPORT (Subtract Line 11 from Line 2 for paying parent)	\$
13. ADJUSTED CHILD SUPPORT ORDER (Lesser of Line 10 or Line 12, or minimum order according to § 16-916.01(g)(1))	
Comments, calculations, or rebuttals.	
Prepared By:	Date:

MAY 5 - 2006

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APPENDIX III

Worksheet B: Shared Physical Custody

Name of
Petitioner: _____

—

Name of
Respondent: _____

—

Jacket Number _____ IV-D Number _____

Children	Dates of Birth	Children	Dates of Birth

PART I. BASIC OBLIGATION	Petitioner	Respondent	Combined
1. GROSS INCOME	\$	\$	
a. Plus or minus alimony [§ 16-916.01 (d)(3)]			
b. Minus prior child support orders [§ 16-916.01 (d)(4)]			
c. Adjustment for additional children living in the home [§ 16-916.01 (d)(5)]			
2. ADJUSTED GROSS INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF ADJUSTED GROSS INCOME (Each parent's Line 2 divided by Combined Line 2)	%	%	100%
4. BASIC OBLIGATION (Use Line 2 combined to find amount from schedule)		\$	
PART II. SHARED CUSTODY ADJUSTMENT [§ 16-916.01(q)]			

15. AMOUNT TRANSFERRED FOR ADDITIONAL EXPENSES (Subtract smaller amount on Line 14 from larger amount on Line 14. Parent with larger amount on Line 14 owes the other parent the difference. Enter \$0 for other parent.)	\$	\$
PART IV. RECOMMENDED CHILD SUPPORT ORDER		
16. TOTAL AMOUNT TRANSFERRED (Line 11 + Line 15)	\$	\$
17. RECOMMENDED CHILD SUPPORT ORDER (Subtract smaller amount on Line 16 from larger amount on Line 16. Parent with larger amount on Line 16 owes the other parent the difference.)	\$	\$
Comments, calculations, or rebuttals.		
Prepared By:	Date:	

ENROLLED ORIGINAL

5. ADJUSTED BASIC CHILD SUPPORT (Line 4 x 1.50)		\$	
6. Each Parent's Share of Adjusted Basic Child Support (Line 5 x each parent's Line 3)	\$	\$	
7. Time with Each Parent (must total 365)			365
8. Percentage of Time with Each Parent (each parent's Line 7 divided by 365)	%	%	100%
9. Amount Retained (Line 6 x Line 8 for each parent)	\$	\$	
10. Each Parent's Obligation (Line 6 - Line 9)	\$	\$	
11. AMOUNT TRANSFERRED FOR BASIC OBLIGATION (Subtract smaller amount on Line 10 from larger amount on Line 10. Parent with larger amount on Line 10 owes the other parent the difference. Enter \$0 for other parent.)	\$	\$	
PART III. ADJUSTMENT FOR ADDITIONAL EXPENSES (Expenses paid directly by each parent)			
12a. Children's Portion of Health Insurance Premium [§ 16-916.01 (i)]	\$	\$	
12b. Extraordinary Medical Expenses [§ 16-916.01 (j)] (if not paid directly to provider)	\$	\$	
12c. Child Care Expenses [§ 16-916.01 (k)] (if not paid directly to provider)	\$	\$	
12d. Total Adjustments (For each parent, add Lines 12a, 12b, and 12c)	\$	\$	\$
13. Each Parent's Share of Additional Expenses (Each parent's Line 3 x Line 12d Combined)	\$	\$	
14. Each Parent's Net Share of Additional Expenses (Each parent's Line 13 - Line 12d. If negative, enter \$0.)	\$	\$	

AN ACT

D.C. ACT 16-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.

West Group
Publisher

To permit a company that stores an unclaimed vehicle that was in an accident, stolen, or abandoned to obtain a scrap title to allow it to use or sell the vehicle for parts; to amend the District of Columbia Traffic Act, 1925 to exempt a vehicle for which a scrap title is issued from excise tax; and to amend the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Act of 2003 to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Scrap Vehicle Title Authorization Act of 2006".

Sec. 2. Definitions.

For purposes of this act, the term:

(1) "Abandoned vehicle" shall have the same meaning as set forth in section 2 of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.02).

(2) "Accident vehicle" means any motor vehicle, trailer, or semitrailer that was towed from the scene of an accident pursuant to section 406 of Title 16 of the District of Columbia Municipal Regulations.

(3) "Director" means the Director of the Department of Public Works.

(4) "Scrap title" means a certificate of title issued by the Department of Motor Vehicles pursuant to section 6.

(5) "Stolen vehicle" means a vehicle that was identified by the Metropolitan Police Department or another police organization as having been stolen from the rightful owner of the vehicle.

Sec. 3. Removal of abandoned, accident, or recovered stolen vehicles by private tow companies; notice of removal.

(a) An abandoned, accident, or recovered stolen vehicle may be removed from public space or private property and stored by a private towing company at a storage facility consistent with chapter 4 of Title 16 of the District of Columbia Municipal Regulations. Within 5 days after the vehicle has been towed to the storage facility, the Department of Public Works shall send a towing and storage notice by first-class mail to the last known address of the owner of record of the vehicle and the lienholders of record, based on information in the records of the Department of Motor Vehicles or in the records of the appropriate agency of the jurisdiction where the vehicle is registered. The Department of Public Works shall also provide electronic or other notice to the National Insurance Crime Bureau or other national organization identified by the Director that collects data on stolen vehicles to permit the organization to determine whether the vehicle is stolen. If the vehicle was removed from private property, notice shall

also be sent by first-class mail to the owner of that property, based on information in the records of the District of Columbia Office of Tax and Revenue. The notice shall:

(1) Describe the year, make, model, and vehicle identification number of the vehicle; except, that the Director may waive this requirement if the vehicle is so damaged that none of this identifying information can be determined;

(2) Indicate why the vehicle was towed;

(3) Identify the location where the vehicle is stored; and

(4) Advise the owner and lienholders of the procedures for reclaiming the vehicle, including:

(A) The payment due for the towing charges and storage fees imposed pursuant to section 9 of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09);

(B) The time period in which the vehicle may be reclaimed; and

(C) A warning that a scrap title shall be issued to the private towing company if the vehicle is not reclaimed by the expiration of the reclamation period.

(b) If the address of the owner or lienholders cannot be determined, the Department of Public Works shall publish a towing and storage notice in a newspaper of general circulation in the District within 10 days after a vehicle is delivered by a private towing company to a storage facility. If any mailed notice is returned as undeliverable within 14 days after the date of mailing, a towing and storage notice shall also be published. The published notice may contain a listing of more than one vehicle and, for each vehicle, shall:

(1) Describe the year, make, model, and vehicle identification number of each vehicle; except, that the Director may waive this requirement if the vehicle is so damaged that none of this identifying information can be determined;

(2) Provide a telephone number or website address to inform the owner or lienholders of the vehicle reclamation procedures;

(3) Indicate the date by which the vehicle must be reclaimed; and

(4) Warn the owner and lienholders that the towing service may be issued a scrap title for the vehicle if the procedures are not completed by the expiration of the reclamation period.

Sec. 4. Vehicle reclamation period.

A vehicle that is towed and stored pursuant to this act shall be reclaimed within 28 days after the date of the notice sent pursuant to section 3(a); except, that if the address of either the owner or the lienholders is unknown, the vehicle shall be reclaimed within 14 days after the publication date of reclamation notices under section 3(b).

Sec. 5. Procedures for reclaiming abandoned, accident, or recovered stolen vehicles that have been privately towed and stored.

An owner or lienholder, or person duly authorized by either, may reclaim an abandoned, accident, or recovered stolen vehicle that was towed by a private company and is stored on a private lot at any time before the expiration of the reclamation period by:

(1) Appearing at the facility where the vehicle is located;

(2) Paying the towing charges and storage fees to the tow company and reclaiming the vehicle; and

(3) Furnishing proof of entitlement to possession of the vehicle.

Sec. 6. Effect of failure to reclaim vehicle; issuance of scrap title.

(a) If a vehicle is not reclaimed within the reclamation period in accordance with section 4, the towing company in possession of the vehicle may submit an application for a scrap title to the Director, along with any information or documents that the Director may reasonably require in order to establish that the vehicle was properly towed and was not properly reclaimed. If the Director concludes that the vehicle was properly towed and was not properly reclaimed, the Director shall request that the Department of Motor Vehicles issue a scrap title to the towing company upon payment of any fees required for the issuance of a scrap title, and the Department of Motor Vehicles shall issue that title.

(b) An officer of the Metropolitan Police Department or other District of Columbia government employee deemed qualified by the Director shall physically inspect each vehicle for which an application for a scrap title has been submitted and notify the National Insurance Crime Bureau or other national organization identified by the Director that collects data on stolen vehicles of the vehicle identification numbers as part of an effort to verify the accuracy of the vehicle identification numbers of vehicles stored at privately owned tow truck storage lots and to determine whether a stolen vehicle record has been cleared.

(c) The scrap title authorized by this act shall give the holder of the title the right to possess the vehicle and to use or sell some or all of the vehicle for parts only.

(d) All future titles issued for a vehicle titled under the provisions of this act shall be scrap titles.

(e) After a scrap title is issued for a vehicle, that vehicle may not be registered in the District of Columbia.

Sec. 7. Rulemaking.

The Mayor, or designee, is authorized, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to promulgate, amend, or repeal rules and to establish or modify cost-based fees to implement the provisions of this act.

Sec. 8. Effect of Repeal.

The repeal of any law or regulation as a result of the enactment of this act shall not invalidate any enforcement action, adjudication, or other action made or taken pursuant to that law or regulation.

Sec. 9. Applicability.

(a) This act shall apply to all vehicles towed by a private tow company under section 3(a) after the effective date of this act.

(b) This act shall also apply to all vehicles towed prior to the effective date; provided, that notice is sent to the owners in accordance with section 3(a) or published in a newspaper of general circulation in accordance with section 3(b).

Sec. 10. Section 6(j)(3) of the District of Columbia Traffic Act, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(3)), is amended by adding a new subparagraph (N) to read as follows:

"(N) Any vehicle for which the certificate of title issued is a scrap title

Amend
§ 50-2201.03

issued pursuant to section 6 of the Scrap Vehicle Title Authorization Act of 2006, passed on 2nd reading on April 4, 2006 (Enrolled version of Bill 16-206).”

Sec. 11. The lead-in language of section 9(a) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)), is amended by striking the phrase “impounded vehicle” and inserting the phrase “impounded vehicle stored at a District government impoundment facility” in its place.

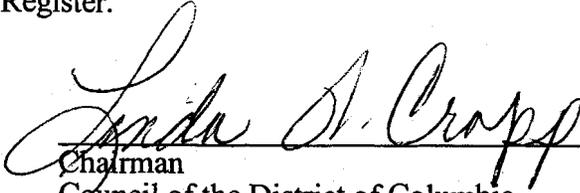
Amend
§ 50-2421.09

Sec. 12. Fiscal impact statement.

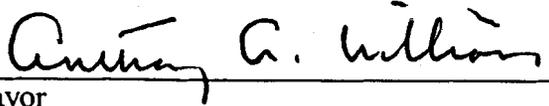
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 13. 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
April 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 26, 2006

Codification
District of
Columbia
Official Code

2001 Edition

2006 Fall
Supp.

West Group
Publisher

To amend the Rental Housing Act of 1985 to ensure that no tenant is evicted under section 501(f) unless for the *bona fide* statutory purpose of making alterations or renovations to the rental unit which cannot safely be made while the rental unit is occupied, to ensure the absolute right of any tenant so evicted to reoccupy the rental unit, and, if the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, to ensure the right of any tenant so evicted to reoccupy the rental unit at the same rent, and to provide for an increase in the amount of relocation assistance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Tenant Evictions Reform Amendment Act of 2006".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et. seq.*), is amended as follows:

(a) Section 501(f)(D.C. Official Code § 42-3505.01(f)) is amended as follows:

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

"(f)(1)(A) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as:

"(i) The plans for the alterations or renovations have been filed with the Rent Administrator and the Chief Tenant Advocate;

"(ii) The tenant has had 21 days after receiving notice of the application to submit to the Rent Administrator and to the Chief Tenant Advocate comments on the impact that an approved application would have on the tenant or any household member, and on any statement made in the application;

"(iii) An inspector from the Department of Consumer and Regulatory Affairs has inspected the housing accommodation for the accuracy of material statements in the application and has reported his or her findings to the Rent Administrator and the Chief Tenant Advocate;

"(iv) On or before the filing of the application, the housing provider has given the tenant:

"(I) Notice of the application;

"(II) Notice of all tenant rights;

"(III) A list of sources of technical assistance as published in the District of Columbia Register by the Mayor;

"(IV) A summary of the plan for the alterations and

Note,
§ 42-3505.01

renovations to be made; and

“(V) Notice that the plan in its entirety is on file and available for review at the office of the Rent Administrator, at the office of the Chief Tenant Advocate, and at the rental office of the housing provider; and

“(v) The Rent Administrator, in consultation with the Chief Tenant Advocate, has determined in writing:

“(I) That the proposed alterations and renovations cannot safely or reasonably be made while the rental unit is occupied;

“(II) Whether the alterations and renovations are necessary to bring the rental unit into compliance with the housing code and the tenant shall have the right to reoccupy the rental unit at the same rent; and

“(III) That the proposal is in the interest of each affected tenant after considering the physical condition of the rental unit or the housing accommodation and the overall impact of relocation on the tenant.

“(B) As part of the application under this subsection, a housing provider shall submit to the Rent Administrator for review and approval, and to the Chief Tenant Advocate, the following plans and documents:

“(i) A detailed statement setting forth why the alterations and renovations are necessary and why they cannot safely or reasonably be accomplished while the rental unit is occupied;

“(ii) A copy of the notice that the housing provider has circulated informing the tenant of the application under this subsection;

“(iii) A draft of the notice to vacate to be issued to the tenant if the application is approved by the Rent Administrator;

“(iv) A timetable for all aspects of the plan for alterations and renovations, including:

“(I) The relocation of the tenant from the rental unit and back into the rental unit;

“(II) The commencement of the work, which shall be within a reasonable period of time, not to exceed 120 days, after the tenant has vacated the rental unit;

“(III) The completion of the work; and

“(IV) The housing provider’s submission to the Rent Administrator and the Chief Tenant Advocate of periodic progress reports, which shall be due at least once every 60 days until the work is complete and the tenant is notified that the rent unit is ready to be reoccupied;

“(v) A relocation plan for each tenant that provides:

“(I) The amount of the relocation assistance payment for each unit;

“(II) A specific plan for relocating each tenant to another unit in the housing accommodation or in a complex or set of buildings of which the housing accommodation is a part, or, if the housing provider states that relocation within the same building or complex is not practicable, the reasons for the statement;

“(III) If relocation to a rental unit pursuant to sub-subparagraph (II) of this sub-subparagraph is not practicable, a list of units within the housing provider’s portfolio of rental accommodations made available to each dispossessed tenant, or, where the housing provider asserts that relocation within the housing provider’s portfolio of

rental accommodations is not practicable, the justification for such assertion;

“(IV) If relocation to a rental unit pursuant to sub-sub-paragraph (II) or (III) of this sub-paragraph is not practicable, a list for each tenant affected by the relocation plan of at least 3 other rental units available to rent in a housing accommodation in the District of Columbia, each of which shall be comparable to the rental unit in which the tenant currently lives; and

“(V) A list of tenants with their current addresses and telephone numbers.

“(C) The Chief Tenant Advocate, in consultation with the Rent Administrator, shall:

“(i) Within 5 days of receipt of the application, issue a notice, which shall include the address and telephone number of the Office of the Chief Tenant Advocate, to each affected tenant stating that the tenant:

“(I) Has the right to review or obtain a copy of the application, including all supporting documentation, at the rental office of the housing provider, the Office of the Chief Tenant Advocate, or the office of the Rent Administrator;

“(II) Shall have 21 days in which to file with the Rent Administrator and serve on the housing provider comments upon any statement made in the application, and on the impact an approved application would have on the tenant or any household member; and

“(III) May consult the Office of the Chief Tenant Advocate with respect to ascertaining the tenant’s legal rights, responding to the application or to any ancillary offer made by the housing provider, or otherwise safeguarding the tenant’s interests;

“(ii) At any time prior to or subsequent to the Rent Administrator’s approval of the application, make such inquiries as the Chief Tenant Advocate considers appropriate to determine whether the housing provider has complied with the requirements of this subsection and whether the interests of the tenants are being protected, and shall promptly report any findings to the Rent Administrator; and

“(iii) Upon the Rent Administrator’s approval of the application:

“(I) Maintain a registry of the affected tenants, including their subsequent interim addresses; and

“(II) Issue a written notice, which shall include the address and telephone number of the Office of the Chief Tenant Advocate, to each affected tenant that notifies the tenant of the right to maintain his or her tenancy and the need to keep the Chief Tenant Advocate informed of interim addresses;

“(D) The housing provider shall serve on the tenant a 120-day notice to vacate prior to the filing of an action to recover possession of the rental unit that shall:

“(i) Notify the tenant of the tenant’s rights under this subsection, including the absolute right to reoccupy the rental unit, the right to reoccupy the rental unit at the same rate if the Rent Administrator has determined that the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, and the right to relocation assistance under the provisions of Title VII;

“(ii) Include a list of sources of technical assistance as published in the District of Columbia Register by the Mayor; and

“(iii) Include a copy of the notice issued by the Chief Tenant Advocate pursuant to paragraph (1)(C)(iii)(II) of this subsection.

“(E) Within 5 days of the completion of alterations and renovations, the housing provider shall provide notice, by registered mail, return receipt requested, to the tenant, the Rent Administrator, and the Chief Tenant Advocate that the rental unit is ready to be occupied by the tenant.

“(F) Any notice required by this section to be issued to the tenant by the housing provider, the Rent Administrator, or the Chief Tenant Advocate shall be published in the languages as would be required by section 4(a) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933(a)).”

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

“(2) Immediately upon completion of the proposed alterations or renovations, the tenant shall have the absolute right to reoccupy the rental unit. A tenant displaced by actions under this subsection shall continue to be a tenant of the rental unit as defined in section 103(17) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.03(17)), for purposes of rights and remedies under such act, until the tenant has waived his or her rights in writing. Until the tenant’s right to reoccupy the rental unit has terminated, the housing provider shall serve on the tenant any notice or other document regarding the rental unit as required by any provision of the Rental Housing Conversion and Sale Act of 1980, the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), or any other law or regulation, except that service shall be made by first-class mail at the address identified as the tenant’s interim address pursuant to paragraph (f)(1)(C)(iii) of this subsection.”

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

“(5) Prior to the date that the tenant vacates the unit, the Rent Administrator shall rescind the approval of any application under this subsection upon determining that the housing provider has not complied with this subsection.

“(6) If, after the tenant has vacated the unit, the housing provider fails to comply with the provisions of this subsection, the aggrieved tenant or a tenant organization authorized by the tenant may seek enforcement of any right or provision under this subsection by an action in law or equity. If the aggrieved tenant or tenant organization prevails, the aggrieved tenant or tenant organization shall be entitled to reasonable attorney’s fees. In an equitable action, bond requirements shall be waived to the extent permissible under law or court rule.”

(b) Section 701 (D.C. Official Code § 42-3507.01) is amended by striking the phrase “in accordance with section 501(g), (h), or (i)” and inserting the phrase “in accordance with section 501(f), (g), (h), or (i)” in its place.

Note,
§ 42-3507.01

(c) Section 703 (D.C. Official Code § 42-3507.03), is amended as follows:

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

Note,
§ 42-3507.03

(A) The lead-in text is amended by striking the phrase “The amount of relocation assistance” and inserting the phrase “Until the Mayor establishes the amount of relocation assistance pursuant to subsection (b) of this section, the amount of relocation assistance” in its place.

(B) Paragraph (1) is amended by striking the phrase “the amount of \$150” and inserting the phrase “the amount of \$300” in its place.

(C) Paragraph (2) is amended by striking the phrase “the amount of \$75” and inserting the phrase “the amount of \$150” in its place.

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

“The Mayor shall establish the amount to be paid tenants for relocation assistance within 30 days of the effective date of the Tenant Eviction Amendment Act of 2006, passed on 2nd

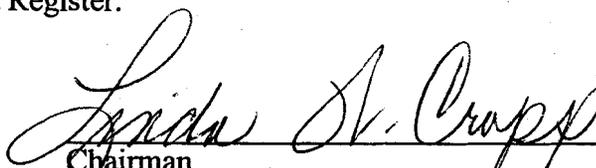
reading on April 4, 2006 (Enrolled version of Bill 16-556). Thereafter, the Mayor shall, by rule, adjust the amount to be paid tenants for relocation assistance not more than once every 12 months and not less than once every 3 years. The amount of relocation assistance shall reflect the cost of moving, including transporting personal property, packing and unpacking, insurance of property while in transit, storage of personal property, the disconnection and re-connection of utilities, and any other reasonable factor, within the Washington-Baltimore Standard Metropolitan Statistical Area.”.

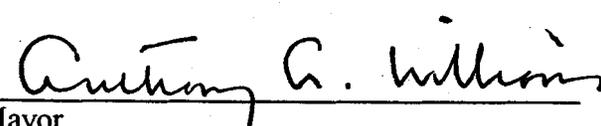
Sec. 3. Fiscal impact statement.

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(c)(1), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 26, 2006