

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2006

To order the closing of a portion of a public alley in Square 1030, bounded by 13th Street, N.E., D Street, N.E., 14th Street, N.E., E Street, N.E., and Tennessee Avenue, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Portion of a Public Alley in Square 1030, S.O. 02-2103, 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 the portion of the public alley in Square 1030, as shown on the revised Surveyor's plat filed under S.O. File 02-2103, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of this closing is contingent upon the satisfaction of all conditions set forth in the S.O. File 02-2103.

Sec. 3. The Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Surveyor of the District of Columbia and the District of Columbia Recorder of Deeds.

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)).

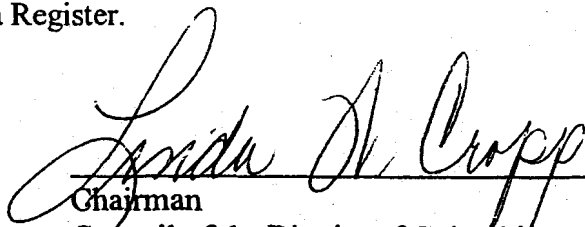
Sec. 5. Effective Date.

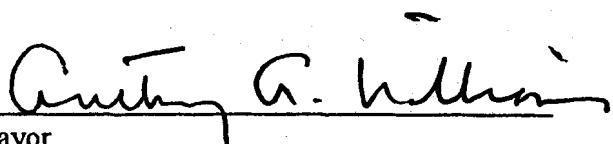
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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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 21, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
APRIL 21, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Summer
Supp.

West Group
Publisher

To amend, on an temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption and equitable real property tax relief to real property located at lot 58, square 1966 to be used as a community garden.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Triangle Community Garden Equitable Real Property Tax Exemption and Relief Temporary Act of 2006".

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

(a) The table of contents is amended by adding the section designation "47-1074. Triangle Community Garden; lot 58, square 1966."

(b) A new section 47-1074 is added to read as follows:

"§ 47-1074. Triangle Community Garden; lot 58, square 1966.

"(a) The real property located at lot 58, square 1966 shall be exempt from taxation so long as the real property is used as a community garden.

"(b)(1) The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lot 58, square 1966, shall be forgiven and the amount necessary to redeem the real property under § 47-1361(a)(1) shall be deposited with the Chief Financial Officer on behalf of the owner; provided, that all other amounts necessary to redeem the real property under § 47-1361 are paid from any source to the Chief Financial Officer on behalf of the owner; provided further, that if the real property is used for any purpose other than as a community garden, the sum of all such unpaid real property tax and penalties and all real property taxes accruing thereafter, plus 5% interest, shall be paid to the District of Columbia; provided further, that this subsection shall constitute a lien against the real property to secure the repayment of such amounts.

"(2) Any person who uses the real property as a community garden shall have standing to redeem the real property on behalf of the owner."

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Sec. 3. Funding of act and reservation of unallocated revenue.

The fiscal effect of this act shall be funded from the unallocated revenue in the February, 2006 revised quarterly revenue estimate of the Chief Financial Officer.

Sec. 4. Applicability.

This act shall take effect subject to the payment by the Triangle Community Garden Land Trust of all legal and administrative costs of the purchaser at tax sale of the property located at lot 58, square 1966 from the tax sale of the property.

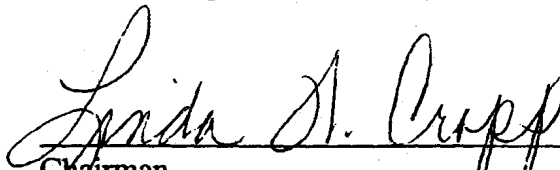
Sec. 5. Fiscal impact statement.

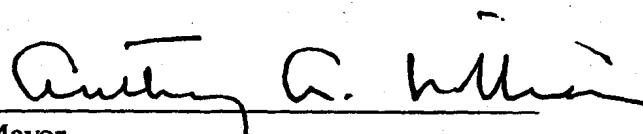
The Council adopts the fiscal impact statement of the Council Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 21, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 21, 2006Codification
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2001 Edition

2006 Summer
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Publisher

To amend, on a temporary basis, the Department of Youth Rehabilitation Services Establishment Act of 2004 to require the Mayor, or the Mayor's designee, to exercise contracting and procurement authority independent of the District of Columbia Procurement Practices Act of 1985 for the purposes of completing the Oak Hill Youth Center capital project to build a new facility for the rehabilitation of youth held in secure confinement, and to establish criteria to be considered by the Mayor, or the Mayor's designee, in awarding a contract for project design or construction; and to amend the District of Columbia Procurement Practices Act of 1985 to provide an exemption for the construction of a new facility for the rehabilitation of youth held in secure confinement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Oak Hill Construction Streamlining Temporary Amendment Act of 2006".

Sec. 2. Section 107 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.07), is amended by adding a new subsection (c) to read as follows:

Note,
§ 2-1515.07

"(c) Notwithstanding the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor, or the Mayor's designee, shall, subject to budget authority appropriated in an approved multiyear capital budget plan, exercise all contracting and procurement authority necessary to construct a new facility for the rehabilitation of youth held in secure confinement while committed to the District, pursuant to the Detention and Commitment Facilities Improvement Act of 2004, effective March 17, 2005 (D.C. Law 15-261; D.C. Official Code § 24-941); provided, that the Mayor, or the Mayor's designee, shall consider the following criteria in awarding a contract for project design or construction to an offeror:

"(1) The timeliness with which the offeror can reasonably and satisfactorily fulfill the obligations of the proposed contract;

"(2) The offeror's proposed price;

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"(3) The offeror's technical approach and demonstrated expertise acquired from experience designing or constructing model, rehabilitation-oriented facilities for the detention or commitment of securely confined youth; and

"(4) The offeror's status as a business enterprise certified pursuant to section 2361 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.31)."

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (s) to read as follows:

Note,
§ 2-303.20

"(s) Nothing in this act shall affect the authority of the Mayor, or the Mayor's designee, to exercise procurement authority necessary to construct a new facility for the rehabilitation of youth held in secure confinement while committed to the District, pursuant to the Detention and Commitment Facilities Improvement Act of 2004, effective March 17, 2005 (D.C. Law 15-261; D.C. Official Code § 24-941)."

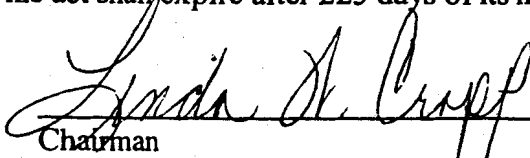
Sec. 4. Fiscal impact statement.

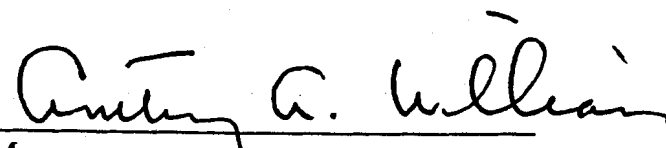
The Council adopts the March 7, 2006 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED

April 21, 2006

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
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To establish a Commission on Poverty to evaluate programs designed to help District residents break the cycle of poverty, to make recommendations to improve the economic, educational, healthcare, and housing status of District residents living in poverty, and to focus on efforts aimed at reducing the rates of concentrated poverty and childhood poverty in the District, and to sunset the Commission after 2 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Poverty Establishment Act of 2006".

Sec. 2. Establishment of Commission on Poverty.

There is established a Commission on Poverty ("Commission") to evaluate programs designed to help District residents break the cycle of poverty, to make recommendations to improve the economic, educational, healthcare, and housing status of District residents living in poverty, and to focus on efforts aimed at reducing the rates of concentrated poverty and childhood poverty in the District.

Sec. 3. Members.

(a)(1) The Commission shall be composed of no more than 21 members appointed by the Mayor with the advice and consent of the Council.

(2) No more than 9 members shall be employees of the government of the District of Columbia.

(3) The public members of the Commission may be representatives of organizations providing services to District residents living in poverty, the faith community, the business community, academic or policy research institutions, advocacy organizations, or persons with other relevant interest or expertise.

(4) No fewer than 5 of the public members shall be persons who live in census tracts with poverty rates of at least 20 percent or who have personal experience living in poverty.

(b) The Mayor shall transmit to the Council proposed resolutions to approve the appointment of each member of the Commission for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a proposed resolution within

ENROLLED ORIGINAL

the 45-day review period, the proposed resolution shall be deemed approved.

(c) If a position on the Commission becomes vacant, the Mayor shall, pursuant to subsection (b) of this section, nominate a new member of the Commission within 30 days of such vacancy.

(d) The Mayor shall designate one member as Chairperson of the Commission.

(e) The Mayor may remove any member of the Commission for any cause adversely affecting the member's ability or willingness to perform his or her duties.

(f) Members of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in the discharge of their duties.

(g) The Director of the Department of Human Services shall designate 2 employees to serve as staff to the Commission.

Sec. 4. Meetings.

(a) Meetings of the Commission shall be held in public, at times and places determined by the Chairperson, and in locations accessible to District residents living in poverty.

(b) The Commission shall adopt rules and procedures as may be necessary to conduct business.

Sec. 5. Duties.

The Commission shall:

(1) Accept testimony from the public;

(2) Review relevant research and statistical information compiled by the District, the federal government, and nongovernment organizations;

(3) Determine whether commonly used measures of poverty, such as the Federal Poverty Level, accurately reflect the basic cost of living in the District of Columbia and, if existing measures are inadequate, develop the basis of an adequate alternative;

(4) Evaluate the effectiveness of existing programs designed to help individuals break the cycle of poverty;

(5) Recommend any changes in eligibility guidelines that would better match the universe of people eligible for a program's services with the universe of people actually in need of the services;

(6) Analyze the reasons why poverty is becoming increasingly concentrated in certain areas of the District and evaluate the District's strategies to reverse this trend;

(7) Assess the effectiveness of the District's efforts to reduce the childhood poverty rate; and

(8) Compile its findings and recommendations in a final report to be issued no later than December 1, 2008 to the Mayor and Council, and made available to the public.

Sec. 6. Sunset.

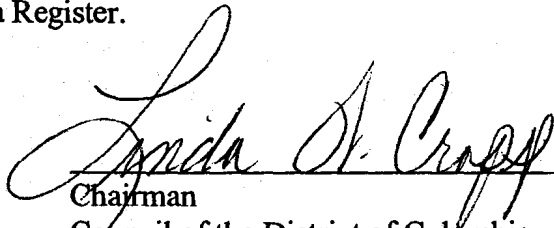
This act shall expire on December 31, 2008.

Sec. 7. Fiscal impact statement.

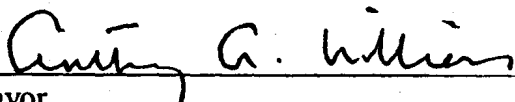
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-393

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.West Group
Publisher

To amend the District of Columbia Administrative Procedure Act to exempt from disclosure investigatory records compiled by the Office of Police Complaints for active complaint cases.

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

Sec. 2. Section 204 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534), is amended as follows:

Amend
§ 2-534

(a) Subsection (a)(3) is amended as follows:

(1) The lead-in language is amended by striking the word "investigations" and inserting the phrase "investigations and investigations conducted by the Office of Police Complaints" in its place.

(2) Subparagraph (A) is amended to read as follows:

"(A) Interfere with:

"(i) Enforcement proceedings;

"(ii) Council investigations; or

"(iii) Office of Police Complaints ongoing investigations;"

(3) Subparagraph (E) is amended by inserting the word "or" at the end.

(b) Subsection (e) is amended by striking the phrase "executive branch".

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)).

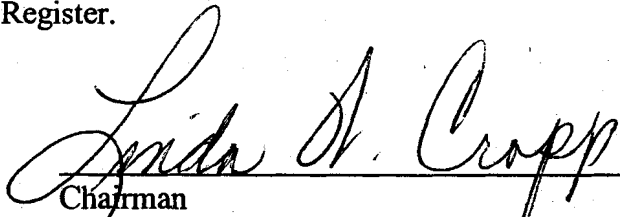
Sec. 4. Effective date.

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

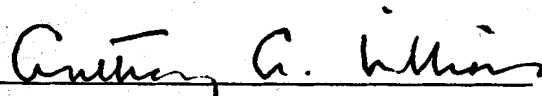
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ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-394IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 26, 2006*Codification
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Columbia
Official Code*

2001 Edition

2006 Fall
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Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide a real property tax exemption and equitable real property tax relief to real property located at lot 58, square 1966 to be used as a community garden.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Triangle Community Garden Equitable Real Property Tax Exemption and Relief Act of 2006".

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

(a) The table of contents is amended by adding the section designation "47-1073. Triangle Community Garden; lot 58, square 1966."

(b) A new section 47-1073 is added to read as follows:

"§ 47-1073. Triangle Community Garden; lot 58, square 1966.

New
§ 47-1073

"(a) The real property located at lot 58, square 1966 shall be exempt from taxation so long as the real property is used as a community garden.

"(b) The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lot 58, square 1966, shall be forgiven and the amount necessary to redeem the real property under § 47-1361(a)(1) shall be deposited with the Chief Financial Officer on behalf of the owner; provided, that all other amounts necessary to redeem the real property under § 47-1361 are paid from any source to the Chief Financial Officer on behalf of the owner; provided further, that if the real property is used for any purpose other than as a community garden, the sum of all such unpaid real property tax and penalties and all real property taxes accruing thereafter, plus 5% interest, shall be paid to the District of Columbia; provided further, that this subsection shall constitute a lien against the real property to secure the repayment of such amounts."

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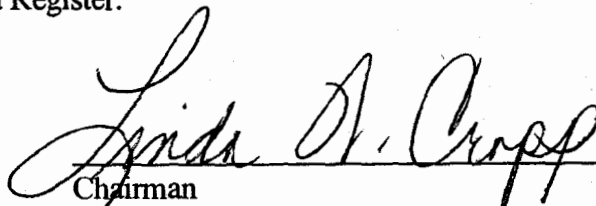
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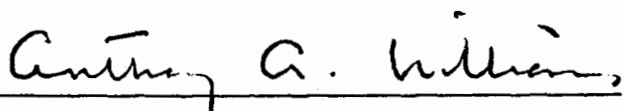
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact 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 upon its approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved 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
June 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006Codification
District of
Columbia
Official Code

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2006 Fall
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Publisher

To amend, on a temporary basis, the AccessRx Act of 2004 to make technical changes to conform the District's law to the Maine law to withstand constitutional and other legal challenges by clarifying that the law applies to individuals who reside or are employed in the District of Columbia.

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

Sec. 2. The AccessRx Act of 2004, effective May 18, 2004 (D.C. Law 15-164; D.C. Official Code § 48-831.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 48-831.02) is amended as follows:

Note,
§ 48-831.02

(1) Paragraph (4)(A)(iii) is amended by striking the phrase "for its employees or members" and inserting the phrase "for its employees or members who are employed or reside in the District of Columbia" in its place.

(2) Paragraph (16) is amended by striking the phrase "to covered individuals" and inserting the phrase "to covered individuals for dispensation within the District of Columbia" in its place.

(b) Section 201 (D.C. Official Code § 48-832.01) is amended as follows:

Note,
§ 48-832.01

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

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

(B) Subparagraph (B) is repealed.

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

(A) Paragraph (1) is repealed.

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

"(2) If the substitute drug costs more than the prescribed drug, the pharmacy benefits manager shall disclose to the covered entity the cost of both drugs and any benefit or payment directly or indirectly accruing to the pharmacy benefits manager as a result of the substitution."

ENROLLED ORIGINAL

(c) Section 202 (D.C. Official Code § 48-832.02) is amended by striking the phrase "and a covered entity" and inserting the phrase "and a covered entity entered into in the District of Columbia or by a covered entity in the District of Columbia" in its place.

Note,
§ 48-832.02

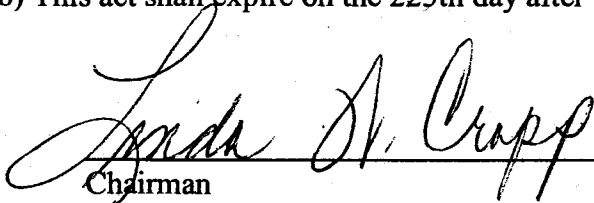
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the AccessRx Act of 2004, effective May 18, 2004 (D.C. Law 15-164; D.C. Official Code § 48-831.01 *et seq.*), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

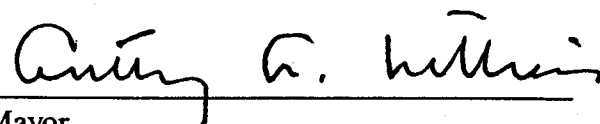
Sec. 4. Effective date.

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

(b) This act shall expire on the 225th day after its having taking effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-396IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 26, 2006*Codification
District of
Columbia
Official Code*

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2006 Fall
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To amend, on a temporary basis, the Health Care Privatization Amendment Act of 2001 to specify that a health maintenance organization that has a contractual obligation to provide health care services to persons enrolled in the D.C. HealthCare Alliance is required to provide Alliance enrollees only with the health benefits specified in the health maintenance organization's contract with the District, and that health maintenance organizations or health insurers under contract to the District to deliver services to persons enrolled in the Alliance are not required to reimburse non-participating hospitals for services provided to Alliance enrollees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Care Privatization Benefit and Reimbursement Exemption Temporary Amendment Act of 2006".

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

Note,
§ 7-1405

"(c) Notwithstanding any other provision of the District's health insurance laws, a health maintenance organization that has a contractual obligation to provide health care services to persons enrolled in the D.C. HealthCare Alliance ("Alliance") shall be required to provide to persons enrolled in the Alliance only those health benefits specified in its contract with the District of Columbia.

"(d) A health maintenance organization or health insurer under contract to the District to deliver services to persons enrolled in the Alliance is not required to reimburse non-participating hospitals for services provided to Alliance enrollees."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement provided by 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. Code § 1-206.02(c)(3)).

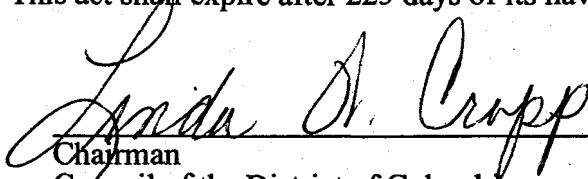
Sec. 4. Effective date.

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

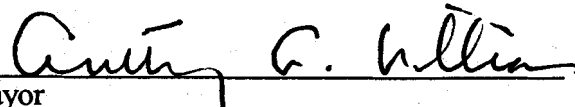
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 26, 2006

AN ACT
D.C. ACT 16-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006Codification
District of
Columbia
Official
Code2001
Edition2006 Fall
Supp.West
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Publisher

To amend, on a temporary basis, the Day Care Policy Act of 1979 to authorize the Mayor to issue rules to implement the provisions of the act; and to amend the Child Care Services Assistance Fund Act of 1988 to extend the Mayor's authority to make grants and loans to create or expand child care facilities in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Day Care Grant-Making and Rulemaking Temporary Amendment Act of 2006".

Sec. 2. Section 14 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-413), is amended by adding a new subsection (d) to read as follows:

Note,
§ 4-413

"(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act."

Sec. 3. Section 3(a) of the Child Care Services Assistance Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-220; D.C. Official Code § 7-2002(a)), is amended by striking the phrase "up to \$10,000" and inserting the phrase "up to \$500,000" in its place.

Sec. 4. Fiscal impact statement.

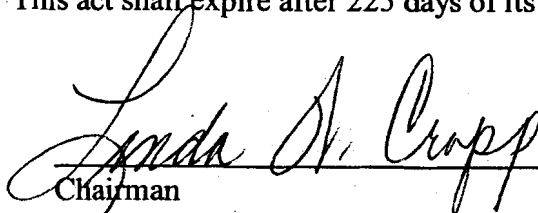
The Council adopts the February 7, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

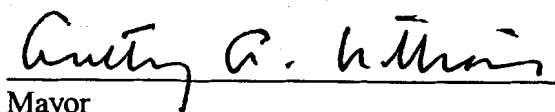
ENROLLED ORIGINAL

Sec. 5. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-398

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
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Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation real property owned by the Far Southeast Community Organization, located on lots 73, 74, and 75, square 5753, that is to be used for inclusive housing, and to provide equitable real property tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Far Southeast Community Organization Tax Exemption and Forgiveness for Accrued Taxes Temporary Act of 2006".

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

(a) The table of contents is amended by adding the section designation "47- 1074. Far Southeast Community Organization; lots 73, 74, and 75, square 5753.".

(b) A new section 47-1074 is added to read as follows:

"§ 47-1074. Far Southeast Community Organization; lots 73, 74, and 75 in square 5753.

"(a) For the purposes of this section, the term "inclusive housing" means a housing development in which units are rented to occupying households with not more than 80% of area median income (adjusted for household size) for a rent not exceeding 30% of household income as such amounts are determined by the United States Department of Housing and Urban Development.

"(b) The real property located at lots 73, 74, and 75, square 5753, shall be exempt from taxation so long as the property is owned by Far Southeast Community Organization and the property is used for inclusive housing. If the real property is sold or is not used for the purpose of inclusive housing, the exemption shall terminate as of the beginning of the year in which the sale or non-compliant use occurred."

Note,
§ 47-1073

ENROLLED ORIGINAL

Sec. 3. Forgiveness of taxes; redemption of real property.

The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lots 73, 74, and 75, square 5753 shall be forgiven, and the amount necessary to redeem the real property under § 47-1316 shall be deposited with the Chief Financial Officer on behalf of Far Southeast Community Organization.

Sec. 4. The fiscal effect of this act shall be subject to inclusion in a budget and financial plan.

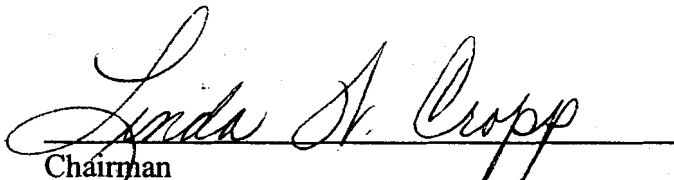
Sec. 5. Fiscal impact statement.

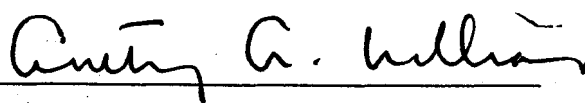
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code Sec. § 1-206.02(c)(3)).

Sec. 6. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 26, 2006

AN ACT

D.C. ACT 16-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006Codification
District of
Columbia
Official Code

2001 Edition

2006 Fall
Supp.West Group
Publisher

To amend, on an temporary basis, the Cable Television Communication Act of 1981 to require every cable operator in the District of Columbia to broadcast all Washington Nationals games.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Nationals on T.V. Temporary Act of 2006".

Sec. 2. The Cable Television Communication Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1251.01 *et seq.*), is amended by adding a new section 503a to read as follows:

Note,
§ 34-1255.03

"Sec. 503a. Baseball programming.

"(a) The Council finds that it is in the public interest that all of the baseball games of Baseball Expos, LP, trading as the Washington Nationals, be broadcast.

"(b) The Council directs that each cable operator broadcast all of the baseball games of Baseball Expos, LP, trading as the Washington Nationals, or any assignee or successor ("Washington Nationals").

"(c) If a cable operator is not broadcasting all of the baseball games of the Washington Nationals as of the effective date of this section, the cable operator shall enter into good faith negotiations with the District within 5 days to modify its franchise agreement to comply with subsection (b) of this section."

Sec. 3. Fiscal impact statement.

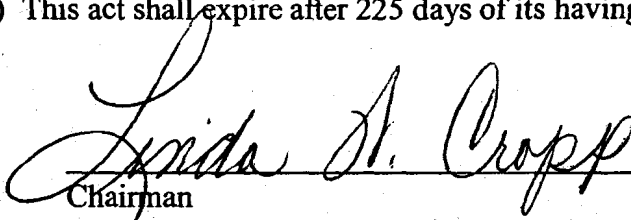
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

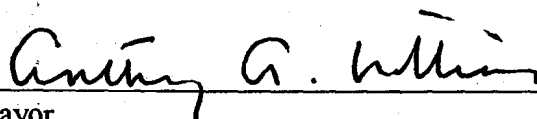
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Sec. 4. Effective date.

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

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006Codification
District of
Columbia
Official Code

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To amend Chapter 8 of Title 47 of the District of Columbia Official Code to require the inclusion of the capped taxable assessment on the notice of proposed assessment; to reform the Board of Real Property Assessments and Appeals; and to clarify the timeline for issuing supplemental assessments; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Real Property Assessments and Appeals Reform Act of 2006".

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-824(b)(3) is amended as follows:

(1) Subparagraph (H) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Subparagraph (I) is amended by striking the semicolon and inserting the phrase "; and" in its place.

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

"(J) For properties receiving the homestead deduction:

"(i) The prior year's taxable assessment (determined by taking into account the owner-occupant residential tax credit under §47-864); and

"(ii) The proposed taxable assessment (determined by taking into account the owner-occupant residential tax credit under §47-864)."

(b) Section 47-825.01 is amended as follows:

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

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (B) is amended by striking the number "2" and inserting the number "3" in its place.

(ii) Subparagraph (D) is amended by adding a new sentence at the end to read as follows:

"For the purposes of this subchapter, officers means the Mayor and the members of the Council."

Amend
§ 47-824Amend
§ 47-825.01

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

(i) Subparagraph (A) is amended to read as follows:

“(2)(A) A Board member shall be prohibited from representing any client or business interest before the Board for a period of 2 years after the Board member’s termination or resignation from the Board.”.

(ii) Subparagraph (C) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Office of the Attorney General” in its place.

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

“(3)(A) The term of each Board member shall be 3 years, except as provided in subparagraph (B) of this paragraph.

“(B) For the initial 18 appointments or reappointments to Board members for full terms after the effective date of the Board of Real Property Assessments and Appeals Reform Act of 2006, passed on 2nd reading on June 6, 2006 (Enrolled version of Bill 16-228):

“(i) The first 6 Board members appointed to the Board shall be appointed for a term ending April 30, 2011.

“(ii) The next 6 Board members appointed to the Board shall be appointed for a term ending April 30, 2012.

“(iii) The final 6 Board members appointed to the Board shall be appointed for a term ending April 30, 2013.”.

(D) Paragraph (4)(B) is amended to read as follows:

“(B) Any person appointed to fill a vacancy shall be appointed to serve for the remainder of the term during which the vacancy arose.”.

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

“(5) Board members shall receive compensation at the rate of \$35 per meeting.”.

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

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

“(d)(1)(A) Each appeal to the Board shall be reviewed by a 3-member panel of the Board, unless the appellant agrees to a 2-member panel.

“(B) A stipulation signed by the Mayor and the owner that resolves a matter may be approved by the signature of one member.”.

(B) Paragraph (2) is amended by striking the word “serve” and inserting the phrase “serve exclusively” in its place.

(3) Subsection (f-1) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (A) is amended to read as follows:

“(1)(A) On or before April 1 of the immediately preceding tax year, an owner may petition for an administrative review of the real property’s assessed value or its classification that shall be in effect for the tax year at issue.”.

(ii) Subparagraph (E) is amended to read as follows:

“(E) A final determination or Board decision shall pertain to the value or

ENROLLED ORIGINAL

classification of the real property for the tax year at issue.”.

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

(i) The existing text is redesignated as subparagraph(A).

(ii) The redesignated subparagraph (A) is amended by striking the number “30” and inserting the number “45” in its place.

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

“(B) An owner may supplement the original filing if new information has become available that was not available prior to the filing deadline by delivering a copy of the supplemental filing to the Board and the Mayor no later than 15 business days after the filing of the appeal.”.

(C) Paragraph (6) is amended to read as follows:

“(6)(A) At least 20 business days prior to the hearing, the Board shall provide the Mayor with a copy of the appeal and the date that the hearing is scheduled.

“(B)(i) At least 5 business days prior to the scheduled hearing, the Mayor shall provide a copy of its response to the owner’s appeal to the Board.

“(ii) The Mayor shall make any response filed with the Board available to the real property owner for inspection and copying at least 5 business days prior to the scheduled hearing. Any charges for copying by the Mayor shall be at cost.

“(iii) For cases involving single family residences and condominiums, at least 7 business days prior to the scheduled hearing, the Mayor shall mail a copy of the response that was filed with the Board to the owner.

“(iv) Any evidence not submitted in accordance with this subparagraph shall be excluded by the Board at hearing, unless the response is a direct rebuttal to a contention raised by the owner which was not in the appeal filed by the owner.”.

(4) A new subsection (m) to read as follows:

“(m)(1) By February 1 of each year, all pending real property assessment appeals cases filed in the prior calendar year shall be finalized by the Board.

“(2) After the completion of the hearing, the Board shall have 30 days to finalize a residential real property case and 80 days to finalize a commercial case real property case.”.

(c) Section 47-829(a) is amended as follows:

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

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

“(2) The Mayor shall mail the notice of a proposed supplemental assessment to the owner:

“(A) On or before August 1 of the year in which the supplemental assessment was conducted for supplemental assessments conducted between January 1 and June 30; and

“(B) On or before February 1 of the following year for supplemental assessments conducted between July 1 and December 31.”.

Amend
§ 47-829

(d) Section 47-830(c-1)(2)(A) is amended by striking the number "30" and inserting the number "45" in its place.

Amend
§ 47-830

Sec. 3. Conforming amendment.

Section 1108(c)(2)(E) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 6-611.08(c)(2)(E)), is repealed.

Amend
§ 6-611.08

Sec. 4. Applicability.

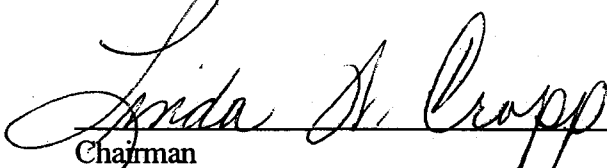
Section 2(b)(1)(E) shall apply as of October 1, 2006.

Sec. 5. Fiscal impact statement.

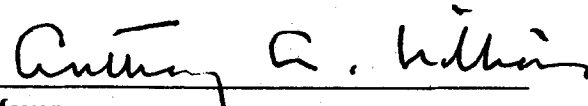
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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
June 26, 2006

AN ACT
D.C. ACT 16-401

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

*Codification
District of
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Official Code*

2001 Edition

2006 Fall
Supp.

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To amend the Rental Housing Act of 1985 to provide that tenants of multifamily housing accommodations in the District of Columbia may organize freely, and to protect tenants who wish to organize to promote tenants' interests or to collectively challenge actions of the housing provider perceived to be contrary to tenants' interests.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Right of Tenants to Organize 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 by adding a new section 506 to read as follows:

"Sec. 506. Right of tenants to organize.

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

"(1) "CPI" means the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on November 30 of such year.

"(2) "Tenant organizer" means a person who:

"(A) Assists tenants in establishing and operating a tenant organization;

and

"(B) Is not an employee or representative of the current or prospective owner, the current or prospective manager, or an agent of such persons.

"(b) Tenants shall have the right to:

"(1) Self-organization;

"(2) Form, join, meet, or assist one another within and without tenant organizations;

"(3) Meet and confer through representatives of their own choosing with an owner;

"(4) Engage in other concerted activities for the purpose of mutual aid and protection; and

"(5) Refrain from such activity.

"(c)(1) If a multifamily housing accommodation has a written policy favoring canvassing, any tenant organizer who is not a tenant shall be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations.

"(2) If the multifamily housing accommodation does not have a consistently enforced, written policy against canvassing, the multifamily housing accommodation shall be treated as if it has a policy favoring canvassing.

"(3) If a multifamily housing accommodation has a consistently enforced, written policy against canvassing, a tenant shall accompany a tenant organizer who is not a tenant while the tenant organizer is on the property of the multifamily housing accommodation. The tenant organizer who is not a tenant shall be afforded the same privileges and rights of access as other invited outside parties in the normal course of operations.

"(d) No owner or agent of an owner of a multifamily housing accommodation shall interfere with the right of a tenant or tenant organizer to conduct the following activities related to the establishment or operation of a tenant organization:

"(1) Distributing literature in common areas, including lobby areas;

"(2) Placing literature at or under tenants' doors;

"(3) Posting information on all building bulletin boards;

"(4) Assisting tenants to participate in tenant organization activities;

"(5) Convening tenant or tenant organization meetings at any reasonable time and in any appropriate space that would reasonably be interpreted as areas that the tenant had access to under the terms of their lease, including any tenant's unit, a community room, a common area including lobbies, or other available space; provided, that an owner or agent of owner shall not attend or make audio recordings of such meetings unless permitted to do so by the tenant organization, if one exists, or by a majority of tenants in attendance, if a tenant organization does not exist;

"(6) Formulating responses to owner actions, including:

"(A) Rent or rent ceiling increases or requests for rent or rent ceiling increases;

"(B) Proposed increases, decreases, or other changes in the housing accommodation's facilities and services; and

"(C) Conversion of residential units to nonresidential use, cooperative housing, or condominiums;

"(7) Proposing that the owner or management modify the housing accommodation's facilities and services; and

"(8) Any other activity reasonably related to the establishment or operation of a tenant organization.

"(e) Any owner, any person with an ownership interest in an owner, or an agent of an owner of a multifamily housing accommodation who knowingly violates any provision of this section, or any rule or regulation issued or promulgated in furtherance of this section, shall be subject to:

"(1) A civil penalty for each violation not to exceed \$10,000, which shall be increased annually, beginning January 1, 2008, by an amount equal to \$10,000 multiplied by the percentage by which the CPI for the preceding year ending November 30 exceeds the CPI for the year ending November 30, 2006;

"(2) An injunctive order respecting future behavior;

"(3) Liability for damages to tenants, or a tenant organization or its members;

"(4) Suspension or revocation of the owner or agent's business license or registration, during which period the rent for any rental unit in the housing accommodation shall not be increased; or

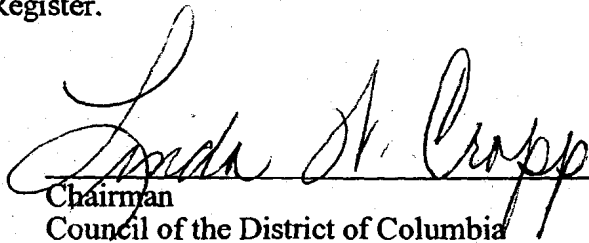
"(5) Reasonable attorney's fees under section 902."

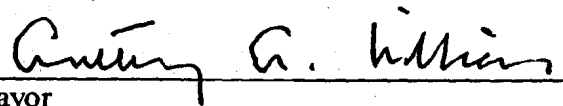
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 26, 2006

AN ACT

D.C. ACT 16-402

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.West Group
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To amend section 47-2501 of the District of Columbia Official Code to tax natural gas based on the number of therms delivered to consumers, to tax home heating oil based on the number of gallons delivered to consumers, and to clarify the definition of a residential ratepayer definition for utility tax amendments in the Ballpark Omnibus Financing and Revenue Act of 2004; and to amend Title 47 of the District of Columbia Official Code to make technical amendments to utility tax rates of the utility taxes to be deposited in the Ballpark Revenue Fund and to correct the basic tax rate for electricity users.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Gas and Home Heating Oil Taxation Relief and Ratepayer Clarification Act of 2006".

TITLE I. NATURAL GAS AND HOME HEATING OIL TAXATION RELIEF AND RATEPAYER CLARIFICATION.

Sec. 101. Section 47-2501 of the District of Columbia Official Code is amended as follows:

Amend
§ 47-2501

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

(1) The lead-in text is amended to read as follows:

"(a) Before the 21st day of each calendar month, each telephone company that sells public utility services or commodities within the District, and each nonpublic utility who sells artificial gas that is delivered, by any method of delivery, to an end-user in the District shall:"

(2) Paragraph (1) is amended by striking the phrase "the delivery of heating oil to an end-user in the District or sale of natural or artificial gas" and inserting the phrase "or the sale of artificial gas" in its place.

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

"(5) After December 1, 2005, pay to the Mayor:

"(A) 11% of these gross receipts from the sales included in bills rendered after December 1, 2005, for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after December 1, 2005, for residential customers for a telephone

company;

“(B) 11% of these gross receipts from deliveries made after December 1, 2005, for nonresidential customers and 10% of these gross receipts from deliveries made after December 1, 2005, for residential customers for a person who delivers heating oil to an end-user in the District; or

“(C) 11% of those gross receipts from the sales of artificial gas delivered by any method after December 1, 2005, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after December 1, 2005, for residential customers by a nonpublic utility to an end-user in the District.

“(6) After September 30, 2006, pay to the Mayor:

“(A)(i) 11% of these gross receipts from the sales included in bills rendered after September 30, 2006, for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after September 30, 2006, for residential customers for a telephone company;

“(ii) For the purposes of sub-subparagraph (i) of this subparagraph, in determining whether a particular customer is a residential or nonresidential customer, a telephone company may rely upon existing customer classifications, such as “individual,” “consumer,” “enterprise,” “business,” “corporate,” or “government.”

“(B) 11% of those gross receipts from the sales of artificial gas delivered by any method after September 30, 2006, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after September 30, 2006, for residential customers by a nonpublic utility to an end-user in the District.”

(b) Subsection (a-2) is amended by striking the phrase “pursuant to subsection (a)(3) and (4) of this section” and inserting the phrase “pursuant to subsection (a)(3), (4), (5), and (6) of this section” in its place.

(c) New subsections (a-3) and (a-4) are added to read as follows:

“(a-3) For sales included in bills rendered after December 1, 2005, before the 21st day of each month beginning January 2006, each gas company that provides distribution services to District customers shall:

“(1) File an affidavit with the Mayor indicating the number of therms of natural gas delivered for final consumption in the District for the preceding billing period; and

“(2)(A)(i) Pay to the Mayor a tax of \$0.0703, beginning December 2, 2005 and ending September 28, 2006, for each therm of natural gas delivered to end-users in the District for the billing period;

“(ii) Pay to the Mayor a tax of \$0.0707, beginning September 29, 2006, for each therm of natural gas delivered to end-users in the District for the preceding billing period; and

“(B)(i) Pay to the Mayor an additional tax of \$0.00983, beginning December 2, 2005 and ending September 28, 2006, for each therm of natural gas delivered to

nonresidential end-users in the District for the billing period;

“(ii) Pay to the Mayor an additional tax of \$0.00707, beginning September 29, 2006, for each therm of natural gas delivered to nonresidential end-users in the District for the preceding billing period.

“(iii) Revenues received by the District pursuant to this subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this subparagraph shall be in addition to any other payments under this section.

“(iv) For the purposes of this subparagraph, for meter readings on or after June 28, 2006, residential end-use customers with group-metered accounts shall be residential customers. Group-metered accounts shall include service to any multiple dwelling building or property with 4 or more dwelling units.

“(3) Each gas company that provides distribution services to District customers shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers' bills.

“(4) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for distribution services sent by each gas company that provides distribution services to District.

“(a-4)(1) For sales included in bills rendered after September 30, 2006, before the 21st day of each month beginning November 1, 2006, each person who delivers heating oil to an end-user in the District shall:

“(A) File an affidavit with the Mayor indicating the number of gallons of home heating oil delivered for final consumption in the District for the preceding billing period; and

“(B)(i) Pay to the Mayor a tax of \$0.17, beginning October 1, 2006, for each gallon of home heating oil delivered to end-users in the District for the preceding billing period; and

“(ii)(I) Pay to the Mayor an additional tax of \$0.017, beginning October 1, 2006, for each gallon of home heating oil delivered to nonresidential end-users in the District for the preceding billing period.

“(II) Revenues received by the District pursuant to this subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this subparagraph shall be in addition to any other payments under this section.

“(III) For the purposes of this sub-subparagraph, beginning July 1, 2006, in determining whether a particular customer is a residential or nonresidential customer, all deliveries to a personal place of dwelling shall be considered residential, including end-users living in cooperative housing associations, condominiums, and apartment communities.

“(2) Any gross receipts from sales made on or after October 1, 2006, that are not included in bills rendered after September 30, 2006, and taxed under subsection (a-4) of this section shall be taxed at the appropriate rates provided in subsection (a)(5) of this section and

reported in the affidavit due on October 21, 2006.

"(3) Each person who delivers heating oil to an end-user in the District shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers' bills.

"(4) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for heating oil delivered to an end-user in the District sent by each person who delivers heating oil to end-users in the District."

Sec. 102. Section 47-3902(b) of the District of Columbia Official Code is amended by adding a new paragraph (3) to read as follows:

Amend
§ 47-3902

"(3) For the purposes of subparagraph (1) of this paragraph, in determining whether a particular customer is a residential or nonresidential customer, a wireless telecommunications company may rely upon existing customer classifications, such as "individual," "consumer," "enterprise," "business," "corporate," or "government.""

TITLE II. UTILITY TAX TECHNICAL AMENDMENTS.

Sec. 201. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-368.03(d)(2) is repealed.

Amend
§ 47-368.03

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

Amend
§ 47-2501

(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.

(c) 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.

Amend
§ 47-3902

Sec. 202. Applicability.

(a) Section 201(a) and (b)(1) through (3) shall apply as of January 1, 2005.

(a) Section 201(c) shall apply as of April 8, 2005.

Note,
§ 47-368.03
§ 47-2501
§ 47-3902

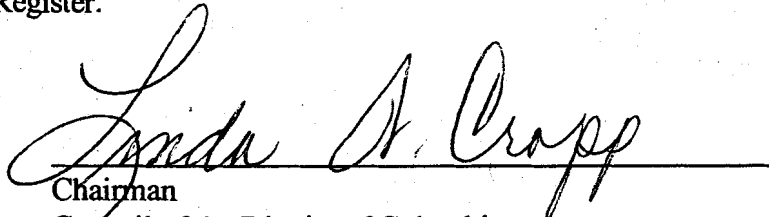
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

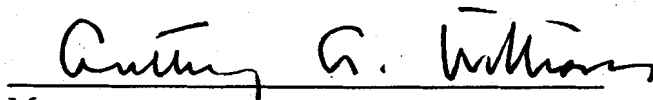
Sec. 301. Fiscal impact statement.

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. 302. 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
June 26, 2006

AN ACT

D.C. ACT 16-403

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.West Group
Publisher

To amend the National Capital Revitalization Corporation Act of 1998 and the Anacostia Waterfront Corporation Act of 2004 to delegate additional authority to incur certain types of debt after attaining Council approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NCRC and AWC Debt Acquisition Delegation Authority Amendment Act of 2006".

Sec. 2. Section 19 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.18), is amended by adding a new subsection (x) to read as follows:

*Note,
§ 2-1219.18*

"(x)(1) In accordance with section 490(a)(6)(A) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(a)(6)(A)), the Council authorizes the Corporation to incur debt to provide assistance in financing, refinancing, and reimbursing development costs of eligible projects, and all undertakings authorized pursuant to section 490(a)(1) of the District of Columbia Home Rule Act that are in furtherance of, and not inconsistent with, the purposes of this act. For these purposes, the Council delegates to the Corporation the authority to issue debt under section 490 of the District of Columbia Home Rule Act, including the powers thereunder to provide for the authorization, security, sale, and issuance of debt consistent with this subsection. This delegation is not exclusive, does not restrict, impair or supersede the authority otherwise vested by law in any District instrumentality, and is subject to the requirements of section 490(a)(6)(A) of the District of Columbia Home Rule Act. Debt shall be issued after the Board of Directors of the Corporation has passed a resolution approving that debt, which shall be subject to the requirements of paragraphs (3) and (4) of this subsection.

"(2) The debt may be issued independent of the requirements of subsections (b) through (w) of this section. The Corporation may apply the provisions of any of subsections (c) and (e) through (w) of this section by substituting the word "debt" for the word "bonds" wherever the word "bonds" appears.

"(3) The Corporation shall submit to the Council a proposed resolution of debt approval ("debt resolution") that shall include the following information:

"(A) A summary description of the project being financed;

"(B) A description of the proposed sources of payment of and security for the debt;

"(C) A statement declaring that the debt complies with the requirements of paragraphs (5)(A) through (G) of this subsection; and

"(D) A financial analysis of the project being financed prepared by the Chief Financial Officer.

"(4) If the Council does not approved the proposed debt resolution during the 45-calendar day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, it shall be deemed disapproved.

"(5) For purposes of this subsection, the term "debt" means any obligation (including without limitation, any loan, line of credit, revolving credit facility, letter of credit, finance or capital lease, indebtedness for borrowed money, reimbursement obligation, any interest rate protection facility or other credit facility), mortgage, grant of a security interest or lien, hypothecation or pledge of any assets or properties of the Corporation, or guarantee of the Corporation of any kind or nature whatsoever relating to principal, interest, late fees, prepayment premium or penalty, reimbursement obligations and issuance, transaction and enforcement costs, fees and expenses of any kind or nature whatsoever, including attorneys' fees and expenses, which may include borrowing, securing, or issuing loans or other credit facilities, issuing mortgages, liens, pledges or security interests, or otherwise assuming debt pursuant to the Corporation's authority under this act that meets the following requirements:

"(A) The debt shall be a special obligation of the Corporation, shall not give rise to any pecuniary liability of the District, shall be without recourse to the District, shall not be a general, special, or limited obligation of the District, shall not be a liability of the District, shall not include a pledge of or involve the faith and credit or the taxing power of the District, including but not limited to dedicated taxes or fees, property tax increment revenues, or sales or use tax increment revenues, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for the purposes of section 602(a)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-206.02(a)(2));

"(B) No assets, revenues, or property pledged by the Corporation to pay or secure the debt, including mortgages and obligations securing mortgages, shall be assets, revenues, or property that are titled in the name of the District;

"(C) The District shall not have any liability or obligation for the payment of any issuance costs as defined in section 47-340.01(14) of the District of Columbia Official Code, or for any transaction, occurrence, or event to be effected by the instruments or

financing documents as defined in section 47-340.01(11) of the District of Columbia Official Code that create the debt, or any other documents or agreements evidencing or securing the debt that may be necessary or appropriate for its issuance, including agreements, certificates, letters, opinions, forms, receipts, and other similar instruments ("closing documents");

"(D) There shall be no direct, implied, or moral obligation by the District to repay or guarantee the debt;

"(E) No person, including the holder or owner of the debt, shall have any claims, including but not limited to claims for damages in contract or tort, against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the Corporation to repay the debt or perform any covenant, undertaking, or obligation of the Corporation arising under the debt, the debt instruments, financing documents, or the closing documents;

"(F) No elected or appointed official, officer, employee, or agent of the District shall be personally liable for any debt issued under this section for any reason or under any circumstance, or be subject to any personal liability by reason of the issuance of the debt or for any representations, warranties, covenants, obligations, or agreements of the Corporation contained in the debt instruments, the financing documents, or the closing documents; and

"(G) The document that evidences the debt and establishes the Corporation's obligation to repay the debt shall contain on its face a statement setting forth the requirements under subparagraphs (A) through (G) of this paragraph.

"(6) No member of the Board, officer, or employee of the Corporation shall be personally liable by reason of the issuance of the debt.

"(7) A pledge by the Corporation of available revenues collected by or on behalf of the Corporation as security for an issue of debt shall be valid and binding from the time the pledge is made. The available revenues and receipts pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Corporation whether or not that person has notice. Notwithstanding any other law, the filing or recording of any resolution, financing document, closing document, or other instrument adopted or entered into by the Corporation in any public record is not required in order to perfect the lien against 3rd persons.

"(8) The signature of any officer of the Corporation that appears on a note or other closing document shall remain valid notwithstanding that person has ceased to hold that office.

"(9) The Corporation may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its debt.

"(10) Debt obligations of the Corporation are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions, including

savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control.

"(11) Debt issued by the Corporation and the interest thereon shall be exempt from District taxation, except estate, inheritance, and gift taxes.

"(12) For purposes of this subsection, references to the District shall not include the Corporation, and the debt shall comply with the applicable provisions of section 490 of the District of Columbia Home Rule Act.

"(13) For purposes of this section, the term "Corporation" means the National Capital Revitalization Corporation, the RLA Revitalization Corporation, or any subsidiary thereof or successor entity or organization created by the Council to which the Council has delegated the authority to incur debt."

Sec. 3. Section 116 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.16), is amended by adding a new subsection (p) to read as follows:

Note,
§ 2-1223.16

"(p)(1) In accordance with section 490(a)(6)(A) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(a)(6)(A)), the Council authorizes the Corporation to incur debt to provide assistance in financing, refinancing, and reimbursing development costs of eligible projects, and all undertakings authorized pursuant to section 490(a)(1) of the District of Columbia Home Rule Act that are in furtherance of, and not inconsistent with, the purposes of this subchapter. For these authorized purposes, the Council delegates to the Corporation the authority to issue debt under section 490 of the District of Columbia Home Rule Act, including the powers thereunder to provide for the authorization, security, sale, and issuance of debt consistent with this subsection. This delegation is not exclusive, does not restrict, impair, or supersede the authority otherwise vested by law in any District instrumentality, and is subject to the requirements of section 490(a)(6)(A) of the District of Columbia Home Rule Act. Debt shall be issued after the Board of Directors of the Corporation has passed a resolution approving such debt, which shall be subject to the requirements of paragraphs (3) and (4) of this subsection.

"(2) The debt may be issued independent of the requirements of subsections (b) through (o) of this section. The Corporation may apply the provisions of any of subsections (c) through (o) of this section by substituting the word "debt" for the word "bonds" wherever the word "bonds" appears.

"(3) The Corporation shall submit to the Council a resolution of debt approval ("debt resolution") that shall include the following information:

"(A) A summary description of the project being financed;

"(B) A description of the proposed sources of payment of and security

for the debt;

“(C) A statement declaring that the debt complies with the requirements of paragraphs (6) through (12) of this subsection; and

“(D) A financial analysis of the project being financed prepared by the Chief Financial Officer.

“(4) If the Council does not approved the proposed debt resolution during the 45- calendar day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, it shall be deemed disapproved.

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

“(A) “Corporation” means the Anacostia Waterfront Corporation, any subsidiary thereof, or any successor organization or entity.”

“(B) “Debt” means any obligation (including any loan, line of credit, revolving credit facility, letter of credit, finance or capital lease, indebtedness for borrowed money, reimbursement obligation, any interest rate protection facility, or other credit facility), mortgage, grant of a security interest or lien, hypothecation or pledge of any assets or properties of the Corporation, or guarantee of the Corporation of any kind or nature whatsoever relating to principal, interest, late fees, prepayment premium or penalty, reimbursement obligations and issuance, transaction and enforcement costs, fees and expenses of any kind or nature whatsoever, which may include borrowing, securing or issuing loans or other credit facilities, issuing mortgages, liens, pledges or security interests, or otherwise assuming debt pursuant to the Corporation’s authority under this act.

“(6) Any debt issued under this subsection shall be a special obligation of the Corporation, shall not give rise to any pecuniary liability of the District, shall be without recourse to the District, shall not be a general, special, or limited obligation of the District, shall not be a liability of the District, shall not include a pledge of or involve the faith and credit or the taxing power of the District, including but not limited to taxes or fees, property tax increment revenues, or sales or use tax increment revenues, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for the purposes of section 602(a)(2) of the District of Columbia Home Rule Act.

“(7) No assets, revenues or property pledged by the Corporation to pay or secure the debt, including mortgages and obligations securing mortgages, shall be assets, revenues, or property that are titled in the name of the District.

“(8) The District shall not have any liability or obligation for the payment of any issuance costs as defined section 47-340.01(14)) of the District of Columbia Code, or for any transaction, occurrence, or event to be effected by the instruments or financing documents, as defined in section 340.01(11) of the District of Columbia Code, that create the debt, or any other agreements evidencing the debt that may be necessary or appropriate for its issuance, including agreements, certificates, letters, opinions, forms, receipts, and other similar instruments

("closing documents").

"(9) There shall be no direct, implied, or moral obligation by the District to repay or guarantee the debt in any closing document.

"(10) No person, including the holder or owner of the debt, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the Corporation to repay the debt or perform any covenant, undertaking, or obligation of the Corporation arising out of the debt, the financing documents, or the closing documents.

"(11) No elected or appointed official, officer, employee, or agent of the District shall be personally liable for any debt issued under this section for any reason or under any circumstance or be subject to any personal liability by reason of the issuance of the debt or for any representations, warranties, covenants, obligations, or agreements of the Corporation contained in the debt instruments, the financing documents, or in the closing documents.

"(12) The document that evidences the debt and establishes the Corporation's obligation to repay the debt shall contain on its face a statement setting forth the requirements of paragraphs (6) through (12) of this subsection."

"(13) No member of the Board, officer, or employee of the Corporation shall be personally liable by reason of the issuance of the debt.

"(14) A pledge by the Corporation of available revenues collected by or on behalf of the Corporation as security for an issue of debt shall be valid and binding from the time the pledge is made. The available revenues and receipts pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Corporation or the District government whether or not that person has notice. Notwithstanding any other law, the filing or recording of any resolution, financing document, closing document, or other instrument adopted or entered into by the Corporation in any public record is not required in order to perfect the lien against third persons.

"(15) The signature of any officer of the Corporation that appears on a note or other closing document shall remain valid notwithstanding that person has ceased to hold that office.

"(16) The Corporation may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its debt.

"(17) Debt obligations of the Corporation are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions, including savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control.

“(18) Debt issued by the Corporation and the interest thereon shall be exempt from District taxation, except estate, inheritance, and gift taxes.

“(19) Debt obligations of the Corporation may be secured by a mortgage, lien, security interest or pledge of any assets or properties of the Corporation, including any real or personal property.

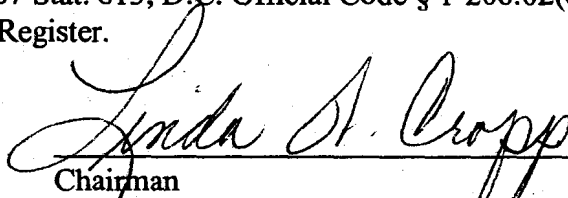
“(20) For purposes of this subsection, references to the District shall not include the Corporation, and the debt shall comply with the applicable provisions of section 490 of the District of Columbia Home Rule Act.”.

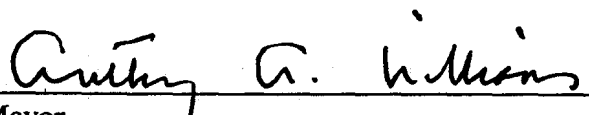
Sec. 4. Fiscal impact statement.

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
June 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.West Group
Publisher

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds secured by tax increment revenues generated by or related to a New Convention Center Hotel and issued pursuant to section 490 of the District of Columbia Home Rule Act; to amend the Washington Convention Center Authority Act of 1994 to allow funds to be used to secure bonds to be issued by the Washington Convention Center Authority; to amend Chapter 47 of the District of Columbia Official Code to exempt acquisition and disposition of real property in connection with land assembly for development of a New Convention Center Hotel from certain taxes; and to amend the Washington Convention Center Authority Act of 1994 to authorize the lease of real property for the development of a site for the New Convention Center Hotel and to authorize the Mayor to exercise eminent domain authority in the New Convention Center Hotel area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006".

TITLE I. FINANCING.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Authority" means the Washington Convention Center Authority established under the Washington Convention Center Authority Act.

(2) "Authorized Delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided

for in section 481 of the Home Rule Act and pledged to payment of general obligation indebtedness of the District.

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act.

(5) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in any fiscal year of the District, less the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in the base year.

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

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

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

(9) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(10) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(11) "D.C. Citizens' Job Program" means a job training and hiring program which complies with the conditions stated in section 105(a)(2).

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

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

(14) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Hotel Site.

(15) "New Convention Center Hotel Fund" means the nonlapsing fund established under section 103.

(16) "New Convention Center Hotel Site" means the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

ENROLLED ORIGINAL

(17) "New Convention Center Hotel TIF Area" means the area designated for the TIF established pursuant to section 104 and defined therein.

(18) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in convention center hotels.

(19) "TIF" means tax increment financing.

(20) "Washington Convention Center Authority Act" means the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*).

Sec. 102. Findings.

The Council finds that:

(1) A new hotel is required at the intersection of Ninth Street and Massachusetts Avenue, N.W., to support the operations of the Washington Convention Center and to enhance the economic benefits to the District of the Washington Convention Center. The construction and development of the New Convention Center Hotel and the expansion of the Washington Convention Center would enable the Washington Convention Center to be more competitive in the convention market, enable it to attract increased business, provide for additional retail use, and enhance the financial viability of the Washington Convention Center. The development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District.

(2) Section 490 of the Home Rule Act provides that the Council may, by act, authorize the issuance of District revenue bonds, notes, or other obligations, including refunding bonds, notes, or other obligations, to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more governmental persons or entities.

(3) Section 490 of the Home Rule Act provides that bonds may be issued to assist in undertakings in the area of economic development.

(4) The authorization, issuance, sale, and delivery of bonds for the payment of costs of the project are desirable, are in the public interest and will promote the purposes and intent of section 490 of the Home Rule Act.

Sec. 103. Creation of the New Convention Center Hotel Fund.

(a) There is hereby established separate and apart from the General Fund of the District of Columbia a special nonlapsing fund designated as the New Convention Center Hotel Fund. The Chief Financial Officer shall deposit into the New Convention Center Hotel Fund the Available Tax Increment. The Chief Financial Officer shall create a sub-account within the New

Convention Center Hotel Fund for Available Real Property Tax Revenues and Available Sales Tax Revenues and shall allocate the receipts from each to the appropriate sub-account. The Mayor may pledge and create a security interest in the funds in the New Convention Center Hotel Fund, or any sub-account or sub-accounts within the Fund, for the payment of the costs of carrying out any of the purposes described in subsection (b) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. If bonds are issued, payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(b)(1) The funds in the New Convention Center Hotel Fund may be used as follows:

(A) To secure the repayment of the bonds; and

(B) To finance, refinance, or reimburse the District or any

instrumentality of the District for costs of the project.

(2) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, 50% of such excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center.

(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the New Convention Center Hotel Fund exceeds the amounts required under subsection (b) of this section, including the amount of debt service and reserves on the bonds during the upcoming fiscal year, the excess shall be transferred to the General Fund of the District of Columbia.

Sec. 104. Creation of the New Convention Center Hotel TIF Area.

(a) There is hereby created a TIF area designated as the New Convention Center Hotel TIF Area. The New Convention Center Hotel TIF Area is defined as the real property located in lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., and square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W. As provided under section 103, the Available Tax Increment from the New Convention Center Hotel TIF Area shall be deposited in the New Convention Center Hotel Fund and may be used as provided therein, including as security for the repayment of the bonds.

(b) The base year for determination of Available Sales Tax Revenues from the New Convention Center Hotel TIF Area shall be the tax year preceding the year when this act becomes effective and the base year for determination of Available Real Property Tax Revenues from the New Convention Center Hotel TIF Area shall be the fiscal year of the District when this act becomes effective and the initial assessed value to be used in making such determination shall be the assessed value of each lot of taxable real property in the New Convention Center Hotel TIF Area on the date that this act becomes effective.

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Sec. 105. Bond authorization.

(a) The Council approves and authorizes the issuance to the Authority of bonds in an aggregate amount not to exceed \$187 million. The net proceeds shall be used as follows:

- (1) The amount of \$134 million for the costs of the project; and
- (2) The amount of \$2 million for the D.C. Citizens' Job Program; provided, that:

(A) The program shall begin no later than 2 years before the completion of the construction of the New Convention Center Hotel.

(B) The program shall train and hire citizens of the District for permanent employment positions in the New Convention Center Hotel.

(C) The development, administration, and oversight of the program shall be the responsibility of the Authority.

(D) The Authority shall ensure that Marriott International, Inc.; representatives of organized labor; ONE DC (formerly known as Manna CDC), a community development corporation organized in the District; and other community organizations which have demonstrated experience in providing effective job training and placement in hospitality industry jobs participate in the development of the program.

(E) The program shall be designed to provide job-specific training which meets the specifications of positions to be filled at the New Convention Center Hotel and shall provide that District citizens who successfully complete the training be given first consideration for the jobs for which they have been trained.

(b) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by funds in the New Convention Center Hotel Fund (or the portion of such funds as shall be determined in accordance with the terms of the bonds for the payment of debt service on the bonds).

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, bond insurance or other credit enhancement, marketing and selling the bonds, and printing costs and expenses.

Sec. 106. Bond details.

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

- (1) The final form, content, designation, and terms of the bonds;
- (2) The principal amount of the bonds to be issued and denominations of the

bonds;

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

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

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

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

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

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

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

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

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

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

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

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Sec. 107. Issuance of the bonds.

(a) The bonds shall be issued as a TIF note to the Authority and may be held and used as security for bonds to be issued by the Authority.

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

Sec. 108. Payment and security.

Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District and deposited in the New Convention Center Hotel Fund, and income realized from the temporary investment of those receipts and revenues.

Sec. 109. Financing and Closing Documents.

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

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

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

Sec. 110. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment from the New Convention Center Hotel TIF Area), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 111. District officials.

(a) Except as otherwise provided in section 110(b), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

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

Sec. 112. Maintenance of documents.

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

Sec. 113. Information reporting.

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

Sec. 114. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 10-1202.01) is amended by adding a new paragraph (7) to read as follows:

Note,
§ 10-1202.01

(7) "New convention center hotel" means a hotel to be constructed on the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

(b) Section 204 (D.C. Official Code § 10-1202.04) is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 10-1202.04

"(a-1)(1) Notwithstanding the provisions of subsection (a) of this section, the Authority may, without submission to the Council, adopt inducement resolutions or resolutions authorizing the issuance of bonds and may issue bonds to:

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"(A) Acquire one or more parcels of real property within the new convention center hotel site; provided, that the Council has approved the contract for the purchase; and

"(B) To pay certain costs of the development of the new convention center hotel and the expansion of the new convention center.

"(2) The bonds may be secured, in whole or in part, by:

"(A) The tax increment financing note, and security provided therefor, issued pursuant to the New Convention Center Hotel Omnibus Financing and Development Emergency Act of 2006, passed on an emergency basis on June 6, 2006 (Enrolled version of Bill 16-766);

"(B) A mortgage on real property; or

"(C) Available revenues, assets, or other property of the Authority, subject to preexisting agreements with holders of the bonds of the Authority."

(c) Section 209 (D.C. Official Code § 10-1202.09) is amended by striking the phrase "New Convention Center" and inserting the phrase "New Convention Center and the new convention center hotel" in its place.

Note,
§ 10-1202.09

Sec. 115. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-4609. New Convention Center Hotel project-deed and recordation tax exemption."

(b) A new section 47-4608 is added to read as follows:

"47-4608. New Convention Center Hotel project-deed and recordation tax exemption.

Note,
§ 47-4607

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

"(1) "New Convention Center Hotel TIF Area" means the real property located in lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., and square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

"(2) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in convention center hotels, in the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

"(b) All transfers of real property in the New Convention Center Hotel TIF Area pursuant to the project shall be exempt from the tax imposed by §§ 42-1102 and 47-903."

TITLE II. AUTHORIZATION TO LEASE AND CONDEMN LAND FOR NEW CONVENTION CENTER HOTEL.

Sec. 201. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended by adding new titles VII and VIII to read as follows:

"TITLE VII. AUTHORIZATION TO LEASE LAND FOR NEW CONVENTION CENTER HOTEL.

Note,
§ 10-1202.01

"Sec. 701. Findings.

"The Council finds that in order for the development of the new convention center hotel to proceed, it is necessary for the District and the Authority to lease to Marriott International, Inc., the developer of the new convention center hotel, or its designee, 2 parcels of land that are part of the site of the new convention center hotel.

"Sec. 702. Lease authority for the Mayor.

"The Mayor may grant a lease to Marriott International, Inc., or its designee, of the real property described as lots 62, 838, 839, 848, 859, and 878, square 369, and lots 18, 21, 22, 24, 801 through 806, 830 through 836, 837, 838, 839, 843, and 845, square 370, including all public alleys to be closed within these lots, on the following terms and conditions:

"(1) The lease term shall be 99 years, with no lease payments during the 3 year construction period and during the 1st 3 years of operation of the New Convention Center Hotel, up to a maximum of 6 years.

"(2) A lease payment of \$885,000 shall be paid during the 4th year of operation in equal monthly installments of \$73,750.

"(3) An annual lease payment of \$3.572 million shall be paid in monthly installments during the 5th year of operation and shall increase annually by 2.5% each year until the end of the lease term.

"(4) Lease payments shall be payable from cash available after the developer's debt service payments on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the developer.

"Sec. 703. Lease authority for the Authority.

"The Authority may lease to Marriott International, Inc., or its designee, the real property described as square 370, lots 22, and 24 on the following terms and conditions:

"(1) The lease term shall be 99 years, with no lease payments during construction up to a maximum of 3 years.

"(2) An annual lease payment, beginning upon the opening of the new convention center hotel, equal to the debt service costs related to funding the parcel's purchase price, construction period interest, reserves, and issuance costs.

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"(3) Commencing in the 31st year of operation of the new convention center hotel, and for each year thereafter during the lease term, the lease payment shall be \$500,000, increased every 10 years by 5% thereafter.

"(4) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the lease."

"TITLE VIII. EMINENT DOMAIN.

"Sec. 801. Definitions.

"For the purpose of this title, the term:

"(1) 'New Convention Center Hotel Site' means square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, and square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., Washington, D.C., and public alleys to be closed.

"(2) 'New Convention Center' means the comprehensive international trade and exhibition center constructed within the area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W., Washington, D.C.

"(3) 'New Convention Center Hotel' means a hotel to be constructed on the New Convention Hotel Site.

"Sec. 802. Findings:

"The Council finds that:

"(1) The New Convention Center needs a New Convention Center Hotel adjacent to or in close proximity to the New Convention Center.

"(2) The New Convention Center also needs to expand its meeting space and ballroom space on a site adjacent to or in close proximity to the New Convention Center.

"(3) The construction and development of the New Convention Center Hotel and the expansion of the New Convention Center would enable the Center to be more competitive in the convention market, attract increased business, provide for additional retail use, and enhance the financial viability of the Center. Expansion of the New Convention Center by the addition of meeting and ballroom space will also provide opportunity for private development within that space through the use of developable air space for residential uses.

"(4) The assemblage of properties within the New Convention Center Hotel Site is necessary to allow for the development of a New Convention Center Hotel and for the expansion of the New Convention Center.

"(5) The assemblage of properties in the New Convention Center Hotel site and the development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District of Columbia.

"Sec. 803. Eminent domain.

"(a) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire properties in the New Convention Center Hotel Site to construct and develop the New Convention Center Hotel and for the purpose of expanding the New Convention Center by the addition of meeting and ballroom space for:

"(1) Private retail development within the New Convention Center Hotel Site;
and

"(2) Private development of air space for residential condominiums above the additional meeting and ballroom space within the New Convention Center Site.

"(b) The New Convention Center Hotel shall be constructed for the purpose of enhancing and expanding the capacity of the New Convention Center. The New Convention Center Hotel shall be located adjacent to or in close proximity to the New Convention Center and shall have a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in similar convention center hotels."

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statements in the committee reports of the Committee on Finance & Revenue and the Committee on Economic Development 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)).

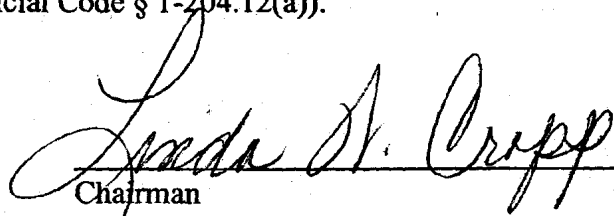
Sec. 302. Effective date.

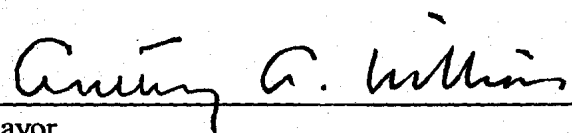
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
June 26, 2006

JUL 07 2006

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AN ACT
D.C. ACT 16-405

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
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To amend, on an emergency basis, the National Capital Revitalization Corporation Act of 1998 and the Anacostia Waterfront Corporation Act of 2004 to delegate additional authority to incur certain types of debt after attaining Council approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "NCRC and AWC Debt Acquisition Delegation Authority Emergency Amendment Act of 2006".

Sec. 2. Section 19 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.18), is amended by adding a new subsection (x) to read as follows:

*Note,
§ 2-1219.18*

"(x)(1) In accordance with section 490(a)(6)(A) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(a)(6)(A)), the Council authorizes the Corporation to incur debt to provide assistance in financing, refinancing, and reimbursing development costs of eligible projects, and all undertakings authorized pursuant to section 490(a)(1) of the District of Columbia Home Rule Act that are in furtherance of, and not inconsistent with, the purposes of this act. For these purposes, the Council delegates to the Corporation the authority to issue debt under section 490 of the District of Columbia Home Rule Act, including the powers thereunder to provide for the authorization, security, sale, and issuance of debt consistent with this subsection. This delegation is not exclusive, does not restrict, impair or supersede the authority otherwise vested by law in any District instrumentality, and is subject to the requirements of section 490(a)(6)(A) of the District of Columbia Home Rule Act. Debt shall be issued after the Board of Directors of the Corporation has passed a resolution approving that debt, which shall be subject to the requirements of paragraphs (3) and (4) of this subsection.

"(2) The debt may be issued independent of the requirements of subsections (b) through (w) of this section. The Corporation may apply the provisions of any of subsections (c) and (e) through (w) of this section by substituting the word "debt" for the word "bonds" wherever the word "bonds" appears.

"(3) The Corporation shall submit to the Council a proposed resolution of debt approval ("debt resolution") that shall include the following information:

"(A) A summary description of the project being financed;

"(B) A description of the proposed sources of payment of and security for the debt;

"(C) A statement declaring that the debt complies with the requirements of paragraphs (5)(A) through (G) of this subsection; and

"(D) A financial analysis of the project being financed prepared by the Chief Financial Officer.

"(4) If the Council does not approved the proposed debt resolution during the 45-calendar day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, it shall be deemed disapproved.

"(5) For purposes of this subsection, the term "debt" means any obligation (including any loan, line of credit, revolving credit facility, letter of credit, finance or capital lease, indebtedness for borrowed money, reimbursement obligation, any interest rate protection facility or other credit facility), mortgage, grant of a security interest or lien, hypothecation or pledge of any assets or properties of the Corporation, or guarantee of the Corporation of any kind or nature whatsoever relating to principal, interest, late fees, prepayment premium or penalty, reimbursement obligations and issuance, transaction and enforcement costs, fees and expenses of any kind or nature whatsoever, including attorneys' fees and expenses, which may include borrowing, securing, or issuing loans or other credit facilities, issuing mortgages, liens, pledges or security interests, or otherwise assuming debt pursuant to the Corporation's authority under this act that meets the following requirements:

"(A) The debt shall be a special obligation of the Corporation, shall not give rise to any pecuniary liability of the District, shall be without recourse to the District, shall not be a general, special, or limited obligation of the District, shall not be a liability of the District, shall not include a pledge of or involve the faith and credit or the taxing power of the District, including but not limited to dedicated taxes or fees, property tax increment revenues, or sales or use tax increment revenues, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for the purposes of section 602(a)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-206.02(a)(2));

"(B) No assets, revenues, or property pledged by the Corporation to pay or secure the debt, including mortgages and obligations securing mortgages, shall be assets, revenues, or property that are titled in the name of the District;

"(C) The District shall not have any liability or obligation for the payment of any issuance costs as defined in section 47-340.01(14) of the District of Columbia Official Code, or for any transaction, occurrence, or event to be effected by the instruments or

financing documents as defined in section 47-340.01(11) of the District of Columbia Official Code that create the debt, or any other documents or agreements evidencing or securing the debt that may be necessary or appropriate for its issuance, including agreements, certificates, letters, opinions, forms, receipts, and other similar instruments ("closing documents");

"(D) There shall be no direct, implied, or moral obligation by the District to repay or guarantee the debt;

"(E) No person, including the holder or owner of the debt, shall have any claims, including but not limited to claims for damages in contract or tort, against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the Corporation to repay the debt or perform any covenant, undertaking, or obligation of the Corporation arising under the debt, the debt instruments, financing documents, or the closing documents;

"(F) No elected or appointed official, officer, employee, or agent of the District shall be personally liable for any debt issued under this section for any reason or under any circumstance, or be subject to any personal liability by reason of the issuance of the debt or for any representations, warranties, covenants, obligations, or agreements of the Corporation contained in the debt instruments, the financing documents, or the closing documents; and

"(G) The document that evidences the debt and establishes the Corporation's obligation to repay the debt shall contain on its face a statement setting forth the requirements under subparagraphs (A) through (G) of this paragraph.

"(6) No member of the Board, officer, or employee of the Corporation shall be personally liable by reason of the issuance of the debt.

"(7) A pledge by the Corporation of available revenues collected by or on behalf of the Corporation as security for an issue of debt shall be valid and binding from the time the pledge is made. The available revenues and receipts pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Corporation whether or not that person has notice. Notwithstanding any other law, the filing or recording of any resolution, financing document, closing document, or other instrument adopted or entered into by the Corporation in any public record is not required in order to perfect the lien against 3rd persons.

"(8) The signature of any officer of the Corporation that appears on a note or other closing document shall remain valid notwithstanding that person has ceased to hold that office.

"(9) The Corporation may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its debt.

"(10) Debt obligations of the Corporation are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions, including

savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control.

“(11) Debt issued by the Corporation and the interest thereon shall be exempt from District taxation, except estate, inheritance, and gift taxes.

“(12) For purposes of this subsection, references to the District shall not include the Corporation, and the debt shall comply with the applicable provisions of section 490 of the District of Columbia Home Rule Act.

“(13) For purposes of this section, the term “Corporation” means the National Capital Revitalization Corporation, the RLA Revitalization Corporation, or any subsidiary thereof or successor entity or organization created by the Council to which the Council has delegated the authority to incur debt.”.

Sec. 3. Section 116 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.16), is amended by adding a new subsection (p) to read as follows:

Note,
§ 2-1223.16

“(p)(1) In accordance with section 490(a)(6)(A) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 809; D.C. Official Code § 1-204.90(a)(6)(A)), the Council authorizes the Corporation to incur debt to provide assistance in financing, refinancing, and reimbursing development costs of eligible projects, and all undertakings authorized pursuant to section 490(a)(1) of the District of Columbia Home Rule Act that are in furtherance of, and not inconsistent with, the purposes of this subchapter. For these authorized purposes, the Council delegates to the Corporation the authority to issue debt under section 490 of the District of Columbia Home Rule Act, including the powers thereunder to provide for the authorization, security, sale, and issuance of debt consistent with this subsection. This delegation is not exclusive, does not restrict, impair, or supersede the authority otherwise vested by law in any District instrumentality, and is subject to the requirements of section 490(a)(6)(A) of the District of Columbia Home Rule Act. Debt shall be issued after the Board of Directors of the Corporation has passed a resolution approving such debt, which shall be subject to the requirements of paragraphs (3) and (4) of this subsection.

“(2) The debt may be issued independent of the requirements of subsections (b) through (o) of this section. The Corporation may apply the provisions of any of subsections (c) through (o) of this section by substituting the word “debt” for the word “bonds” wherever the word “bonds” appears.

“(3) The Corporation shall submit to the Council a resolution of debt approval (“debt resolution”) that shall include the following information:

“(A) A summary description of the project being financed;

“(B) A description of the proposed sources of payment of and security

for the debt;

“(C) A statement declaring that the debt complies with the requirements of paragraphs (6) through (12) of this subsection; and

“(D) A financial analysis of the project being financed prepared by the Chief Financial Officer.

“(4) If the Council does not approved the proposed debt resolution during the 45- calendar day period beginning on the 1st day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, it shall be deemed disapproved.

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

“(A) “Corporation” means the Anacostia Waterfront Corporation, any subsidiary thereof, or any successor organization or entity.”

“(B) “Debt” means any obligation (including any loan, line of credit, revolving credit facility, letter of credit, finance or capital lease, indebtedness for borrowed money, reimbursement obligation, any interest rate protection facility, or other credit facility), mortgage, grant of a security interest or lien, hypothecation or pledge of any assets or properties of the Corporation, or guarantee of the Corporation of any kind or nature whatsoever relating to principal, interest, late fees, prepayment premium or penalty, reimbursement obligations and issuance, transaction and enforcement costs, fees and expenses of any kind or nature whatsoever, which may include borrowing, securing or issuing loans or other credit facilities, issuing mortgages, liens, pledges or security interests, or otherwise assuming debt pursuant to the Corporation’s authority under this act.

“(6) Any debt issued under this subsection shall be a special obligation of the Corporation, shall not give rise to any pecuniary liability of the District, shall be without recourse to the District, shall not be a general, special, or limited obligation of the District, shall not be a liability of the District, shall not include a pledge of or involve the faith and credit or the taxing power of the District, including but not limited to taxes or fees, property tax increment revenues, or sales or use tax increment revenues, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for the purposes of section 602(a)(2) of the District of Columbia Home Rule Act.

“(7) No assets, revenues or property pledged by the Corporation to pay or secure the debt, including mortgages and obligations securing mortgages, shall be assets, revenues, or property that are titled in the name of the District.

“(8) The District shall not have any liability or obligation for the payment of any issuance costs as defined section 47-340.01(14)) of the District of Columbia Code, or for any transaction, occurrence, or event to be effected by the instruments or financing documents, as defined in section 340.01(11) of the District of Columbia Code, that create the debt, or any other agreements evidencing the debt that may be necessary or appropriate for its issuance, including agreements, certificates, letters, opinions, forms, receipts, and other similar instruments

("closing documents").

"(9) There shall be no direct, implied, or moral obligation by the District to repay or guarantee the debt in any closing document.

"(10) No person, including the holder or owner of the debt, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the Corporation to repay the debt or perform any covenant, undertaking, or obligation of the Corporation arising out of the debt, the financing documents, or the closing documents.

"(11) No elected or appointed official, officer, employee, or agent of the District shall be personally liable for any debt issued under this section for any reason or under any circumstance or be subject to any personal liability by reason of the issuance of the debt or for any representations, warranties, covenants, obligations, or agreements of the Corporation contained in the debt instruments, the financing documents, or in the closing documents.

"(12) The document that evidences the debt and establishes the Corporation's obligation to repay the debt shall contain on its face a statement setting forth the requirements of paragraphs (6) through (12) of this subsection."

"(13) No member of the Board, officer, or employee of the Corporation shall be personally liable by reason of the issuance of the debt.

"(14) A pledge by the Corporation of available revenues collected by or on behalf of the Corporation as security for an issue of debt shall be valid and binding from the time the pledge is made. The available revenues and receipts pledged shall immediately be subject to the lien of the pledge without physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract, or otherwise against the Corporation or the District government whether or not that person has notice. Notwithstanding any other law, the filing or recording of any resolution, financing document, closing document, or other instrument adopted or entered into by the Corporation in any public record is not required in order to perfect the lien against third persons.

"(15) The signature of any officer of the Corporation that appears on a note or other closing document shall remain valid notwithstanding that person has ceased to hold that office.

"(16) The Corporation may enter into agreements with agents, banks, insurers, or others for the purpose of enhancing the marketability of or security for its debt.

"(17) Debt obligations of the Corporation are legal investments in which public officers and public bodies of the District, insurance companies and associations and other persons carrying on an insurance business, banks, bankers, banking institutions, including savings and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustees and other fiduciaries, and other persons authorized to invest in bonds or in other obligations of the District, may legally invest funds, including capital, in their control.

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“(18) Debt issued by the Corporation and the interest thereon shall be exempt from District taxation, except estate, inheritance, and gift taxes.

“(19) Debt obligations of the Corporation may be secured by a mortgage, lien, security interest or pledge of any assets or properties of the Corporation, including any real or personal property.

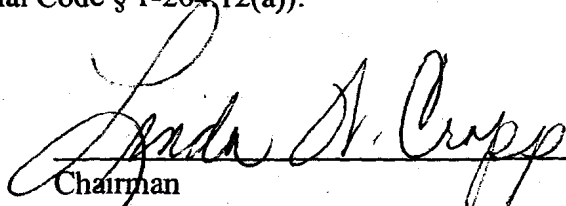
“(20) For purposes of this subsection, references to the District shall not include the Corporation, and the debt shall comply with the applicable provisions of section 490 of the District of Columbia Home Rule Act.”.

Sec. 4. Fiscal impact statement.

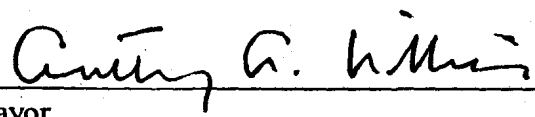
The Council adopts the fiscal impact statement in the committee report for Bill 16-655 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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
June 26, 2006

AN ACT
D.C. ACT 16-406

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

*Codification
District of
Columbia
Official Code*

2001 Edition

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Supp.

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To amend, on an emergency basis, due to Congressional review, the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006 to add the Chief Financial Officer as a nonvoting member of the Task Force and to clarify the specialized experience required for voting members of the Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contracting and Procurement Reform Task Force Membership Authorization and Qualifications Clarification Congressional Review Emergency Act of 2006".

Sec. 2. Section 4(a) of the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006, signed by the Mayor on March 23, 2006 (D.C. Act 16-337; 53 DCR 2613), is amended to read as follows:

"(a) The Task Force shall consist of 7 voting members and 3 nonvoting members.

"(1) The voting members shall include 7 contract or procurement law experts. Each voting member shall have a minimum of 7 years experience specializing in contract or procurement law.

"(2) The nonvoting members shall include the Chief Procurement Officer of the District of Columbia ("CPO"), a designee of the CPO, and the Chief Financial Officer of the District of Columbia ("CFO") or a designee of the CFO."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement for the Contracting and Procurement Reform Task Force Establishment Temporary Act of 2006, signed by the Mayor on March 23, 2006 (D.C. Act 16-337; 53 DCR 2613), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(3)).

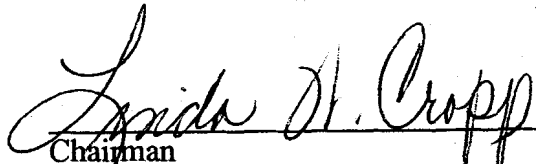
Sec. 4. Effective date.

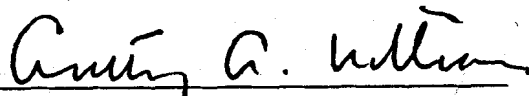
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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
June 26, 2006

AN ACT

D.C. ACT 16-407

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006*Codification
District of
Columbia
Official Code*

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To authorize, on an emergency basis, implementation of changes in certain solid waste disposal fees, to be made by rulemaking, that are based on a Council approved fee-setting formula without requiring submission of the changes to the Council for review, and to establish a special account for solid waste transfer disposal fees and disposal fee revenue.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solid Waste Disposal Fee Emergency Amendment Act of 2006."

Sec. 2. Section 8-3:606(e)(iv) of the Solid Waste Regulations, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4157), is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase "anticipated incinerator repair costs. The proposed rules" and inserting the phrase "other anticipated costs attributable to the operation of the District's solid waste disposal facilities, including its solid waste transfer facilities. Except as provided in subparagraph (B-i), the proposed rules" in its place.

(b) Add a new subparagraph (B-i) to read as follows:

"(B-i) Any change in the solid waste disposal fee established in accordance with the solid waste disposal fee-setting formula established pursuant to this act that is based on changes in fuel costs or other changes in the amounts paid by the District under a solid waste disposal contract that has been approved by the Council shall not be required to be submitted to the Council for review."

Sec. 3. Solid Waste Disposal Fee Special Account.

There is hereby established within the General Fund of the District of Columbia a special account, to be known as the Solid Waste Disposal Fee Special Account, the funds of which shall be nonlapsing and shall not revert to the General Fund at the end of any fiscal year, or at any other time, but shall be continually available for the purposes set forth in this section, subject to authorization by Congress, into which shall be deposited all solid waste disposal transfer fee and disposal fee revenues owed and accruing to the District; which funds shall be used to defray the expenses of operating, maintaining, and improving the District's solid waste

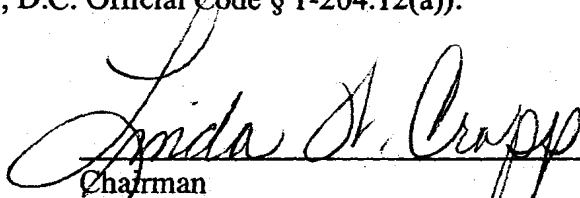
transfer facilities and the disposal of solid waste delivered to those facilities.

Sec. 4. Fiscal impact statement.

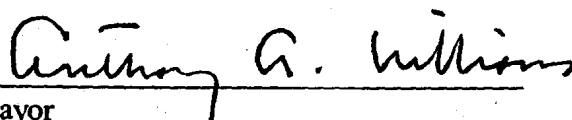
This Council adopts the fiscal impact statement of the Budget Director for the Council of the District of Columbia as the fiscal impact statement required by § 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of 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 for 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
June 26, 2006

AN ACT

D.C. ACT 16-408

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 26, 2006

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District of
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To amend, on an emergency basis, An Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to provide for civil fines, penalties, and fees to be imposed as additional sanctions for any infraction of certain provisions; and to amend the Rental Housing Act of 1985 to clarify the duties of the Office of the Tenant Advocate to include assistance to tenant organizations

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Additional Sanctions for Nuisance Abatement and Office of the Tenant Advocate Duties Clarification Emergency Amendment Act of 2006".

Sec. 2. Section 10(c) of a Act to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.10(c), is amended to read as follows:

Note,
§ 42-3131.10

(c) Civil fines, penalties, and fees may be imposed as additional sanctions for any infraction of the provisions of sections 6, 7, 9, or 12, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

Sec. 3. Section 2067 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3531.07), is amended to read as follows:

Note,
§ 42-3531.07

"Sec. 2067. Duties of the Office of the Tenant Advocate.

"The Office shall:

"(1) Provide education and outreach to tenants and the community about laws, rules, and other policy matters involving rental housing, including tenant rights under the petition process and formation of tenant organizations;

"(2) Represent the interest of tenants and tenant organizations in legislative, executive, and judicial issues, including advocating changes in laws and rules and reviewing landlord petitions on behalf of tenants;

"(3) Advise tenants and tenant organizations on filing complaints and petitions, including petitions in response to disputes with landlords;

"(4) Advise and assist tenants and tenant organizations at conciliation meetings;

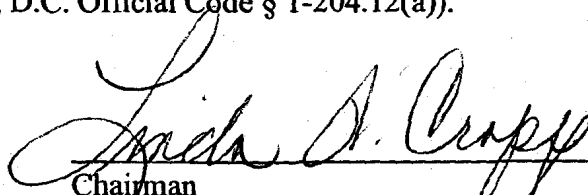
"(5) Represent tenants and tenant organizations in court or administrative proceedings;

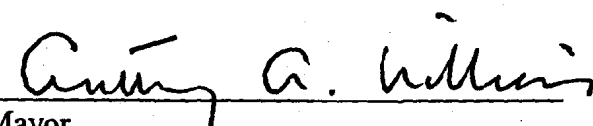
"(6) Organize tenant and tenant organizations participation in building-wide inspections; and

"(7) Operate a Tenant Phone Hotline and Tenant Center."

Sec. 4. 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. 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
June 26, 2006

JUL 07 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-409

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 27, 2006

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District of
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Official Code*

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To authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds secured by tax increment revenues generated by or related to a New Convention Center Hotel and issued pursuant to section 490 of the District of Columbia Home Rule Act; to amend the Washington Convention Center Authority Act of 1994 to allow funds to be used to secure bonds to be issued by the Washington Convention Center Authority; to amend Chapter 47 of the District of Columbia Official Code to exempt acquisition and disposition of real property in connection with land assembly for development of a New Convention Center Hotel from certain taxes; and to amend the Washington Convention Center Authority Act of 1994 to authorize the lease of real property for the development of a site for the New Convention Center Hotel and to authorize the Mayor to exercise eminent domain authority in the New Convention Center Hotel area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Omnibus Financing and Development Act of 2006".

TITLE I. FINANCING.

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Authority" means the Washington Convention Center Authority established under the Washington Convention Center Authority Act.

(2) "Authorized Delegate" means the City Administrator, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(3) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided for in

section 481 of the Home Rule Act and pledged to payment of general obligation indebtedness of the District.

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act.

(5) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in any fiscal year of the District, less the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the New Convention Center Hotel TIF Area in the base year.

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

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

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

(9) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act.

(10) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(11) "D.C. Citizens' Job Program" means a job training and hiring program which complies with the conditions stated in section 105(a)(2).

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

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

(14) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Hotel Site.

(15) "New Convention Center Hotel Fund" means the nonlapsing fund established under section 103.

(16) "New Convention Center Hotel Site" means the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

(17) "New Convention Center Hotel TIF Area" means the area designated for the TIF established pursuant to section 104 and defined therein.

(18) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in convention center hotels.

(19) "TIF" means tax increment financing.

(20) "Washington Convention Center Authority Act" means the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*).

Sec. 102. Findings.

The Council finds that:

(1) A new hotel is required at the intersection of Ninth Street and Massachusetts Avenue, N.W., to support the operations of the Washington Convention Center and to enhance the economic benefits to the District of the Washington Convention Center. The construction and development of the New Convention Center Hotel and the expansion of the Washington Convention Center would enable the Washington Convention Center to be more competitive in the convention market, enable it to attract increased business, provide for additional retail use, and enhance the financial viability of the Washington Convention Center. The development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District.

(2) Section 490 of the Home Rule Act provides that the Council may, by act, authorize the issuance of District revenue bonds, notes, or other obligations, including refunding bonds, notes, or other obligations, to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more governmental persons or entities.

(3) Section 490 of the Home Rule Act provides that bonds may be issued to assist in undertakings in the area of economic development.

(4) The authorization, issuance, sale, and delivery of bonds for the payment of costs of the project are desirable, are in the public interest and will promote the purposes and intent of section 490 of the Home Rule Act.

Sec. 103. Creation of the New Convention Center Hotel Fund.

(a) There is hereby established separate and apart from the General Fund of the District of Columbia a special nonlapsing fund designated as the New Convention Center Hotel Fund. The Chief Financial Officer shall deposit into the New Convention Center Hotel Fund the Available Tax Increment. The Chief Financial Officer shall create a sub-account within the New Convention Center Hotel Fund for Available Real Property Tax Revenues and Available Sales Tax Revenues

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

(b)(1) The funds in the New Convention Center Hotel Fund may be used as follows:

(A) To secure the repayment of the bonds; and

(B) To finance, refinance, or reimburse the District or any instrumentality of the District for costs of the project.

(2) If the New Convention Center Hotel Fund has funds in excess of the amount required for any purpose described in this subsection, 50% of such excess shall be transferred annually to the Authority to promote tourism in the District, Washington Convention Center neighborhood development, hospitality job training and readiness programs, and other needs of the Washington Convention Center.

(c) If, at the end of any fiscal year of the District, the balance of cash and investments in the New Convention Center Hotel Fund exceeds the amounts required under subsection (b) of this section, including the amount of debt service and reserves on the bonds during the upcoming fiscal year, the excess shall be transferred to the General Fund of the District of Columbia.

Sec. 104. Creation of the New Convention Center Hotel TIF Area.

(a) There is hereby created a TIF area designated as the New Convention Center Hotel TIF Area. The New Convention Center Hotel TIF Area is defined as the real property located in lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., and square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W. As provided under section 103, the Available Tax Increment from the New Convention Center Hotel TIF Area shall be deposited in the New Convention Center Hotel Fund and may be used as provided therein, including as security for the repayment of the bonds.

(b) The base year for determination of Available Sales Tax Revenues from the New Convention Center Hotel TIF Area shall be the tax year preceding the year when this act becomes effective and the base year for determination of Available Real Property Tax Revenues from the New Convention Center Hotel TIF Area shall be the fiscal year of the District when this act becomes effective and the initial assessed value to be used in making such determination shall be the assessed value of each lot of taxable real property in the New Convention Center Hotel TIF Area on the date that this act becomes effective.

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Sec. 105. Bond authorization.

(a) The Council approves and authorizes the issuance to the Authority of bonds in an aggregate amount not to exceed \$187 million. The net proceeds shall be used as follows:

(1) The amount of \$134 million for the costs of the project; and

(2) The amount of \$2 million for the D.C. Citizens' Job Program; provided, that:

(A) The program shall begin no later than 2 years before the completion of the construction of the New Convention Center Hotel.

(B) The program shall train and hire citizens of the District for permanent employment positions in the New Convention Center Hotel.

(C) The development, administration, and oversight of the program shall be the responsibility of the Authority.

(D) The Authority shall ensure that Marriott International, Inc.; representatives of organized labor; ONE DC (formerly known as Manna CDC), a community development corporation organized in the District; and other community organizations which have demonstrated experience in providing effective job training and placement in hospitality industry jobs participate in the development of the program.

(E) The program shall be designed to provide job-specific training which meets the specifications of positions to be filled at the New Convention Center Hotel and shall provide that District citizens who successfully complete the training be given first consideration for the jobs for which they have been trained.

(b) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by funds in the New Convention Center Hotel Fund (or the portion of such funds as shall be determined in accordance with the terms of the bonds for the payment of debt service on the bonds).

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, bond insurance or other credit enhancement, marketing and selling the bonds, and printing costs and expenses.

Sec. 106. Bond details.

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

(1) The final form, content, designation, and terms of the bonds;

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

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

ENROLLED ORIGINAL

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

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

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

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

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

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

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

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

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

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

Sec. 107. Issuance of the bonds.

(a) The bonds shall be issued as a TIF note to the Authority and may be held and used as security for bonds to be issued by the Authority.

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

Sec. 108. Payment and security.

Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District and deposited in the New Convention Center Hotel Fund, and income realized from the temporary investment of those receipts and revenues.

Sec. 109. Financing and Closing Documents.

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

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

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

Sec. 110. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment from the New Convention Center Hotel TIF Area), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

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Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 111. District officials.

(a) Except as otherwise provided in section 110(b), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

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

Sec. 112. Maintenance of documents.

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

Sec. 113. Information reporting.

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

Sec. 114. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 10-1202.01) is amended by adding a new paragraph (7) to read as follows: Amend
§ 10-1202.01

(7) "New convention center hotel" means a hotel to be constructed on the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

(b) Section 204 (D.C. Official Code § 10-1202.04) is amended by adding a new subsection (a-1) to read as follows: Amend
§ 10-1202.04

"(a-1)(1) Notwithstanding the provisions of subsection (a) of this section, the Authority may, without submission to the Council, adopt inducement resolutions or resolutions authorizing the issuance of bonds and may issue bonds to:

"(A) Acquire one or more parcels of real property within the new convention center hotel site; provided, that the Council has approved the contract for the purchase; and

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“(B) To pay certain costs of the development of the new convention center hotel and the expansion of the new convention center.

“(2) The bonds may be secured, in whole or in part, by:

“(A) The tax increment financing note, and security provided therefor, issued pursuant to the New Convention Center Hotel Omnibus Financing and Development Act of 2006, passed on 2nd reading on June 6, 2006 (Enrolled version of Bill 16-630);

“(B) A mortgage on real property; or

“(C) Available revenues, assets, or other property of the Authority, subject to preexisting agreements with holders of the bonds of the Authority.”.

(c) Section 209 (D.C. Official Code § 10-1202.09) is amended by striking the phrase “New Convention Center” and inserting the phrase “New Convention Center and the new convention center hotel” in its place.

Amend
§ 10-1202.09

Sec. 115. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation “47-4609. New Convention Center Hotel project—deed and recordation tax exemption.”.

(b) A new section 47-4608 is added to read as follows:

“47-4608. New Convention Center Hotel project—deed and recordation tax exemption.

New
§ 47-4608

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

“(1) “New Convention Center Hotel TIF Area” means the real property located in lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., and square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

“(2) “Project” means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a hotel having a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in convention center hotels, in the area bounded by Ninth Street, N.W., Tenth Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W.

“(b) All transfers of real property in the New Convention Center Hotel TIF Area pursuant to the project shall be exempt from the tax imposed by §§ 42-1102 and 47-903.”.

TITLE II. AUTHORIZATION TO LEASE AND CONDEMN LAND FOR NEW CONVENTION CENTER HOTEL.

Sec. 201. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended by adding new titles VII and VIII to read as follows:

"TITLE VII. AUTHORIZATION TO LEASE LAND FOR NEW CONVENTION CENTER HOTEL.

"Sec. 701. Findings.

"The Council finds that in order for the development of the new convention center hotel to proceed, it is necessary for the District and the Authority to lease to Marriott International, Inc., the developer of the new convention center hotel, or its designee, 2 parcels of land that are part of the site of the new convention center hotel.

"Sec. 702. Lease authority for the Mayor.

"The Mayor may grant a lease to Marriott International, Inc., or its designee, of the real property described as lots 62, 838, 839, 848, 859, and 878, square 369, and lots 18, 21, 22, 24, 801 through 806, 830 through 836, 837, 838, 839, 843, and 845, square 370, including all public alleys to be closed within these lots, on the following terms and conditions:

"(1) The lease term shall be 99 years, with no lease payments during the 3 year construction period and during the 1st 3 years of operation of the New Convention Center Hotel, up to a maximum of 6 years.

"(2) A lease payment of \$885,000 shall be paid during the 4th year of operation in equal monthly installments of \$73,750.

"(3) An annual lease payment of \$3.572 million shall be paid in monthly installments during the 5th year of operation and shall increase annually by 2.5% each year until the end of the lease term.

"(4) Lease payments shall be payable from cash available after the developer's debt service payments on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the developer.

"Sec. 703. Lease authority for the Authority.

"The Authority may lease to Marriott International, Inc., or its designee, the real property described as lots 22 and 24, square 370, on the following terms and conditions:

"(1) The lease term shall be 99 years, with no lease payments during construction up to a maximum of 3 years.

"(2) An annual lease payment, beginning upon the opening of the new convention center hotel, equal to the debt service costs related to funding the parcel's purchase price, construction period interest, reserves, and issuance costs.

"(3) Commencing in the 31st year of operation of the new convention center hotel, and for each year thereafter during the lease term, the lease payment shall be \$500,000, increased every 10 years by 5% thereafter.

"(4) Lease payments shall be payable from cash available after payment of the developer's debt service on a loan for the new convention center hotel.

"(5) The lease may be subordinated to a leasehold mortgage securing development financing for the lease."

"TITLE VIII. EMINENT DOMAIN.**"Sec. 801. Definitions.**

"For the purpose of this title, the term:

"(1) "New Convention Center Hotel Site" means square 370, bounded by 9th Street, N.W., 10th Street, N.W., M Street, N.W., and Massachusetts Avenue, N.W., Washington, D.C., and lots 801 through 805, 40, 838, 839, 62, 65 through 67, 842, 848, 859, and 878, and square 369, bounded by M Street, N.W., 9th Street, N.W., L Street, N.W., and 10th Street, N.W., Washington, D.C., and public alleys to be closed.

"(2) "New Convention Center" means the comprehensive international trade and exhibition center constructed within the area bounded by 7th Street, N.W., N Street, N.W., 9th Street, N.W., and Mount Vernon Square, N.W., Washington, D.C.

"(3) "New Convention Center Hotel" means a hotel to be constructed on the New Convention Hotel Site.

"Sec. 802. Findings:

"The Council finds that:

"(1) The New Convention Center needs a New Convention Center Hotel adjacent to or in close proximity to the New Convention Center.

"(2) The New Convention Center also needs to expand its meeting space and ballroom space on a site adjacent to or in close proximity to the New Convention Center.

"(3) The construction and development of the New Convention Center Hotel and the expansion of the New Convention Center would enable the Center to be more competitive in the convention market, attract increased business, provide for additional retail use, and enhance the financial viability of the Center. Expansion of the New Convention Center by the addition of meeting and ballroom space will also provide opportunity for private development within that space through the use of developable air space for residential uses.

"(4) The assemblage of properties within the New Convention Center Hotel Site is necessary to allow for the development of a New Convention Center Hotel and for the expansion of the New Convention Center.

"(5) The assemblage of properties in the New Convention Center Hotel site and the development of the New Convention Center Hotel is a municipal use that serves many public purposes and is in the interest of, and for the benefit of, the citizens of the District of Columbia.

"Sec. 803. Eminent domain.

"(a) The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire properties in the New Convention Center Hotel Site to construct and develop the New Convention Center Hotel and for the purpose of expanding the New Convention Center by the addition of meeting and ballroom space for:

"(1) Private retail development within the New Convention Center Hotel Site;
and

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"(2) Private development of air space for residential condominiums above the additional meeting and ballroom space within the New Convention Center Site.

"(b) The New Convention Center Hotel shall be constructed for the purpose of enhancing and expanding the capacity of the New Convention Center. The New Convention Center Hotel shall be located adjacent to or in close proximity to the New Convention Center and shall have a minimum of 1,200 rooms and suites, together with ancillary facilities customarily found in similar convention center hotels."

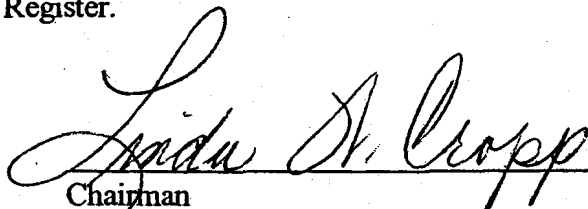
TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

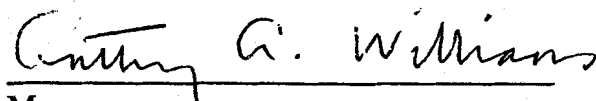
Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statements in the committee reports of the Committee on Finance & Revenue and the Committee on Economic Development 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. 302. 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
June 27, 2006