

## ENROLLED ORIGINAL

AN ACT  
D.C. ACT 15-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

*Codification  
District of  
Columbia  
Official Code*

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To establish criteria for spending Pay-As-You-Go contingency funding, to amend the District of Columbia Retirement Reform Act of 1979 to transfer certain benefits administration, customer service, and financial responsibilities relating to the retirement programs for Police Officers, Firefighters, and Teachers from the Office of the Chief Financial Officer to the District of Columbia Retirement Board; to amend the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 to establish a transition period for the District of Columbia Retirement Board to review and reconcile any outstanding or unresolved accounting, legal, administrative, and policy matters prior to assuming authority for benefit administration responsibilities transferred from Office of the Chief Financial Officer; to allow for the negotiation with collective bargaining units concerning compensation rules for overtime work in excess of the basic non-overtime workday; to amend Title 47 of the District of Columbia Official Code to amend the implementation of service-level budgeting by the Chief Financial Officer to phase in service-level budgeting for services that are part of an activity with a minimum threshold of \$10 million for operating agencies beginning in fiscal year 2006 through fiscal year 2009 by appropriation title and to allow service-level budgeting for operating agencies for services determined by the Mayor or the Council to be a priority, and to require the Chief Financial Officer beginning in fiscal year 2006 and subsequent fiscal years no later than August 15th, to provide the Mayor and the Council with a list of service costs for activities that have a minimum threshold of \$10 million from the prior years appropriation; to require the Mayor to submit a budget to the Council that is consistent with the amount projected by the Council's Committee of the Whole, to require the Mayor to include a special study with the fiscal year 2006 budget submission to the Council of expenditures by certain agencies and by the District of Columbia Public Schools; to amend the Uniform Disposition of Unclaimed Property Act of 1980 to provide that unclaimed property payable or distributable in the course of a demutualization or related reorganization of an insurance company is presumed abandoned 2 years after the date the property is first distributable if the last known address of the owner is incorrect, the distribution or statements are returned by the post office as undeliverable, or distributed funds remain uncashed, and the owner has not communicated with the holder, and to provide reporting requirements; to amend section

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Chapter 18 of Title 47 of the District of Columbia Official Code to disallow a deduction for income for any costs or expenses directly or indirectly paid to a related entity whose activities are primarily limited to the maintenance and management of trademarks, patents, or other intangible assets or investments, and to define business income to include all income apportionable under the Constitution of the United States; to amend Title 47 of the District of Columbia Official Code to provide for an alternative method for the Chief Financial Officer to certify a company as a Qualified High Technology Company; to require the Department of Employment Services for fiscal year 2005 to cap the number of full time equivalents at 513, to allocate funds between personal and nonpersonal services, and to make available specified funds for the Office of Apprenticeship and Training and for security costs; to amend the District of Columbia Workers' Compensation Act of 1979 to establish a Compensation Order Review Board, to require annual audits of the Workers' Compensation special and administration funds and of the Department of Employment Services anti-fraud activities, to assign 5 full time equivalents to the enforcement of employer compliance with Workers' Compensation requirements; to amend the Constructions Codes Approval and Amendment Act of 1986 to require proof of workers' compensation insurance; to amend section 47-2851.07(a) of the District of Columbia Official Code to require proof of workers' compensation insurance; to require the Mayor to provide to the Council an analysis by January 1, 2005, of whether using a 3<sup>rd</sup> party administrator for Workers' Compensation would produce savings; to prohibit expending funds relating to the Health Insurance Portability and Accountability Act and Workers' Compensation without affirmative approval of the expenditure by the Council; to restrict entities that provide job training to a maximum of 5 Individual Training Accounts in a calendar year unless a specified percentage of their students are paying commercially established tuition from sources other than the District government; to establish an Educational Stepladder program to provide funding for unemployed and undertrained District residents to enroll in certificate courses offered by accredited institutions of higher education in the District, to make available Individual Training Accounts to pay for a student's enrollment in a course to the extent that, after a student has applied for grant funds available to the student or the institution, the cost of the course exceeds the amount of grant funds, to provide for an extension, for those who are eligible, of unemployment insurance if they are performing satisfactorily in an approved certificate course, to provide to enrollees who are not eligible for unemployment insurance a minimum weekly benefit to the extent there are available funds, and to make conforming amendments to the Workforce Investment Implementation Act of 2000 and to the District of Columbia Unemployment Compensation Act to carry out the purposes of the Educational Stepladder program; to amend Chapter 8 of Title 47 of the District of Columbia Official Code to limit the amount of increase in taxable assessment to 112% from one year to the next through means of a tax credit, to permit the tax credit in the case of nominal renovations or

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construction, and to increase the homestead deduction to \$38,000; to amend Chapter 18 of Title 47 of the District of Columbia Official Code to modify and provide for the effective administration of the lower income, long-term homeowner tax credit; to amend section 47-2005 of the District of Columbia Official Code to provide for sales tax holidays in August for school supplies, clothing, accessory items, and shoes costing \$100 or less per item, and in December for clothing, accessory items, and shoes costing \$100 or less per item; to amend the District of Columbia Procurement Practices Act of 1985, the Boxing and Wrestling Commission Act of 1975, the Washington Convention Center Authority Act of 1994, and the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998 to change the statutory audit requirements; and to amend the Mental Health Services Client Enterprise Establishment Act of 1978, and the Victims of Violent Crime Compensation Amendment Act of 2000 to repeal the statutory audit requirement; to require the Office of Property Management to provide certain additional space for the Office of Zoning at One Judiciary Square not later than September 30, 2004; to increase the statutory cap on stipends provided to members of the Historic Preservation Review Board; to amend the District of Columbia Administrative Procedure Act and Title 12A of the District of Columbia Municipal Regulations to make applications for building permits and authorized building permits public information that can be accessed without submission of a written Freedom of Information Act request; to amend the District of Columbia Deed and Recordation Tax Act and section 47-903 of the District of Columbia Official Code and to repeal section 47-368.03 of the District of Columbia Official Code to reduce transfer and recordation taxes to 2.2% and to allocate the increase in the annual revenue estimate; to amend Section 47-1050 of the District of Columbia Official Code to clarify the terms of the tax abatement provided to Greater Southeast Community Hospital and Hadley Memorial Hospital; to clarify the types of properties which may be disposed, and the procedures pursuant to which the properties shall be disposed of, through the Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002 and to establish timelines for the dispositions of those properties; to amend the Housing Production Trust Fund Act of 1998 to extend the affordability duration of housing units, and to allow for earlier payment of administrative costs from the Housing Production Trust Fund; to amend section 47-857.01 of the District of Columbia Code to clarify the definition of eligible area #1 and to allow for the expansion of neighborhoods in eligible area #13 that can participate in the affordable housing tax abatement program; to amend the Construction Codes Approval and Amendments Act to establish the Construction and Zoning Compliance Management Fund; to amend An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia and for other purposes, to establish registration and annual inspection fees for weighing and

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measuring devices; to amend An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, to restructure the composition of the Board of Condemnation and Insanitary Buildings, to reduce the minimum amount of time which an owner is given to remedy a proposed order of condemnation from 60 days to 30 days, to provide for the appointment of a registered agent for service of process for nonresident owners of vacant property, to provide that fees and penalties collected under the act shall be deposited into the nuisance abatement fund and expended for the general administration of the Board of Condemnation and Insanitary Buildings, and to amend An Act to provide for the abatement of nuisances in the District of Columbia and by the Commissioners of said District, and for other purposes, to make a conforming amendment to the nuisance abatement fund; to amend the Rental Housing Conversion and Sale Act of 1980 to reauthorize the Housing Assistance Fund; to amend the Rental Housing Act of 1985 to provide for a tenant ombudsman, a housing provider ombudsman, and an Advisory Neighborhood Commission liaison; to require that a portion of the funds of the Department of Housing and Community Development programmed for the storefront improvement program shall be used in designated areas; to amend the Office of Property Management Establishment Act of 1998 to transfer responsibility for security services at facilities owned and occupied by the District government from the Office of Property Management to the Metropolitan Police Department contingent upon the Mayor submitting to the Council a reorganization plan for implementing the transfer; to establish the Office of Unified Communications, to create the position of Director, Office of Unified Communications, to transfer functions relating to radio and call center technology and personnel for the District's emergency and non-emergency communications from the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the Customer Service Operations Unit to the newly established Office of Unified Communications, and to transfer all authority and operations relating to the Emergency and Non-Emergency Number Telephone Calling Systems Fund to the Office of Unified Communications; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to include the Office of Unified Communications as a subordinate agency of the District government; to amend the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000 to provide that all authority and operations of the fund shall be administered by the Office of Unified Communications; to amend section 28-4516 of the District of Columbia Official Code to increase the cap on the District of Columbia Antitrust Fund from \$500,000 to \$1 million; to amend the District of Columbia Child Support Enforcement Amendment Act of 1985 to establish the Child Support Enforcement Division of the Office of Attorney General as the Collection and Disbursement Unit responsible for the collection and disbursement of child support payments and to provide for the orderly transfer of those functions from the Superior Court of the District of

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Columbia to that agency; to amend the Office of Administrative Hearings Establishment Act of 2001 to delay the transfer of jurisdiction over cases adjudicated by the Department of Consumer and Regulatory Affairs' Rent Administrator to the Office of Administrative Hearings until October 1, 2005, and to require the Rent Administrator to submit a plan to the Council and Mayor by December 31, 2004 for implementing the transfer; to amend the Rental Housing Act of 1985 to require the Department of Consumer and Regulatory Affairs' Rent Administrator to submit to the Council and Mayor by December 31, 2004 a plan for transferring jurisdiction over cases adjudicated by the Rent Administrator to the Office of Administrative Hearings on October 1, 2005; to require the Metropolitan Police Department to have 3 teams of 3 officers each devoted to preventing motor vehicle theft; to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 to revise the foundation level or cost of providing public education services; to amend the District of Columbia Nonresident Tuition Act of 1960 to establish criteria for establishing proof of residency and to make conforming amendments to the District of Columbia Municipal Regulations; to require that facilities planning for the Georgetown, Petworth, Southeast, Mount Pleasant, and Francis Gregory libraries shall occur in fiscal year 2005 through the cooperation of the District of Columbia Public Libraries, the Office of Property Management and the Department of Recreation; to require the District of Columbia Public Schools, District Public Charter Schools, the University of the District of Columbia, the Department of Parks and Recreation and the District of Columbia Public Library to provide a detailed plan for maximizing the federal and private grants received by those agencies; to amend the Tobacco Settlement Trust Fund Establishment Act of 1999 to ensure that all funds in the Tobacco Settlement Trust Fund at the end of each fiscal year, from fiscal year 2005 through fiscal year 2008, shall revert to the General Fund of the District of Columbia; to amend Title 47 of the District of Columbia Official Code to establish the Nursing Facility Quality of Care Fund, and to establish an assessment on nursing facilities; to require the Mayor to establish a Medicaid case mix reimbursement methodology for nursing facilities; to amend the Adoption Voucher Fund Amendment Act of 2004 to provide that funds in the Adoption Voucher Fund shall remain available until expended and shall not revert to the General Fund of the District of Columbia; to amend section 47-368.01 of the District of Columbia Official Code to require the Chief Financial Officer to submit to the Council on a quarterly basis reports on Other-Type Funds dedicated for use by the Department of Health and to prohibit disbursements of funds from those funds if the reports are not timely submitted; to amend the Pilot Substance Abuse for Youth Act of 2001 to establish the substance abuse treatment program for youth as a permanent program covering youths ages 14 through 20, to require that specified numbers of slots in the program be available for designated classes of youths in fiscal year 2005, to require that 3 full-time employees be detailed from the Youth

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Services Administration to the Addiction Prevention and Recovery Administration to serve as program monitors and coordinators, and to require the Addiction Prevention and Recovery Administration to fund 2 positions responsible for ensuring that program services are provided to youth under the care of the Youth Services Administration; to amend the District of Columbia Act on the Aging to require the Executive Director of the Office on Aging to provide information, through the Office of the Chief Technology Officer, on prescription drug savings available under and eligibility for the District's AccessRx program; to require that \$300,000 from Special Purpose Revenue Fund account #0645 and \$542,000 from Special Purpose Revenue Fund account #0648 be transferred to the Department of Health on October 1, 2004 to provide funding for environmental programs; to require the Department of Health to maintain certain levels of performance in specified programs in fiscal year 2005, to require the Department of Human Services to use \$250,000 in fiscal year 2005 to renovate the men's shelter for the Southeast Veteran's Access Housing, Inc.; to repeal section 910 of the fiscal year 2001 Budget Support Act of 2000 to eliminate a conflict with the fine schedule under the Litter Control Administration Act of 1985; to provide financial assistance to homeowners to replace their lead water service line based upon the owner's household income; to provide authority to the District Department of Transportation to abate life or health threatening conditions on private structures built on the District's public space or right of way, to establish the right to recover the costs of any abatement action, to establish a fund for the deposit of monies recovered pursuant to abatement actions, to permit the recovery of costs through the assessment of a tax against the property of the person liable for the dangerous structure; to amend Title 24 of the District of Columbia Municipal Regulations to increase fines and civil infractions for the disposal and storage of solid waste, construction waste, household hazardous waste, and other dangerous material on a public space; to amend the District of Columbia Taxicab Commission Establishment Act of 1985 to repeal the Taxicab Driver Security Revolving Fund; to direct that the Washington Metropolitan Area Transit Authority deposit into a separate account for the funding of the Anacostia Corridor Demonstration Project all presently undedicated funds from the certain specified District accounts; to authorize the Mayor to conclude a funding agreement with the Washington Metropolitan Area Transit Authority by January 1, 2005, for the purposes of funding capital projects identified in Metro Matters; to authorize the use of \$486,000 from any WMATA fare increase implemented after April 30, 2004, to be made available to meet the District's contribution to funding the cost of operating the Metro system from 2:00 a.m to 3:00 a.m. on Saturday and Sunday mornings, beginning January 1, 2005; to authorize the use of \$200,000 from any WMATA fare increase implemented after April 30, 2004, to be made available for the Downtown Circulator Bus Service; and to direct the Washington Metropolitan Area Transit Authority to use \$213,925 from any WMATA fare increase implemented after April 30, 2004, to fund the Electro-Mechanical Technology Training

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Program for the District of Columbia high school students at Cardozo Senior High School's Transportation and Technology program; to authorize the Washington Metropolitan Area Transit Authority to make \$30,000 of the District's subsidy available to Cultural Tourism DC to use to encourage tourists to use Metro; and to require beginning in fiscal year 2006 that the Mayor not submit a budget for the Washington Metropolitan Area Transit Authority that funds diesel or diesel-electric hybrid buses, except for the Downtown Circulator Bus Service.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2005 Budget Support Act of 2004".

## TITLE I. GOVERNMENT DIRECTION AND SUPPORT

## SUBTITLE A. CRITERIA FOR SPENDING PAY-AS-YOU-GO FUNDING

Sec. 1001. Short title.

This subtitle may be cited as the "Criteria for Spending Pay-As-You-Go Funding Act of 2004".

Sec. 1002. Criteria for spending Pay-As-You-Go Contingency funding in fiscal year 2005.

(a) Of the Pay-As-You-Go Contingency funding for fiscal year 2005, a total of \$43,137,000 shall be made available upon the Mayor's submission of a request to the Council for its approval, as provided in subsection (c) of this subtitle, in which the Mayor demonstrates and the Chief Financial Officer ("CFO") certifies that funds are needed as follows:

(1) The Department of Human Services:

(A) Up to \$2 million for Mental Retardation & Developmental Disabilities Administration; provided, that the CFO certifies that the requested funds are necessary to meet court-mandated expenditures that otherwise cannot be met by the appropriation;

(B) Up to \$5.4 million for the Youth Services Administration; provided, that the CFO certifies that the requested funds are necessary for the operation of Oak Hill Youth Center and the Mt. Olivet Youth Services Center;

(2) The Child and Family Services Agency:

(A) Up to \$2 million for the Early Intervention Initiative; provided, that the CFO certifies that a federal payment will not be available for this purpose on October 1, 2004; provided further, that should a federal payment for this purpose become available, an amount equal to the federal payment shall revert to the Pay-As-You Go Capital fund;

(B) Up to \$6 million for the Title IV-E program; provided, that the CFO certifies that requested amendments to Title IV-E of the Federal Social Security Act providing additional federal funding for the Title IV-E program shall not be enacted in federal law on

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October 1, 2004; provided further, that should federal funding become available pursuant to an amendment to Title IV-E of the Federal Social Security Act, any local funds made available pursuant to this subparagraph that the CFO certifies are not needed, based upon the amendment, shall revert to the Pay-As-You Go Capital fund;

(C) Up to \$3 million for Medicaid-related expenses; provided, that the CFO certifies that improvements in the cost-reimbursement process have been made and that Medicaid revenue projections indicate that the requested funds remain necessary; provided further, that of the funds provided pursuant to this subparagraph, the requested amount shall be reduced or refunded by any further CFO-certified increases in Federal Medicaid Reimbursements, over the amount previously certified as revenue projections by the CFO pursuant to this subparagraph, as a result of the improvements;

(D) Up to \$1.9 million for family-based therapeutic foster care services; provided, that the Mayor submits documentary evidence showing that all contracts related to foster care services were competitively bid;

(E) Up to \$5 million for out-of-home care and community based services; provided, that the Mayor includes in his submission to the Council documentary evidence, certified by the CFO, showing that the projected utilization requires the use of the requested funds;

(3) The Department of Mental Health, up to \$11 million for Medicaid-related expenses; provided, that the CFO certifies that improvements in the cost-reimbursement process have been made and that Medicaid revenue projections indicate that the requested funds remain necessary; provided further, that of the funds made available pursuant to this paragraph, the requested amount shall be reduced or refunded by any further CFO-certified increases in Federal Medicaid Reimbursements, over the amount previously certified as revenue projections by the CFO pursuant to this paragraph, as a result of the improvements;

(4) The Department of Health:

(A) Up to \$3 million for Health Care Safety Net; provided, that the Mayor includes in his submission to the Council documentary evidence, certified by the CFO, showing that the projected utilization requires the use of the requested funds;

(B) Up to \$2 million for the Addiction Prevention & Recovery Administration; provided, that the CFO certifies that additional funding from a federal grant will not be available on October 1, 2004; provided further, that should additional federal grant funding become available for addiction prevention and recovery, an amount equal to the federal payment shall be allocated to the Office of Property Management for transitional office space requirements;

(5) The Office of the Inspector General, up to one million; provided, that the CFO certifies that the requested funds are necessary for Congressionally approved funding;

(6) The Department of Employment Services, up to \$500,000; provided, that the Mayor includes in his submission to the Council documentary evidence, certified by the CFO, showing that the agency has applied for, but not received, relevant federal grants not included in

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the ceiling of the fiscal year 2005 appropriation for the purpose for which the requested funds are needed; and

(7) The Office of the Secretary, up to \$375,000; provided, that the CFO certifies that the requested funds are necessary to cover lease costs.

(b) Any funds not used for its stated purpose shall revert to the Pay-As-You-Go Capital fund.

(c)(1) The Mayor shall transmit a request for funds to the Council for its approval. The transmittal shall include the CFO certification that the funds are needed for the stated purpose, accompanied by the CFO's independent analysis that led to the certification. If no written notice of disapproval of the request is filed with the Secretary to the Council within 14 calendar days of the receipt of a request from the Mayor or no oral notice of disapproval is given during a meeting of the Council during the 14 calendar day period, which review period shall begin on the 1st day following its receipt by the Office of the Secretary, the request shall be deemed to be approved. If a notice of disapproval is given during the 14 calendar day review period, the Council may approve or disapprove the request by resolution within 30 calendar days of the receipt of the request from the Mayor, or such request shall be deemed to be approved."

(2) No request may be submitted to the Council under this subsection during such time as the Council is on recess, according to its rules, nor shall any time period provided in this subsection or in the Council's rules with respect to a request continue to run during such time as the Council is on recess.

Sec. 1003. Conflict of law.

For the purpose of meeting the requirements of the District Anti-Deficiency Act of 2002, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code § 47-355.01 *et seq.*), the dollar amounts set forth in section 1002(a) as available to the listed agency shall for the first two quarters of the fiscal year be included in the agency's budget.

Sec. 1004. 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)).

SUBTITLE B. OFFICE OF FINANCIAL OPERATIONS AND SYSTEMS  
REORGANIZATION

Sec. 1011. Short title.

This subtitle may be cited as the "Office of Financial Operations and Systems Reorganization Act of 2004".

Sec. 1012. The District of Columbia Retirement Reform Act of 1979, effective November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-701 *et seq.*), is amended as follows:

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(a) Section 102 (D.C. Official Code § 1-702) is amended by adding new paragraphs (21), (22), and (23) to read as follows:

“(21) The term “governing authority” means, without limitation, any statutes, laws, amendments, resolutions, rules, regulations, policies, and procedures that govern the management and administration of the retirement program and management and control of the Funds.

“(22) The term “post employment benefit programs” means health insurance benefit plans applicable under section 2101, health benefits plans authorized under section 2105, life insurance benefits applicable under section 2201, and life insurance benefits authorized under section 2203 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-621.01, 1-621.05, 1-622.01, and 1-622.03).

“(23) The term “Trust Document” means the document that contains all the current statutes, laws, resolutions, rules, regulations, policies, and procedures by which authority the Board shall administer the retirement program and manage and control the Funds.”.

(b) Section 121 (D.C. Official Code § 1-711) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “by this chapter.” and inserting the phrase “by this chapter, and for implementation and administration of the retirement program and post employment benefit programs.” in its place.

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

“(e) The Board shall from time to time, or when necessary, promulgate and adopt rules, regulations, and resolutions, and issue directives for the management and administration of the retirement program and for management and control of the Funds. To efficiently administer and implement the retirement program and manage the Funds, the Board may make reasonable interpretations of and implement all governing authorities. All governing authorities shall comply with necessary qualification requirements set forth by the Internal Revenue Code as amended for governmental retirement plans. Governing authorities may constitute the Trust Document for the retirement program and the Funds. Prior to the enactment or adoption of any governing authority, the Retirement Board shall submit a written analysis of the proposed governing authority to the appropriate person including the Mayor, the Council of the District of Columbia, the Chief Financial Officer, the Chairman of the District of Columbia Public Charter School Board, the President of the Board of Education, or their successors, for purposes of fulfilling its fiduciary duties and for continued compliance with Internal Revenue Code qualification requirements.”.

(3) Add new subsections (l) and (m) to read as follows:

“(l) Within 30 days after the effective date of the Office of Financial Operations and Systems Reorganization Act of 2004, passed on 2<sup>nd</sup> reading of June 29, 2004 (Enrolled version of Bill 15-768), the Board, in consultation with the Chief Financial Officer, shall determine the time and methodology for transferring the necessary functional responsibilities, as defined by rules and regulations issued by the Board from the Office of Payroll and Retirement Services of

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the Office of Financial Operations and Systems to the Board.

“(m) The Board may reasonably rely upon records, statements, and representations from the Mayor, the Chief Financial Officer, the District of Columbia Public Charter School Board, the Secretary of the Board of Education, or its successor, a participant or beneficiary sworn in or acknowledged before an individual authorized to administer oaths, or presenting an affidavit, certification, or other reasonably reliable proof regarding any matter affecting the rights and privileges of a participant or beneficiary under the retirement program and post employment benefit programs.”.

(c) Section 143 (D.C. Official Code § 1-723) is amended by striking the phrase “Mayor shall furnish to the Board such information with respect to retirement programs” and inserting the phrase “Mayor, the Chief Financial Officer, the Chairman of the District of Columbia Public Charter School Board, the President of the Board of Education, or their successors shall furnish to the Board such information with respect to retirement programs and post employment benefit programs” in its place.

Sec. 1013. The Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 1-901.02) is amended by adding a new paragraph (13A) to read as follows:

“(13A) “Post employment benefit programs” has the same meaning as that term is defined in section 102(22) of the District of Columbia Retirement Reform Act of 1979, approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-702(21)).”.

(b) Section 135 (D.C. Official Code § 1-907.05) is amended by striking the phrase “the Mayor shall furnish to the Retirement Board information with respect to retirement programs” and inserting the phrase “the Mayor, the Chief Financial Officer, the Chairman of the District of Columbia Public Charter School Board, the President of the Board of Education, or their successors, shall furnish to the Retirement Board information with respect to retirement programs and post employment benefit programs ”in its place.

(c) Add a new section 207a to read as follows:

“Sec. 207a. Continuative administration.

“(a) Notwithstanding section 121 (a) of the District of Columbia Retirement Reform Act of 1979, effective November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-711(a)), the Mayor, the Chief Financial Officer, the District of Columbia Public Charter School Board, and the Board of Education, or their successors, shall continue to discharge their respective duties under the retirement programs until the Retirement Board notifies the Mayor and the Council of the District of Columbia in writing that the Retirement Board is prepared to carry out the duties and responsibilities established under this act; provided, that the notification shall occur no later than 12 months after the effective date of the Office of Financial Operations and Systems Reorganization Act of 2004, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill

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15-768).

“(b) The Mayor, the Chief Financial Officer, the District of Columbia Public Charter School Board, and the President of the Board of Education, or their successors, shall cooperate with the Retirement Board in developing and periodically updating operating procedures for all District personnel offices providing retirement and survivor benefit services to participants and, if applicable, to individuals eligible for benefits under post employment benefit programs.”.

Sec. 1014. 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. 1015. Conditional applicability.

This subtitle shall not apply until the enactment by Congress of section 139 of the fiscal year 2005 Budget Request Act, passed on 1<sup>st</sup> reading on May 14, 2004 (Enrolled version of Bill 15-765) or until enactment of other Congressional legislation that authorizes the Council of the District of Columbia to transfer authority of the administration of the retirement plans of the District of Columbia, whichever occurs first.

SUBTITLE C. COMPENSATION BARGAINING UNIT OVERTIME  
NEGOTIATION AMENDMENT

Sec. 1021. Short title.

This subtitle may be cited as the “Compensation Bargaining Unit Overtime Negotiation Amendment Act of 2004”.

Sec. 1022. Section 1717 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17), is amended by adding a new subsection (n) to read as follows:

“(n)(1) Notwithstanding any other provisions of law, the District is authorized to establish the compensation of District employees and to negotiate with the exclusive representative of the appropriate bargaining unit concerning the compensation rules for employees’ overtime work in excess of the basic non-overtime workday, in accordance with this act and the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 *et seq.*).

“(2) This subsection shall be retroactively effective as of the fiscal year beginning October 1, 2004.”.

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Sec. 1023. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(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)).

## SUBTITLE D. PERFORMANCE AND FINANCIAL ACCOUNTABILITY

Sec. 1031. Short title.

That this subtitle may be cited as the "Performance and Financial Accountability Amendment Act of 2004".

Sec. 1032. Section 47-308.01 of the District of Columbia Official Code is amended as follows:

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

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

"(1) "Activity" means a component part of the District's program structure comprised of a set of services grouped around a common purpose.

"(2) "Operating agency" means any agency that receives budget authority through the District of Columbia's annual appropriation.

"(3) "Performance-based budget" means a budget presentation consisting of agency programs, estimated total program and activity costs, as well as full-time equivalents for the current and next fiscal year; agency strategic result goals; an overview describing the activities within each program; estimated program costs; and program performance measures.

"(4) "Service" means the deliverables or products that the customer receives. The lowest level in the District's program structure, services are discrete units of governmental functions that together make up an activity.

"(5) "Service-level budgets" means a budget by fund and object class for a service provided by the District listed at organizational level 4 in the financial system and at the service level in agency strategic business plans."

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

"(d) Beginning in fiscal year 2006 and phasing in through fiscal year 2009 by appropriation title beginning with Public Safety and Justice and Public Works in fiscal year 2006, Governmental Direction and Support in fiscal year 2007, Public Education Systems and Economic Development and Regulation in fiscal year 2008, and Human Support Services and all other remaining agencies in fiscal year 2009, the Chief Financial Officer shall provide service level budgets for any operating agency where services are a part of an activity that has a minimum threshold of \$5 million from the prior fiscal year's appropriation or provides services determined by the Mayor or the Council to be a priority for the District of Columbia. By no later than August 15 of each year, beginning in fiscal year 2006 and continuing in subsequent fiscal years, the Chief Financial Officer shall provide to the Mayor and the Council a list of

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service costs for activities that have a minimum threshold of \$10 million from the prior fiscal year's appropriation.”.

Sec. 1033. 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 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## SUBTITLE E. FISCAL YEAR 2006 BUDGET SUBMISSION

Sec. 1041. Short title.

This subtitle may be cited as the “Fiscal Year 2006 Budget Submission Act of 2004”.

Sec. 1042. (a) For each fiscal year, the Mayor shall submit a budget to the Council of which the local funds shall be consistent with the amount projected in spending for the previous fiscal year by the Council in the Council Committee of the Whole report on the Budget Request Act.

(b) The Mayor shall include as a special study with the fiscal year 2006 budget submission to the Council a comprehensive study of expenditures by the Department of Health, the Department of Human Services, the Department of Mental Health, and the Child and Family Services Agency, that analyzes the number of District residents served and the costs associated with the benefits and services provided by each agency. This analysis shall include:

(1) Determining the number of employees and proportion of employees who provide direct services to District residents, and the number and proportion of employees who provide administrative support and management oversight, for each activity in the agency's performance-based budget framework, as well as the total compensation devoted, respectively, to direct services and to administrative support and management oversight; and

(2) The number of District residents who receive benefits or services broken down by activity, as defined in each agency's performance-based budget format, and by whether the benefits or services associated with the activity are directly provided by District employees or by a District government contractor, the cost per beneficiary of services, and comparable data for surrounding jurisdictions and urban areas of similar size.

(c) The Mayor shall include, as a special study with the fiscal year 2006 budget submission to the Council, a study of expenditures by the Metropolitan Police Department, looking particularly at the use of overtime, broken down into the following categories:

(1) Sworn versus civilian staff;  
(2) Local versus federal funding sources;  
(3) New program implementations versus court related mandates; and  
(4) Trends over the last five years as well as comparable expenditures in other jurisdictions.

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(d) The Mayor shall include, as a special study with the fiscal year 2006 budget submission to the Council, a study of expenditures by the District of Columbia Public Schools, particularly focusing on the expenditures of federal grants as compared to the federal grant expenditures in school systems of comparable size with a focus on the utilization of Title I funds.

Sec. 1043. 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)).

## SUBTITLE F. UNCLAIMED PROPERTY DEMUTUALIZATION PROCEEDS

Sec. 1051. Short title.

This subtitle may be cited as the "Unclaimed Property Demutualization of Proceeds Amendment Act of 2004".

Sec. 1052. The Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-101 *et seq.*) is amended as follows:

(a) A new section 107a is added to read as follows:

"Sec. 107a. Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company."

"(a) Property distributable in the course of demutualization, rehabilitation or related reorganization of an insurance company, shall be deemed abandoned 2 years after the date of the demutualization if, at the time of the demutualization:

"(1)(A) The last known address of the owner on the books and records of the holder is known to be incorrect;

"(B) The distribution or statements are returned by the post office as undeliverable; or

"(C) Funds distributed in the course of the demutualization, rehabilitation, or related reorganization remain uncashed; and

"(2) The owner has not :

"(A) Communicated in writing with the holder or its agent regarding the property; or

"(B) Otherwise communicated with the holder regarding the property as evidenced by a memorandum or other record on file with the holder or its agent.

"(b) Property distributable in the course of a demutualization, rehabilitation, or related

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reorganization of a mutual insurance company that is not subject to subsection (a) of this section shall be reportable as otherwise provided by this act.”

(b) Section 117(d)(D.C. Official Code § 41-117(d)) is amended to read as follows:

“(d) The report as of the prior June 30<sup>th</sup> must be filed before November 1<sup>st</sup> of each year, but a report with respect to a life insurance company made pursuant to section 107 and a report of unclaimed insurance company demutualization proceeds made pursuant to section 107a shall be filed before May 1<sup>st</sup> of each year as of the prior December 31; provided, that the initial report for insurance company demutualization proceeds made pursuant to section 107a shall be filed later than October 1 as of the prior December 31. The Mayor may postpone the reporting date upon written request by any person required to file a report. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminated the accrual or additional interest on the amount paid.”

Sec. 1053. 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)).

## SUBTITLE G. CORPORATE INCOME TAX BASE PROTECTION

Sec. 1061. Short title.

This subtitle may be cited as the “Corporate Income Tax Base Protection Act of 2004”.

Sec. 1062. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.03(b) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “; and” at the end of the paragraph and inserting a semi-colon in its place.

(2) Paragraph (6) is amended by striking the period at the end of the paragraph and inserting the phrase “; and” in its place.

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

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

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

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

“(ii) The related member receiving the royalty payments acquired

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

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

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

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

“(i) "Majority interest" means:

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

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

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

“(iii) "Related member" means:

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

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

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

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component; or

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

“(iv) “Royalty payments” mean payments directly connected to the use, maintenance, or management of licenses, trademarks, copyrights, trade names, trade dress, service marks, mask works, trade secrets, patents, and any other similar types of intangible assets as are set forth in regulations promulgated by the Chief Financial Officer, including amounts allowable as interest deductions under § 47-1803.02(a)(2), to the extent that such amounts are directly or indirectly for, related to, or in connection with the use, maintenance, or management of such intangible assets.

“(v) “State” shall include the District of Columbia.

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

(b) Section 47-1810.02(i) is amended to read as follows:

“(i) *Definitions* – For the purposes of this section, the term:

“(1) “State” shall include the District of Columbia.

“(2) “Business income” means all income which is apportionable under the Constitution of the United States.”.

Sec. 1063. 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)).

#### SUBTITLE H. NEW E-CONOMY REFINEMENT

Sec. 1081. Short title.

This subtitle may be cited as the “New E-Conomy Refinement Act of 2004”.

Sec. 1082. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new designation “47-1817.01a. Alternative method to determine Qualified High Technology Company status.” after the section designation “47-1817.01. Definitions.”.

(b) A new section 47-1817.01a is added to read as follows:

“§ 47-1817.01a. Alternative method to determine a Qualified High Technology Company status.

“(a) If the accounting method used by the taxpayer for income tax purposes does not

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readily permit the verification of revenue for the purposes of determining the status of a corporation as a Qualified High Technology Company, the taxpayer may petition for, or the Chief Financial Officer may employ, a cost of performance method as described in subsection (b) of this section, which method is intended to function in the same manner as § 47-441.

“(b) To be certified as a Qualified High Technology Company, a corporation may provide:

“(1) An analysis of the operations of the business that identifies the functions of the business in broad categories and specifically identifies those activities within each category that meet the definition of a Qualified High Technology Company;

“(2) Evidence of the costs associated with each activity identified as a Qualified High Technology Company activity, consistent with industry standards; and

“(3) An income calculation determined by multiplying the total gross revenue reported on its District franchise tax return as total gross income by a fraction, the numerator of which is the total expenses of all Qualified High Technology Company activities and the denominator of which is the total expenses claimed on the current District franchise tax return as total deduction.

“(c) If the amount determined in subsection (b) of this section is 51% or more of total gross revenue, the taxpayer shall be certified as a Qualified High Technology Company.

“(d) The final approval to grant an alternative method for determining a Qualified High Technology Company shall rest with the Chief Financial Officer and the approval shall not be unreasonably withheld.”.

Sec. 1083. Applicability.

This subtitle shall apply as of January 1, 2004.

Sec. 1084. 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)).

SUBTITLE I. DEPARTMENT OF EMPLOYMENT SERVICES

Sec. 1091. Short title.

This subtitle may be cited as the “Department of Employment Services Budget and FTE Authority Act of 2004”.

Sec. 1092. (a) For fiscal year 2005, the Department of Employment Services (“DOES”) shall have:

- (1) No more than 513 full time equivalent (“FTE”) employees; and
- (2) A total budget of \$88,846,102, to be allocated as follows:
  - (A)(i) Personal services budget not to exceed \$32,314,000;

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(ii) Nonpersonal services budget not to exceed \$56,532,000, including not less than \$29,965,000 for Subsidies and Transfers;

(B) From the funds identified herein, no less than \$764,000 shall be made available for the Office of Apprenticeship and Information Training; and

(C) From the funds identified herein, no more than \$686,000 shall be made available for security costs.

(b) The budget allocations set forth in paragraph (2)(A) of subsection (a) shall apply to budgeted funds only and exclude any additional grant funds or special purpose funds not included in the fiscal year 2005 budget. The allocations are subject to the following adjustments if there are grant fund or special purpose fund budget modifications approved by the Council: 36% of any budget modifications shall be allocated to personal services and 64% shall be allocated to nonpersonal services.

Sec. 1093. 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)).

SUBTITLE J. WORKERS' COMPENSATION ADMINISTRATIVE REFORM

Sec. 1101 Short title.

This subtitle may be cited as the "Workers' Compensation Administrative Reform and Anti-Fraud Amendment Act of 2004".

Sec. 1102. The District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D. C. Official Code § 32-1501 *et seq.*), is amended as follows.

(a) Add a new section 22a to read as follows:

"Sec. 22a. Establishment of Compensation Order Review Board.

"(a) There is hereby established a Compensation Order Review Board ("Board") that shall consist of 5 members as follows:

"(1) The Chief Judge of the Office of Hearings and Adjudication ("OHA") within the Department of Employment Services who shall serve as Chairperson; and

"(2) Four Administrative Law Judges from the OHA, who shall:

"(A) Be appointed by the Chairperson;

"(B) Have received an overall rating of satisfactory or above in his or her most recent performance review; and

"(C) Be a member in good standing of the OHA.

"(b) The Chairperson shall have the authority to create from among the members of the Board one or more Compensation Order Review Panels ("panel") which shall:

"(1) Consist of 3 members and may include the Chairperson;

"(2) Decide matters before it by majority vote; and

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"(3) Be prohibited from discussing the compensation order with the Administrative Law Judge who issued the compensation order while the matter is undergoing review.

"(c) The Chairperson shall, within 7 days of an application for review being filed, create and assign a panel to review the application for review; provided, that no member of the panel is the Administrative Law Judge who issued the compensation order that is under review.

"(d) The panel shall:

"(1) Review the compensation order for legal sufficiency;

"(2) Dispose of the matter under review by issuing an order affirming the compensation order; reversing the compensation order, in whole or in part, and amending the order based on the panel's findings, or by remanding the order to the issuing Administrative Law Judge for further review; except, that:

"(A) The panel shall affirm a compensation order that is based upon substantial evidence and is in accordance with this act and other applicable laws and regulations and shall not disturb factual findings contained in the compensation order that are supported by substantial evidence; and

"(B) Any reversal, in whole or in part, shall be supported by a written order, which shall contain the legal and factual basis for the reversal, and may amend the compensation order, in whole or in part, or remand the matter to the issuing Administrative Law Judge for additional findings of fact or conclusions of law and the issuance of a compensation order on remand; and

"(3) Make its disposition within 30 days of being assigned the application for review.

"(e) A party aggrieved by the compensation order on remand may appeal it in the same manner as a compensation order."

(b) Section 23 (D. C. Official Code § 32-1522) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "proceedings for the suspension or setting aside of such order are instituted" and inserting the phrase "an application for review has been filed with the Board" in its place.

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

(A) Paragraphs (1) and (2) are repealed.

(B) Add a new paragraph (2A) to read as follows:

"(2A)(A) A party aggrieved by a compensation order may file an application for review with the Board within 30 days of the issuance of the compensation order. A party adverse to the review may file an opposition answer within 15 days of the filing of an application for review.

"(B) A Memorandum of Points and Authorities, which sets forth the legal and factual basis for the review or the opposition thereto, shall be filed with an application for review and an opposition answer; no further submissions shall be permitted, unless

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requested by the reviewing panel."

(C) Paragraph (3) is amended by striking the phrase "(2) of this subsection, or, if the Mayor has declined to review the order or does not establish a procedure for such review" and inserting the phrase "(2A) of this subsection or" in its place.

(c) Section 41(e) (D.C. Official Code § 32-1540(e)) is amended to read as follows:

"(e) The special fund shall be audited annually by the Department of Employment Services. The Director of the Department of Employment Services shall file an audited financial report with the Council by March 1st detailing the financial status of the fund as of the end of the preceding fiscal year, including the fund's operation, cash flow, and changes in capital and surplus, using standard accounting principles."

(d) Section 42 (D.C. Official Code § 32-1541) is amended by adding a new subsection (k) to read as follows:

"(k) The administration fund shall be audited annually by the Department of Employment Services. The Director of the Department of Employment Services shall file an audited financial report with the Council by March 1st detailing the financial status of the fund as of the end of the preceding fiscal year, including the fund's operation, cash flow, and changes in capital and surplus, using standard accounting principles."

(e) Add new sections 43c and 43d to read as follows:

"Sec. 43c. Anti-fraud reporting requirement.

"The Director of the Department of Employment Services shall file an annual anti-fraud report with the Council by March 1<sup>st</sup>, which shall contain detailed and comprehensive information about the Department's anti-fraud activities relating to Workers' Compensation insurance during the preceding calendar year.

"Sec. 43d. Compliance.

"(a) The Director of Employment Services ("Director") shall assign from the workforce in the Workers' Compensation office a staff equal to 5 full time equivalents to the enforcement of employer compliance with Workers' Compensation requirements, including enforcing existing law and referring cases to the Office of the Attorney General for prosecution.

"(b) The Director shall file a semi-annual compliance report with the Council by March 31<sup>st</sup> and by September 30<sup>th</sup>, which shall contain detailed and comprehensive information about the compliance enforcement activities during the preceding 6 months."

Sec. 1103. Section 6a(a) of the Construction Codes Approval and Amendments Act of 1986, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code § 6-1405.01(a)), is amended by striking the phrase "occupancy, the Director" and inserting the phrase "occupancy, the Director shall require an employer, as that term is defined in section 2(10) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(10), prior to the issuance of a construction permit to produce proof of Workers' Compensation insurance coverage. The Director" in its place.

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Sec. 1104. Section 47-2851.07(a) of the District of Columbia Official Code is amended by striking the phrase "business license application to the Center" and inserting the phrase "business license application, along with proof of Workers' Compensation insurance coverage, or an exemption therefrom, to the Center" in its place.

Sec. 1105. 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 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

SUBTITLE K. WORKER'S COMPENSATION 3<sup>RD</sup> PARTY ADMINISTRATION

Sec. 1111. Short title.

This subtitle may be cited as the "Workers' Compensation Third-Party Administrator Study Amendment Act of 2004".

Sec. 1112. By January 1, 2005, the Mayor shall provide the Council with an analysis of anticipated financial costs and savings if a third-party administrator would administer the special fund established by section 41 of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1540).

Sec. 1113. 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)).

## SUBTITLE L. WORKER'S COMPENSATION AND HIPAA

Sec. 1121. Short title.

This subtitle may be cited as the "Workers' Compensation and Health Insurance Portability and Accountability Approval Requirement Act of 2004".

Sec. 1122. No funds shall be expended relating to the Health Insurance Portability and Accountability Act, approved August 21, 1996 (104 Pub. L. No. 191; 110 Stat. 1936), and the District's Workers' Compensation administration without affirmative approval of the expenditure by the Council.

Sec. 1123. 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)).

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## SUBTITLE M. LIMIT ON INDIVIDUAL TRAINING ACCOUNTS

Sec. 1141. Short title.

This subtitle may be cited as the "Workforce Investment Implementation Individual Training Accounts Limitation Amendment Act of 2004".

Sec. 1142. (a) Beginning January 1, 2005, no entity providing training services will be eligible to receive funding for more than 5 Individual Training Accounts in a calendar year unless at least 25% of the students participating in the entity's training programs are paying commercially established tuition funded by sources other than the District government.

(b) Beginning January 1, 2006, no entity providing training services will be eligible to receive funding for more than 5 Individual Training Accounts in a calendar year unless at least 50% of the students participating in the entity's training programs are paying commercially established tuition funded by sources other than the District government.

(c) An entity providing training services shall certify to the Mayor on July 1<sup>st</sup> and January 2<sup>nd</sup> of each year:

- (1) The total number of students enrolled in the entity's training programs;
- (2) The number of students who are funded by sources other than the District government; and
- (3) The percentage calculated using the number in paragraph (1) of this subsection as the denominator and the number in paragraph (2) of this subsection as the numerator.

Sec. 1143. 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)).

## SUBTITLE N. EDUCATIONAL STEPLADDER

Sec. 1151. Short title.

This subtitle may be cited as the "Educational Stepladder Act of 2004".

Sec. 1152. Establishment of the Educational Stepladder program.

(a) There is established an Educational Stepladder program. The Educational Stepladder program shall provide funding for undertrained and unemployed District residents to enroll in certain certificate courses that are, in consultation with the Department of Employment Services ("DOES"):

- (1) Offered by institutions of higher education accredited by the Middle States Association of Colleges and Schools and located in the District of Columbia; and
- (2) Approved by the Workforce Investment Board ("Board"), established by section 4 of the Workforce Investment Implementation Act of 2000, effective July 18, 2000

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(D.C. Law 13-150; D.C. Official Code § 32-1603).

(b) An institution of higher education described in subsection(a)(1) of this section that seeks to become a participant in the Educational Stepladder program is encouraged to enter into discussions with business and industry leaders to ascertain what workforce skills and knowledge are in demand so that the institution can design its course offerings to meet actual workforce needs in the District. The Board shall approve only courses that are:

- (1) Tailored to the needs of the job market in the District;
- (2) Designed to provide the student with marketable knowledge or a marketable skill;
- (3) A maximum of 12 months in duration; and
- (4) Student aid or grant eligible.

Sec. 1153. Funding of program.

(a) The DOES shall make individual training account ("ITA") funds received by the District pursuant to the federal Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2801 *et seq.*), available to pay for a student's enrollment in a certificate course; provided, that the course has been approved pursuant to the procedures and criteria established by this subtitle, and by the Board, in consultation with the DOES.

(b) The Board's proposed procedures and criteria shall be submitted to the Council for a 30-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the procedures and criteria by resolution within this 30-day period, the procedures and criteria shall be deemed approved.

(c) Prior to expending ITA funds to pay for a student's enrollment in an approved course, the institution or the student shall apply for any grant funds available to the institution or to the student for this purpose. In the case of a student who meets the eligibility requirements for a grant and who has made timely application for such grant but the funds have not been received by the institution, the institution shall credit the student's account in the amount of the grant. Upon receipt of the grant, the institution shall apply the funds received to the student's account. In the case where a grant is available, ITA funds shall be used to the extent that the cost of the course exceeds the amount of grant funds received.

Sec. 1154. Funding of Students.

Pursuant to section 9a of the District of Columbia Unemployment Compensation Act, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-768), a student enrolled in an Educational Stepladder program approved course and who maintains a satisfactory level of attendance and achievement in the program and who is:

- (1) Receiving unemployment insurance compensation shall be eligible for an extension of benefits for the duration of the program, up to a maximum amount of 52 times his or her weekly benefit amount, or 100% of the wages for employment paid the individual by employers during his or her base period, whichever is the lesser; this total amount includes

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regular benefits and any federal extension that may be in effect; or

(2) Not receiving unemployment insurance compensation may be eligible for a weekly monetary benefit equal to the unemployment insurance compensation weekly benefit amount a person earning minimum wage would receive, to the extent that funds are available, for the duration of the program, up to a maximum of 52 times the calculated weekly benefit.

Sec. 1155. Conforming amendments.

(a) Section 4(b) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(b)), is amended as follows:

(1) Paragraph (6) is amended by striking the phrase "University of the District of Columbia to enhance" and inserting the phrase "University of the District of Columbia as well as with any institution of higher education accredited by the Middle States Association of Colleges and Schools and located in the District to enhance" in its place.

(2) Add a new paragraph (9) to read as follows:

"(9) Implementing the Educational Stepladder program established by the Educational Stepladder Act of 2004, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-768), including establishing the criteria for certificate course approval and working with interested institutions of higher education accredited by the Middle States Association of Colleges and Schools and located in the District of Columbia to develop a curriculum of courses that will meet the institutions's educational mission as well as provide Educational Stepladder students with marketable knowledge or skills that meet the stated workforce needs of business and industry in the District."

(b) The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(1) Section 10(i)(1) (D.C. Official Code § 51-110(i)(1)) is amended by adding a new paragraph (D) to read as follows:

"(D) He or she is enrolled in an approved certificate course authorized by the Educational Stepladder Act of 2004, as passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-768) ("Act") and maintaining a satisfactory level of attendance and achievement, as required by the Act."

(2) Add a new section 9a to read as follows:

"Sec. 9a. Eligibility for benefits; Educational Stepladder program.

"(a) An individual who is receiving benefits pursuant to section 9 or has exhausted his or her regular benefits so long as the benefit year on that claim has not expired and who is enrolled in an Educational Stepladder program certificate course shall be eligible for an extension of benefits for the duration of the course, up to a maximum amount of 52 times his or her weekly amount or 100% of the wages for employment paid the individual by employers during his or her base period, whichever is the lesser; provided, that the individual maintains a satisfactory level of attendance and achievement. This total amount includes regular benefits and any federal extension that may be in effect. Any benefits awarded to an individual shall not

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be chargeable to any base payer employer.

"(b) An individual who is ineligible to receive benefits pursuant to section 9 and who is enrolled in an Educational Stepladder certificate course may be eligible for a weekly monetary benefit, equal to the unemployment insurance compensation weekly benefit amount a person earning minimum wage would receive for the duration of the course, up to a maximum of 52 times the weekly benefit calculated pursuant to this subsection; provided, that the individual maintains a satisfactory level of attendance and achievement.

"(c) The receipt of the benefit described in subsection (b) of this section is not an entitlement but contingent upon the availability of such funds for the purposes of the Educational Stepladder Act of 2004, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-768)."

(3) Section 14 (D.C. Official Code § 51-114(b)(2) is amended as follows:

(A) The existing language is designated as subparagraph (A).

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

"(B) The monies in this Fund shall also be used for the payment of the monetary benefit described in section 9a(b)."

Sec. 1156. 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)).

SUBTITLE O. OWNER-OCCUPANT RESIDENTIAL TAX CREDIT AND  
HOMESTEAD DEDUCTION CLARIFICATION ACT

Sec. 1161. Short title.

This subtitle may be cited as the "Owner-Occupant Residential Tax Credit and Homestead Deduction Clarification Act of 2004".

Sec. 1162. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47.825.01(f-1)(1)(C)(iv) is amended by striking the phrase "July 1" wherever it appears and inserting the phrase "April 1" in its place.

(b) Section 47-829 is amended by adding a new subsection (e-1) to read as follows:

"(e-1) Class 1 Property, as defined under § 47-813(c-6), shall not be subject to subsection (e) of this section if the increase in the estimated market value of the real property as a result of the renovation, addition, or construction is less than 10%."

(c) Section 47-850(a) is amended to read as follows:

"(a)(1) For purposes of levying the real property tax during a tax year, the Mayor shall deduct \$38,000 from the estimated market value of real property which qualifies as a homestead. The deduction shall be apportioned equally between each installment during a tax

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year and shall not be carried forward or carried back.

“(2) This subsection shall apply as of October 1, 2003.”

(d) Section 47-850.01(a) is amended to read as follows:

“(a)(1) For purposes of levying the real property tax during a tax year, the Mayor shall deduct from the assessed value of the real property owned by a cooperative housing association, as determined under § 47-820.01, \$38,000 for each homestead located therein. The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or carried back.

“(2) This subsection shall apply as of October 1, 2003.”

(e) Section 47-863 is amended as follows:

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

“(B) If a deduction under § 47-850 is allowed, the deduction under this paragraph shall be computed by multiplying the tax rate by 50% of an amount equal to:

“(i) The estimated market value of the senior's household, less the deduction under § 47-850; or

“(ii) If a credit is received under § 47-864:

“(I) Before October 1, 2003, 125% of the prior year's capped assessment, (or if there was no capped assessment during the prior year, the tax assessment), less the deduction under § 47-850; or

“(II) On or after October 1, 2003, 112% of the prior year's capped assessment (or if there was no capped assessment during the prior year, the tax assessment) less the deduction under § 47-850.”

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

“(2)(A)(i) In the case of a cooperative housing association, the Mayor shall deduct from the estimated market value of the real property of the cooperative housing association an amount equal to 50% of an amount equal to:

“(I) The estimated market value of the senior's household, less any homestead deduction under § 47-850.01; or

“(II) If a credit is received under § 47-864:

“(aa) Before October 1, 2003, 125% of the prior year's capped assessment (or if there was no capped assessment during the prior year, the tax assessment) attributable to the senior's household, less any deduction under § 47-850.01; provided, that if a credit is received under

§ 47-864, 125% of the prior year's capped assessment (or if there was no capped assessment during the prior year, the tax assessment) shall be deemed the estimated market value for purposes of this paragraph; or

“(bb) On or after October 1, 2003, 112% of the prior year's capped assessment (or if there was no capped assessment during the prior year, the tax assessment) attributable to the senior's household, less any deduction under § 47-850.01; provided, that if a credit is received under § 47-864, 112% of the prior year's capped

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assessment (or if there was no capped assessment during the prior year, the tax assessment) shall be deemed the estimated market value for purposes of this paragraph.

"(ii) The estimated market value of the senior's household, or the prior year's capped assessment (or if there was no capped assessment during the prior year, the tax assessment) attributable to the senior's household, shall be determined in the same manner as the cooperative housing association was assessed under § 47-820.01, including any prorations thereunder."

(f) Section 47-864 is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase ", and subsequent years,".

(2) Subsections (b) and (c) are amended by striking the word "credit" and inserting the phrase "credit under subsection (a) of this section" in its place.

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

"(d)(1) For real property tax year 2004, and subsequent years, real property receiving the homestead deduction under § 47-850 or § 47-850.01, and valued under § 47-820(b-2), shall receive an owner-occupant residential tax credit.

"(2) The credit shall be calculated as follows:

"(A)(i) In the case of a real property that did not receive the credit under this section in the prior tax year, subtract the prior tax year's homestead deduction from the prior tax year's assessment; or

"(ii) In the case where a real property did receive the credit under this section in the prior tax year, identify the prior tax year's capped assessment;

"(B) Multiply the amount under subparagraph (A) of this paragraph by 112% to determine the capped assessment;

"(C) Subtract the current tax year's homestead deduction from the current tax year's assessment;

"(D) Subtract the capped assessment computed under subparagraph (B) of this paragraph from the difference in subparagraph (c) of this paragraph; and

"(E) If the resulting difference is a positive number, multiply the resulting difference by the applicable property tax rate for the current tax year.

"(3) The credit shall not apply if:

"(A) During the prior tax year:

"(i) The real property was transferred for consideration to a new owner;

"(ii) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

"(iii) The assessment of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property; or

"(B) During the prior calendar year, the real property was assessed under

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§ 47-829.

“(4) This subsection shall apply as of October 1, 2003.”.

Sec. 1163. Fiscal impact statement.

The Council adopts the attached fiscal impact statement 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)).

SUBTITLE P. LOWER INCOME, LONG TERM HOMEOWNER'S PROTECTION  
ADMINISTRATION ACT

Sec. 1171. Short title.

This subtitle may be cited as the "Lower Income, Long-Term Homeowner Credit Administration Act of 2004".

Sec. 1172. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the section designations "47-1806.09e. Tax on residents and nonresidents - Credits - Lower income, long-term homeowner credit - Carryover of credit. 47-1806.09f. Tax on residents and nonresidents - Credits - Lower income, long-term homeowner credit - Applicability date; Mayoral certification" and inserting the section designations "47-1806.09e. Tax on residents and nonresidents - Credits - Lower income, long-term homeowner credit - Refund of credit. 47-1806.09f. Tax on residents and nonresidents - Credits - Lower income, long-term homeowner credit - Applicability date - Application and administration" in their place.

(b) Section 47-1806.09 is amended as follows:

(1) Paragraph (1)(B) is amended by adding a new sentence to read as follows:

"A determination required by this subparagraph shall be calculated for the fiscal year ending in the tax year for which the credit is claimed."

(2) Paragraph (2) is amended by striking the phrase "Class 1 property as defined in § 47-813(c-4)(1)" and inserting the phrase "real property receiving the homestead deduction under § 47-850 or a unit within a cooperative housing association for which the cooperative housing association is receiving the homestead deduction under § 47-850.01." in its place.

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

(A) Strike the phrase "taxpayer, as defined in § 47-1801.04(7)" and insert the phrase "resident, as defined in § 47-1801.04(17)" in its place.

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

"(A)(i) Owns an eligible residence as his principal place of residence and has resided in the eligible residence for at least 7 consecutive years immediately prior to the last day of the tax year; or

"(ii) Is a shareholder or member of a cooperative housing

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association, occupies by right an eligible residence by reason of his ownership of a stock or membership certificate, proprietary lease, or other evidence of membership in the cooperative housing association, and has resided in the eligible residence as his or her principal place of residence for at least 7 consecutive years immediately prior to the last day of the tax year; and".

(4) Paragraph (4) is amended by striking the phrase "have the same meaning as "household income" in § 47-1806.06(b)(2)" and inserting the phrase "means the total "adjusted gross income," as defined in § 47-1803.02(b), of every member of the household" in its place.

(c) Section 47-1806.09a is amended as follows:

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

(A) Strike the phrase "§ 47-1806.08b" and insert the phrase "§ 47-1806.09b" in its place.

(B) Strike the phrase "prior tax year" and insert the phrase "prior real property tax year" in its place.

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

"(b) If an eligible residence is a unit within a cooperative housing association, the credit shall be computed in accordance with subsection (a) of this section using the net amount of real property tax apportioned to the eligible residence by the cooperative housing association, as the amount of real property tax imposed. The cooperative housing association shall provide to the eligible resident upon his request data concerning the amount of real property taxes apportioned to his or her eligible residence by the cooperative housing association for the real property tax year ending in the tax year for which the credit is allowed and the prior real property tax year, accounting for real property tax credits and deductions passed through to the eligible resident to include the homestead deduction under § 47-850.01 and the senior citizen deduction under § 47-863."

(d) Section 47-1806.09b is amended as follows:

(1) Subsection (a) is amended by striking the phrase "§ 47-1806.09b" and inserting the phrase "§ 47-1806.09a" in its place

(2) Subsection (b) is amended by striking the word "taxable" and inserting the word "tax" in its place.

(3) Subsection (c) is amended by adding a new sentence at the end to read as follows:

"No person may apply for any of the credits if another person in the household has applied for any of the credits."

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

"(d) An eligible resident in a household may seek a pro rata contribution from the eligible resident who receives the credit. The eligible resident who does not receive the credit shall not have any right against the District of Columbia to claim or recover the credit or any portion thereof, whether at law or in equity.

"(e) Notwithstanding subsection (a) of this section, an eligible resident shall not be required to submit an application with the eligible resident's 2003 District of Columbia personal

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income tax return."

(e) Section 47-1806.09d(b) is repealed.

(f) Section 47-1806.09e is amended as follows:

(1) Strike the phrase "§ 47-1806.08a" and insert the phrase "§ 47-1806.09a" in its place.

(2) Strike the word "taxable" and insert the word "tax" in its place.

(g) Section 47-1806.09f(b) is amended to read as follows:

"(b) An eligible resident shall apply for the tax credit under § 47-1806.09a using an application form to be developed by the Office of Tax and Revenue. For tax year 2003, this form shall be developed by the Chief Financial Officer by April 1, 2004."

Sec. 1173. Section 2 shall apply as of April 1, 2004.

Sec. 1174. Fiscal impact statement.

The Council adopts the fiscal impact statement contained 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)).

#### SUBTITLE Q. SALES TAX HOLIDAY

Sec. 1181. Short title.

This subtitle may be cited as the "Sales Tax Holiday Act of 2004".

Sec. 1182. Section 47-2005 of the District of Columbia Official Code is amended by adding a new paragraph (32A) to read as follows:

"(32A)(A) Subject to the other provisions of this paragraph, sales of any:

"(i) School supplies, article of clothing, accessory items, or shoes for \$100 or less, when the purchase is made between 12:01 a.m. on the 1st Saturday in August and midnight on the 2nd Sunday in August, except when the 1st day of August falls on a Sunday, ending at midnight on the 3rd Sunday in August; or

"(ii) Article of clothing, accessory items, or shoes for \$100 or less, when the purchase is made between 12:01 a.m. on the 4th Friday in November and midnight on the 1st Sunday in December.

"(B) The exemption shall apply to:

"(i) Each eligible item regardless of how many items are sold on the same invoice to a customer;

"(ii) Layaway sales; provided, that the retailer and the customer enter into a layaway agreement during the exemption period or the customer makes final payment on a layaway order during the exemption period; and

"(iii) Sales of eligible items purchased during the exemption period if the item is later exchanged for another exempt item after the exempt period.

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“(C) The exemption shall not apply to:

“(i) Exempt items normally sold as a unit with nonexempt items if the items are separated to qualify for the exemption;

“(ii) Nonexempt items that are exchanged for exempt items;

“(iii) Items advertised as “buy one, get one free” or “buy one, get one for reduced price,” if one or both items are averaged to qualify for the exemption;

“(iv) Items whose prices are reduced by a manufacturer’s coupon to qualify for the exemption;

“(v) Repairs and alterations to exempt items; and

“(vi) Items for rent.

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

“(i) “Accessory items” means jewelry, non-prescription eyeglasses, watches, watchbands, handbags, handkerchiefs, umbrellas, gloves, scarves, ties, headbands, hats, belts and belt buckles, and other traditional accessory items.

“(ii) “Clothing” means an article of wearing apparel for humans.

“(iii) “Shoes” means all footwear, except skis, swim fins, roller blades, and skates.

“(iv) “School supplies” means an item purchased for educational use in the classroom, at home, or for any school activity, including pens, pencils, stationery, art supplies, book bags, lunch boxes, and calculators.

“(E) A customer who pays sales tax on an exempt item to a retailer during the exempt period shall be entitled to a refund of the tax from the retailer and not from the Mayor.”

Sec. 1183. 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)).

#### SUBTITLE R. DISTRICT OF COLUMBIA AUDITOR STATUTORY AUDIT REQUIREMENT AMENDMENT

Sec. 1191. Short title.

This subtitle may be cited as the “District of Columbia Auditor Statutory Audit Requirements Amendment Act of 2004”.

Sec. 1192. (a) Section 105b(f)(1) of the District of Columbia Procurement Practices Act of 1985, effective March 19, 1994 (D.C. Law 10-79; D.C. Official Code § 2-301.05b(f)(1)), is amended in the second sentence by striking the phrase “in an annual report to the Mayor and the Council, due 180 days after April 4, 2001, for calendar year 2001, and on the same date in subsequent years” and inserting the phrase “at least once every three fiscal years” in its place.

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(b) Section 8(f) of the Boxing and Wrestling Commission Act of 1975, effective October 8, 1975 (D.C. Law 1-20; D.C. Official Code § 3-607(f)), is amended by striking the phrase "a biennial" and inserting the phrase "at least every 3 fiscal years an" in its place.

(c) Section 305(a) of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1203.05(a)), is amended by striking the phrase "On or before July 1 of each year," and inserting the phrase "At least once every 3 fiscal years" in its place.

(d) Section 4(c) of the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998, effective April 16, 1999 (D.C. Law 12-228; D.C. Official Code § 37-103(c)), is amended by striking the word "annually" and inserting the word "biennially" in its place.

(e) Section 2(d) of the Mental Health Services Client Enterprise Establishment Act of 1978, effective April 13, 1999 (D.C. Law 12-226; D.C. Official Code § 44-921(d)), is repealed.

(f) Section 18a(b) of the Victims of Violent Crime Compensation Amendment Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 4-517.01(b)), is repealed.

Sec 1193. 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)).

## SUBTITLE S. OFFICE OF ZONING ADDITIONAL SPACE NEEDS

Sec. 1201. Short title.

This subtitle may be cited as the "Office of Zoning Additional Space Needs Act of 2004".

Sec. 1202. Not later than September 30, 2004, the Office of Property Management shall provide additional space within the District government office building located at 441 4th Street, N.W. ("One Judiciary Square") to the Office of Zoning ("OZ") to address OZ's increased space requirements. The additional space to be provided shall include the Suite 200-S and other space on the second floor of One Judiciary Square.

Sec. 1203. 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)).

## SUBTITLE T. HISTORIC PRESERVATION REVIEW BOARD STIPEND

Sec. 1211. Short title.

This subtitle may be cited as the "Historic Preservation Review Board Stipends

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Amendment Act of 2004".

Sec. 1212. Section 1108(c)(2)(H) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c)(2)(H)), is amended by striking the figure "\$1,800" and inserting the figure "3,000" in its place.

Sec. 1213. 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)).

SUBTITLE U. BUILDING CODE FREEDOM OF INFORMATION AMENDMENT

Sec. 1221. Short title.

This subtitle may be cited as the "Freedom of Information Amendment Act of 2004".

Sec. 1222. Section 206(a) of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-536(a)), is amended by adding a new paragraph (6A) and a new paragraph (8A) to read as follows:

(6A) Budget requests, submissions, and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process, as well as reports on budget implementation and execution prepared by the Office of the Chief Financial Officer. This shall include baseline budget submissions and appeals, financial status reports, and strategic plans and performance-based budget submissions.

"(8)(A) All pending applications for building permits and authorized building permits, including the permit file;"

Sec. 1223. Subsection 103.5 of Title 12A of the District of Columbia Municipal Regulations is amended to read as follows:

"103.5 Public Access to Records. In accordance with procedures established by the code official, official records of the Department shall be available for public inspection at all appropriate times. Pursuant to D.C. Official Code § 2-532, the Department may collect a fee, established by rule, for researching and copying requested documents. Advisory Neighborhood Commissioners shall not be required to pay a fee. Because permit applications are amended and revised throughout the review process, the code official shall provide information that is current as of the date stated on the response."

Sec. 1224. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

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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)).

SUBTITLE V. RECORDATION AND TRANSFER TAX REDUCTION AND  
TRANSFER TAX ALLOCATION OF ADDITIONAL REVENUE

Sec. 1231. Short title.

This subtitle may be cited as the "Recordation and Transfer Tax Reduction Act of 2004".

Sec. 1232. Section 303 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 12; D.C. Official Code § 42-1103), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "1.5%" and inserting the phrase "1.1%" in its place.

(2) Paragraph (2) is amended by striking the phrase "3.0%" and inserting the phrase "2.2%" in its place.

(3) Paragraph (3) is amended by striking the phrase "1.5%" and inserting the phrase "1.1%" in its place.

(b) Subsection (a-3) is repealed."

Sec. 1233. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Chapter 3 is amended as follows:

(1) The table of contents is amended by striking the section designation "47-368.03. Reduction in rates for certain excise taxes." and inserting the section designation "47-368.03. Repealed." in its place.

(2) Section 47-368.03 is repealed.

(b) Section 47-903 is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "1.5%" and inserting the phrase "1.1%" in its place.

(2) Subsections (a-1) and (a-2) are repealed.

Sec. 1234. Allocation of additional revenue in Fiscal Year 2005.

The additional annual revenue certified by the Chief Financial Officer of the District of Columbia which exceeds the annual revenue estimate incorporated in the approved financial plan and budget as of May 14, 2004 shall be allocated and expended in fiscal year 2005 in the following order of priority:

(1) An amount not to exceed \$2 million to the Office of Property Management for the costs of transitional office space;

(2) An amount not to exceed \$1,200,000 to the District of Columbia Public Library for general operations;

(3) An amount not to exceed \$256,000 to the DC Police and Firefighters

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Retirement & Relief Board for the increased cost of processing retirement hearings and rulings; and

(4) An amount not to exceed \$132,600 for the Police and Fire Clinic for costs associated with processing disability retirement cases.

Sec. 1235. Applicability.

This subtitle shall apply as of October 1, 2004.

Sec. 1236. 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)).

SUBTITLE W. GREATER SOUTHEAST COMMUNITY HOSPITAL AND HADLEY MEMORIAL TAX ABATEMENT ADMINISTRATION CLARIFICATION ACT

Sec. 1241. Short title.

This title may be cited as the "Greater Southeast Community Hospital and Hadley Memorial Hospital Tax Abatement Administration Clarification Act of 2004".

Sec. 1242. Title 47 of the District of Columbia Official Code is amended as follows:

(a) A new subsection 47-1050(a-1) is added to read as follows:

"(a-1) For property tax years beginning 2003 and ending 2005, the property tax abatement provided in subsection (a) of this section shall be contingent upon the entities being licensed to operate by the District of Columbia Department of Health;

(b) Section 47-1050(b) of the District of Columbia Official Code is amended by striking the word "2003" and inserting the word "2006" in its place.

Sec. 1243. 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)).

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. VACANT AND ABANDONED PROPERTIES AMENDMENT

Sec. 2001. Short title.

This subtitle may be cited as the "Vacant and Abandoned Properties Amendment Act of 2004".

Sec. 2002. The Vacant and Abandoned Properties Community Development and Disapproval of Disposition of Certain Scattered Vacant and Abandoned Properties Act of 2002,

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effective April 2, 2003 (D.C. Law 14-267; D.C. Official Code §§ 10-831 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-831(a)) is amended as follows:

(1) Subsection (a) (1) and (2) is amended to read as follows:

“(a) The Mayor may dispose of real property that is, or has previously been determined to be, abandoned or deteriorated property, as those terms are defined in section 431 of the Housing Act of 2002, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.01), under this act if:”

“(1) The property is owned or acquired by the District;

“(2) The property is suitable for, and the Mayor proposes construction, reconstruction, or rehabilitation as, a single-household residence or a multi-household residence of 5 or fewer units; and.”

(2) Subsection (b) is amended by striking the phrase “2004” and inserting the phrase “2006” in its place.

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

“(c) The process for disposing of any property pursuant to this act shall be conducted solely pursuant to the requirements set forth in this act and shall not be subject to any other statutory provision governing the process for the disposition of real property, nor shall any property disposed of pursuant to this act be subject to the prerequisites to disposition of property set forth in section 433 of the Housing Act of 2002, effective April 19, 2002 (D.C. Law 14-114; D.C. Code § 42-3171.03).”

(b) Section 7 (a) (D.C. Code § 10-836 (a)) is amended to read as follows:

“(a) Within 90 days after a winning proposal is selected, the Mayor and the selected person shall enter into a sales contract governing the disposition of the properties. Each sales contract shall provide for, and the Mayor and the selected person shall consummate, the sale of the properties within 270 days after the effective date of the sales contract; provided, if the selected person must obtain regulatory approval for zoning or historic preservation purposes prior to the demolition, construction, or rehabilitation of a property to be disposed of, including a rezoning, special exception, or variance, the sales contract shall provide for, and the Mayor and the selected person shall consummate, the sale of such property within 360 days after the effective date of the sales contract.”

Sec. 2003. 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 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

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## SUBTITLE B. HOUSING PRODUCTION TRUST FUND AMENDMENT

Sec. 2011. Short Title.

This subtitle may be cited as the "Housing Production Trust Fund Amendment Act of 2004".

Sec. 2012. The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 42-2801(1C)) is amended as follows:

(1) Subparagraph (A) is amended by striking the number "30" and inserting the number "40" in its place.

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

"(B) For for-sale units, a period of at least 15 years, unless the unit is located in a census tract with a poverty rate of 30 percent or more as determined by the U.S. Census Bureau's decennial census, in which case the period shall be 10 years. If a for-sale unit is sold within the term of years under this paragraph, the new affordability term shall begin on the date of the sale."

(b) Section 3(b)(10) (D.C. Official Code § 42-2802(b)(10)) is amended by striking the phrase "expended from the Fund during the fiscal year" and inserting the phrase "deposited into the Fund pursuant to subsection (c)" in its place.

Sec. 2013. 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)).

## SUBTITLE C. HOUSING TAX ABATEMENT AMENDMENT

Sec. 2031. Short title.

This subtitle may be cited as the "Housing Tax Abatement Act of 2004".

Sec. 2032. Section § 47-857.01 of the District of Columbia Official Code is amended to read as follows:

(a) Paragraph (2)(B) is amended by striking the phrase "SP-1" and inserting the phrase "SP" in its place.

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

"(4) "Eligible area #3" means:

"(A) Census tracts where the average rent for one-bedroom and 2-bedroom apartments exceeds median rent in the District, as determined by the Mayor after an analysis of the economic conditions and development pressures in the geographic area, by 20% or more; and

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“(B) Geographic areas in which it is unlikely that new or rehabilitated housing with rents of less than 120% of the median rent for the District will be produced, as determined by the Mayor.”.

Sec. 2033. 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)).

SUBTITLE D. CONSTRUCTION COMPLIANCE AND ZONING MANAGEMENT FUND

Sec. 2041. Short title.

This subtitle may be cited as the “Construction and Zoning Compliance Management Fund Amendment Act of 2004”.

Sec. 2042. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended by adding a new section 7a is added to read as follows:

“Sec. 7a. Construction and Zoning Compliance Management Fund.

“(a) There is established a fund designated as the Construction and Zoning Compliance Management Fund (“Fund”), which shall be separate from the General Fund of the District of Columbia. All funds obtained from the penalties and fines assessed for illegal construction under section 113A of Title 12A of the District of Columbia Municipal Regulation and for violations of Title 11 of the District of Columbia Municipal Regulations, and all interest earned on those funds, shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress and used solely to pay the costs of operating and maintaining the Fund. All funds, interest, and other amounts deposited into the Fund shall not be transferred or revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall continually be available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

“(b) The funds deposited in the Fund shall be used in the following order of priority:

“(1) To pay the costs of 6 full-time equivalent positions in the Construction Compliance Management division of the Building and Land Regulation Administration of the Department of Consumer and Regulatory Affairs;

“(2) To pay the costs of 9 full-time equivalent positions in the Building and Land Regulation Administration and the Office of the Zoning Administrator in the following order:

“(A) Program Specialist, DS-13;

“(B) Chief Zoning Inspection Branch, MS-12;

“(C) Manager Technical Plan, MS-14;

“(D) Structural Engineer, DS-12;

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- “(E) Structural Engineer, DS-12;
- “(F) Supervisory Electrical Inspector, MS-13;
- “(G) Electrical Engineer, DS-12;
- “(H) Inspection Program, DS-12; and
- “(i) Enforcement Branch, MS-13;

“(3) To pay the costs of reclassifying or raising the rate of compensation of 11 full-time equivalent positions and adding 2 additional full-time equivalent positions in the Office of the Zoning Administrator of the Department of Consumer and Regulatory Affairs in the following order:

“(A) Increase the rate of compensation of the Zoning Administrator, who shall report directly to the Director of the Department of Consumer and Regulatory Affairs, MSS-16;

“(B) Reclassify and increase the rate of compensation of the Chief, Zoning Review, MSS-12, to Deputy Zoning Administrator, Chief of Zoning Review and Inspections, MSS-13/14;

“(C) Increase the rate of compensation of the Zoning Technician from DS-11 to DS-11;

“(D) Increase the rate of compensation of the Zoning Technician from DS-10 to DS-11;

“(E) Increase the rate of compensation of the Zoning Technician from DS-11 to DS-12;

“(F) Increase the rate of compensation of the Zoning Technician from DS-11 to DS-12;

“(G) Reclassify and increase the rate of compensation of the Zoning Inspector, DS-9, to a Lead Zoning Inspector, DS-10;

“(H) Increase the rate of compensation of the Zoning Inspector from DS-8 to DS-9;

“(i) Increase the rate of compensation of the Zoning Inspector from DS-8 to DS-9;

“(J) Increase the rate of compensation of the Zoning Assistant from DS-7 to DS-8;

“(K) Reclassify and increase the rate of compensation of the Grants Management Assistant, DS-11, to a Zoning Assistant, DS-12;

“(L) Hire a Zoning Assistant, DS-7/8; and

“(M) Hire a Chief Zoning Branch, MSS-13; and

“(4) To pay the costs for a homeowners' center, which shall assist residential property owners with permit application and inspection requirements for residential property renovation and rehabilitation projects .”.

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“(c)(1) On October 1, 2004, notwithstanding the provisions of Chapter 28 of Title 47 of the District of Columbia Official Code, \$600,000 shall be transferred from the Basic Business License Fund established by D.C. Official Code § 47-2851.13 to the Fund.

“(2) On October 1, 2004 notwithstanding the provisions of the District of Columbia Real Estate License Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1701 *et seq.*), \$1 million shall be transferred from the Real Estate Guaranty and Education Fund established by section 29 of the District of Columbia Real Estate Licensure Act of 1982, effective March 10, 1983 (D.C. Law 4-209; D.C. Official Code § 42-1706), to the Fund.”.

Sec. 2043. 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)).

SUBTITLE E. REGISTRATION AND INSPECTION OF WEIGHTING AND MEASURING DEVICES

Sec. 2051. Short title.

This subtitle may be cited as the “Registration and Inspection of Weighing and Measuring Devices Amendment Act of 2004”.

Sec. 2052. An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes, approved March 3, 1921 (41 Stat. 1217; D.C. Official Code § 37-201.01 *et seq.*), is amended by adding a new section 32a to read as follows:

“Sec. 32a. Registration and inspection fees for weighing and measuring devices.

“(a) The Mayor shall collect fees relating to the registration and inspection of weighing and measuring devices in the District of Columbia.

“(b) The following fees are established for the annual registration and inspection of weighing and measuring devices in the District of Columbia:

“(1) Scales with a capacity of up to 100 pound, \$75 (maximum fee per location, \$900;

“(2) Scales with a capacity of more than 100 pounds, up to 2,000 pounds, \$200;

“(3) Scales with a capacity of more than 2,000 pounds, up to 20,000 pounds, \$500;

“(4) Vehicle scales, \$1,500;

“(5) Retail engine fuel dispenser meter, \$60;

“(6) Bulk petroleum fuel meter, \$250;

“(7) Liquefied petroleum gas meter of  $\frac{3}{4}$  inch diameter or less, \$250;

“(8) Liquefied petroleum gas meter of greater than  $\frac{3}{4}$  inch diameter, \$375;

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- “(9) Wire/Cordage or fabric measuring device, \$50;
- “(10) Compressed natural gas (per meter), \$250;
- “(11) Hopper scales, \$250;
- “(12) Prescription balance electronic/mechanical, \$75;
- “(13) Jeweler’s balance, \$75;
- “(14) Yard sticks and tapes measures, \$25;
- “(15) UPC scanning (per unit), \$25.

“(c) The Mayor, by rule, may amend the amount fees set forth in subsection (b) of this section and establish new fees as may be necessary for the registration and inspection of weighing and measuring devices. Fees collected pursuant to this section shall be deposited in the General Fund of the District of Columbia.”.

Sec. 2053. 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)).

SUBTITLE F. BOARD OF CONDEMNATION AND INSANITARY BUILDINGS

Sec. 2071 . Short title.

This subtitle may be cited as the "Board of Condemnation and Insanitary Buildings Amendment Act of 2004".

Sec. 2072 . An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-902) is amended as follows:

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

"(a-1) The Board shall be comprised of 7 members, as follows:

- “(1) Two members designated by the Department of Consumer and Regulatory Affairs, one of whom shall be the chairperson;
- “(2) One member designated by the Deputy Mayor for Economic Development;
- “(3) One member designated by the Office of Property Management;
- “(4) One member designated by the Department of Public Works;
- “(5) One member designated by the Department of Housing and Community Development; and

“(6) One member designated by the Office of Historic Preservation.

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

"(c-1) The chairperson may direct that the Board shall sit in panels of 3 members, in which 3 members constitute a quorum, when there is a declaration by the chairperson that the business of the Board cannot be met by sitting as a full Board. A decision made by a panel

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established by this subsection shall have the same force and effect as a decision of the full Board. Decisions regarding membership on the panels and designation of panel activities shall be made by the chairperson."

(b) Section 3 (D.C. Official Code § 6-903) is amended by striking the phrase "60 days" and inserting the phrase "30 days" in its place.

(c) Section 10 (D.C. Official Code § 6-910) is amended by adding a new subsection (c) to read as follows:

"(c)(1) For purposes of receiving notice required by this act, a person who is a nonresident owner of vacant property in the District of Columbia shall appoint and continuously maintain a registered agent for the service of process. The appointment shall be made by filing a statement with the Mayor. The registered agent shall be an individual who is a resident of the District of Columbia or an organization incorporated in the District of Columbia. If the nonresident owner changes the registered agent or if the name and address or any other information about the registered agent changes after the statement is filed with the Mayor, the nonresident owner shall file a statement notifying the Mayor of the change. A nonresident owner of vacant property in the District of Columbia who violates this section shall be subject to a penalty of \$300.

"(2) The Mayor shall serve as the registered agent for a nonresident owner of vacant property if a registered agent is not appointed by the nonresident owner or if the individual or organization named as registered agent ceases to serve in that capacity or cannot be located after reasonable diligence."

(d) Section 16 (D.C. Official Code § 6-916) is amended as follows:

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

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

"(b) All fees and penalties collected under this act shall be deposited in the fund established by section 1(b) of An Act To provide for the abatement of nuisances in the District of Columbia and by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)), and shall be expended for the general administration of the Board."

Sec. 2073. Section 1(b) of An Act To provide for the abatement of nuisances in the District of Columbia and by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)), is amended as follows:

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

(1) The existing text is designated as subparagraph (A).

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

"(B) There is established within the fund established by subparagraph (A) of this paragraph an account in which fees and penalties collected under section 16(b) of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and

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for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-916(b)), shall be deposited, to be expended for the purposes set forth in section 16(b) of An Act to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-916(b)).”

(b) Paragraph (2) is amended by striking the phrase “; and all other receipts” and inserting the phrase “; all fees and penalties collected under section 16(b) of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-916(b)) (to be deposited in the account established under paragraph (1)(B) of this subsection); and all other receipts” in its place.

Sec. 2074. 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)).

SUBTITLE G. HOUSING ASSISTANCE FUND

Sec. 2081. Short title.

This subtitle may be cited as the “Housing Assistance Fund Amendment Act of 2004”.

Sec. 2082. Section 307 of the Rental Housing Conversion and Sale Act of 1980, effective Sept. 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3403.07), is amended to read as follows:

“(a) There is established a fund designated as the Housing Assistance Fund (“Fund”), which shall be separate from the General Fund of the District of Columbia. All funds from collection of the condominium or cooperative conversion fee shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress and used solely to pay the costs of operating and maintaining the Fund. All funds, interest, and other amounts deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

“(b) The funds in the Fund shall be used as follows:

“(1) For providing housing assistance payments as required by this act; and

“(2) In an amount not to exceed 50% of the funds deposited in the Fund each fiscal year, as follows:

“(A) For the District of Columbia Home Purchase Assistance Program; provided, that priority shall be given to those tenants who live in:

“(i) Buildings which have received certification for conversion under the provisions of this act, or;

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“(ii) Housing accommodations in which the tenant association has signed a contract to purchase the accommodation under the provisions of this act; and

“(B) For relocation payments and housing assistance payments for tenants displaced under the provisions of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-901 *et seq.*); provided, that:

“(i) The amount, method, and entitlement of relocation payments shall be in accordance with section 302(b), (c), and (d); and

“(ii) The eligibility, amount, and method of housing assistance payments shall be in accordance with section 304(b), (c), and (d).

“(c) The Mayor shall request an appropriation in the annual budget of the District of the funds within the Fund for its authorized purposes.”

Sec. 2083. Applicability.

This subtitle shall apply as of October 1, 2004.

Sec. 2084. 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)).

SUBTITLE H. TENANT AND HOUSING PROVIDER OMBUDSMEN

Sec. 2091. Short title.

This subtitle may be cited as the "Tenant and Housing Provider Ombudsmen Amendment Act of 2004".

Sec. 2092. Section 401 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3504.01), is amended as follows:

(a) Strike the phrase "a fee of \$15" and insert the phrase "a fee of \$16" in its place.

(b) Strike the phrase "; provided, that fees collected during fiscal year 2001 shall be deposited in the fund established by section 1 of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District to be used for the purposes of the fund." and insert the phrase "; provided, that a portion of fees collected shall be deposited in a special account to fund a tenant ombudsman and a housing provider ombudsman and an Advisory Neighborhood Commission liaison." in its place.

Sec. 2093. 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)).

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## SUBTITLE I. STOREFRONT IMPROVEMENT PROGRAM

Sec. 2101. Short title.

This subtitle may be cited as the "Storefront Improvement Program Act of 2004".

Sec. 2102. Use of Storefront Improvement Program Funds.

A portion of the funds programmed for the storefront improvement program of the department of Housing and Community Development shall be spent on storefront improvement projects in the 6200 and 6400 blocks of Georgia Avenue, N.W., and that the portion of Georgia Avenue that is located in Ward 1.

Sec. 2103. 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)).

## TITLE III. PUBLIC SAFETY AND JUSTICE

## SUBTITLE A. GOVERNMENT FACILITY SECURITY AMENDMENT

Sec. 3101. Short title.

This subtitle may be cited as the "Government Facility Security Amendment Act of 2004".

Sec. 3102. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

(a) Section 1804(a)(3) (D.C. Official Code § 10-1003(a)(3)) is amended by striking the phrase "security services,".

(b) Section 1806(a) (D.C. Official Code § 10-1005(a)) is amended as follows:

(1) The lead-in language is amended by striking the word "four" and inserting the word "three" in its place.

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

(3) Paragraph (3) is repealed.

Sec. 3103. An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; D.C. Official Code § 5-133.04), is amended by striking the phrase "Hereafter policemen shall not be detailed for duty as watchmen at the Municipal building."

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## Sec. 3104. Applicability.

This subtitle shall apply as of the implementation date for transferring the Protective Services Division, and the functions performed by the Protective Services Division, from the Office of Property Management to the Metropolitan Police Department specified in a reorganization plan submitted by the Mayor to the Council pursuant to the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.01 *et seq.*), that has been approved by the Council.

## Sec. 3105. 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)).

## SUBTITLE B. OFFICE OF UNIFIED COMMUNICATIONS ESTABLISHMENT

## Sec. 3201. Short title.

This subtitle may be cited as the "Office of Unified Communications Establishment Act of 2004".

## Part A

## Sec. 3202. Definitions.

For the purposes of this subtitle, unless otherwise required by the context, the term:

- (1) "Agencies" means the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the Customer Service Operations Unit.
- (2) "Call center" means the telephone-based call center and associated operation involving any department or agency throughout the District government that operates the District's 911, 311, and 727-1000 systems or other facilities for emergency and non-emergency calls. The term "call center" shall include the Citywide Call Center that is responsible for the receipt and processing of 727-1000 calls, but shall not include any other component of the Customer Service Operations Unit established by section 1202 of the Customer Service Operations Establishment Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 1-328.02).
- (3) "Call center technology" means computer-aided dispatch systems and related public safety answering point technologies and telecommunications devices, and related equipment and appurtenances, including automatic call distribution equipment and any related equipment that manages, stores, channels or otherwise processes telephone calls, mobile communications devices, cellular communications, automatic vehicle location devices, global positioning technologies, and supporting metropolitan area network-based communications and supporting local area networks, that may be used in a call center.
- (4) "Customer service" means activities involved in the receipt and processing of emergency, non-emergency, and citizen service requests by the agencies' call centers.

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(5) "Director" means the Director, Office of Unified Communications.

(6) "Office" means the Office of Unified Communications established by this subtitle.

(7) "Radio technology" means public safety voice radio communications systems and other public safety wireless communications systems and resources.

(8) "Unified Communications Center" means the control center for radio and call center technology, and customer service, within the Office.

Sec. 3203. Establishment of Office of Unified Communications.

(a) There is established, as a subordinate agency under the Mayor in the executive branch of the government of the District of Columbia, an Office of Unified Communications. The Office shall centralize the customer service functions and activities of the District government's 911, 311, and 727-1000 systems, and other facilities for emergency, non-emergency, and citizen service calls, and be responsible for the operation and maintenance of the District government's radio technology and call center technology.

(b) The Office shall be under the supervision of a Director, Office of Unified Communications, who shall carry out the functions and authorities assigned to the Office.

Sec. 3204. Transfers.

(a) All of the authority, responsibilities, duties, and functions of the agencies' call centers and radio technology shall be transferred from the agencies to the Office of Unified Communications within such reasonable period of time as the Mayor may designate. The transfer shall include all 911, 311, and 727-1000 call center authority, responsibilities, duties, functions, and infrastructure.

(b) All vacant and filled positions, personnel, property, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the agencies to perform the functions set forth in section 3205 shall be transferred to the Office of Unified Communications within such reasonable period of time as the Mayor may designate.

(c) The Mayor, or the Mayor's designee, may organize the personnel and property transferred to the Office from the agencies into such organizational components as the Mayor or the Mayor's designee deems appropriate, and may develop any reports and evaluation systems necessary to assess the effectiveness of the reorganization plan authorized by this subtitle.

(d) All authority and operations related to the Emergency and Non-Emergency Number Telephone Calling Systems Fund, established by the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801), shall be transferred to the Office of Unified Communications.

Sec. 3205. Functions.

The Office shall:

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- (1) Provide centralized customer service for the District government's 911, 311, 727-1000 call systems, and other emergency, non-emergency, and citizen service calls;
- (2) Provide centralized, District-wide coordination and management of the District government's radio technology and call center technology systems and resources;
- (3) Develop and enforce policy directives and standards for the acquisition, operation, and maintenance of radio technology and call center technology systems and services for all District agencies and departments, coordinating such activities with appropriate semi-governmental and private entities, the Federal Communications Commission, federal and state radio communications coordination organizations, and jurisdictions adjacent to or otherwise affecting the application or use of radio technology and call center technology in the District;
- (4) Develop and enforce policy directives and standards for the integration, maintenance, and use of information systems and data resources needed to support the functions of the Office;
- (5) Develop and enforce policy directives and standards for management of the building facilities supporting radio technology and call center technology;
- (6) Develop and enforce policy directives and standards regarding all radio communications towers, antennae, and related equipment and appurtenances used by District departments and agencies;
- (7) In coordination with the Office of the Chief Technology Officer, review all agency proposals, purchase orders, and contracts for the acquisition of radio technology and call center technology systems, resources, and services, and recommend approval or disapproval to the Chief Procurement Officer;
- (8) In coordination with the Office of the Chief Technology Officer, review and approve the radio technology and call center technology budgets for District government departments and agencies and recommend approval or disapproval to the Chief Financial Officer;
- (9) Coordinate the development of information management plans, standards, systems, and procedures throughout the District government for radio technology and call center technology, including the development of a radio technology and call center technology strategic plan for the District;
- (10) Assess new or emerging radio technologies and call center technologies and advise District departments and agencies on the potential applications of these technologies to their programs and services;
- (11) Implement radio technology and call center technology solutions and systems throughout the District government;
- (12) Promote the compatibility of radio technology and call center technology throughout the District government; and
- (13) Serve as a resource and provide advice to District departments and agencies about how to use radio technology and call center technology to improve services, including providing assistance to departments and agencies in developing radio technology and call center

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technology strategic plans.

Sec. 3206. Organization.

There are established 4 primary organizational functions in the Office as follows:

(1)(A) The Office of the Director, Office of Unified Communications shall include the staff and organizational units needed to develop plans and policies for, and oversee the execution of, the District's radio technology, call center technology, and customer service policies and operations, and to carry out the administrative functions of the Office of Unified Communications.

(B) The administrative functions of the Office of Unified Communications shall include human resources, training, legal services, budget and financial management, procurement, facilities management, and such other general and administrative functions as the Director deems necessary to support and assist the functions and purposes of the Office of Unified Communications. The Director may provide for the execution of administrative functions either by hiring full-time personnel or by entering into memoranda of understanding with other departments and agencies of the District that provide for the sharing of administrative personnel between the departments and agencies and the Office.

(C) The Office of the Director, Office of United Communications shall also include one or more positions designated as liaisons with the agencies to ensure that the functions of the Office effectively support and coordinate with the functions of the agencies.

(2) Call Center Operations shall carry out all of the customer service functions of the Office.

(3) Radio and Call Center Technology Support Services shall provide direct assistance and support to the agencies and other departments and agencies of the District regarding the implementation and operation of radio technology and call center technology. Radio and Call Center Technology Support Services shall also provide procurement and contract oversight and assistance for radio technology and call center technology, maintain standard radio technology and call center technology contracts that all District departments and agencies may use, and manage radio technology and call center technology contracts and systems throughout the District government.

(4) Radio and Call Center Technology Technical Services shall provide support for public safety voice radio and public safety wireless base station and field devices, including voice communications, data communications, and associated network trunking equipment and appurtenances, and identify cost savings, operational efficiencies, and ways to improve radio technology and call center technology services.

Sec. 3207. Coordination with agencies.

The Office shall enter into memoranda of understanding with the agencies, as necessary, to define the Office's obligations to the agencies, and associated procedures and performance standards, with respect to custody and sharing of data generated in the operations of the Office,

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support for the agencies' dispatch operations and priorities, production of radio transmission transcripts, the provision of customer service to the hearing impaired, and such other matters as the Office and the agencies deem appropriate.

Sec. 3208. Rules.

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

Part B

Sec. 3221. Section 301(q) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(q)), is amended as follows:

(a) Paragraph (51) is amended by striking the word "and" at the end.

(b) Paragraph (52) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (53) is added to read as follows:

"(53) Office of Unified Communications."

Sec. 3222. Section 603(a) of the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1802(a)), is amended by adding a new subsection (a-1) to read as follows:

"(a-1) All authority and operations of the Fund shall be administered by the Office of Unified Communications."

Part C

Sec. 3231. 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)).

SUBTITLE C. ANTITRUST FUND CAP INCREASE AMENDMENT

Sec. 3301. Short title.

This subtitle may be cited as the "Antitrust Fund Cap Increase Act of 2004".

Sec. 3302. Section 28-4516(a) of the District of Columbia Official Code is amended by striking the phrase "\$500,000" and inserting the phrase "\$1 million" in its place.

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## Sec. 3303 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)).

## SUBTITLE D. CHILD SUPPORT TRANSFER OF FUNCTIONS AMENDMENT

## Sec. 3401. Short title.

This subtitle may be cited as the "Child Support Transfer of Functions Amendment Act of 2004".

Sec. 3402. Section 16-911(c) of the District of Columbia Official Code is amended to read as follows:

"(c) The court may order, at any time, that maintenance or support payments be made to the Collection and Disbursement Unit, as defined in § 46-201(2A), for remittance to the person entitled to receive the payments, and shall order that such payments be made to the Collection and Disbursement Unit when the Collection and Disbursement Unit is responsible for collecting and disbursing these payments under § 46-202.01.

Sec. 3403. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 46-201) is amended as follows:

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

"(2A) "Collection and Disbursement Unit" means the centralized unit operated by the IV-D agency for the collection and disbursement of support payments as required under section 454B of title IV, part D of the Social Security Act, approved August 22, 1996 (110 Stat. 2207; 42 U.S.C. § 654b)."

(2) Paragraph (8B) is amended by striking the phrase "the organizational unit of the District government," and inserting the phrase "the Child Support Enforcement Division of the Office of the Attorney General for the District of Columbia," in its place.

(b) Section 3a (D.C. Official Code § 46-202.01) is amended to read as follows:

"Sec. 3a. Centralized Collection and Disbursement Unit.

"(a)(1) The IV-D agency is established as the centralized Collection and Disbursement Unit for the collection and disbursement of support payments and shall operate this unit either directly or through a contract or cooperative agreement with another entity.

"(2) The Court shall continue to operate the Collection and Disbursement Unit, pursuant to a memorandum of understanding or other cooperative agreement with the IV-D agency, until the IV-D agency has arranged with a private contractor to operate the Collection and Disbursement Unit or has made other arrangements for its operation, and until the transfer of all collection and disbursement functions to another entity is complete.

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“(b) The Collection and Disbursement Unit shall collect and disburse support payments under support orders in the following cases:

“(1) All cases enforced by the IV-D agency pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*);

“(2) All cases not enforced by the IV-D agency in which the support order was initially issued in the District on or after January 1, 1994, and in which withholding of the obligor’s earnings or other income has commenced; and

“(3) All other cases in which the court has ordered that payments be made through the Collection and Disbursement Unit, or in which withholding of the non-custodial parent’s income or other earnings has commenced.

“(c) The Court shall be the instrumentality for withholding earnings or other income under this act.

“(d) The Collection and Disbursement Unit shall conduct its operations in coordination with the automated system the IV-D agency maintains pursuant to section 27(j).

“(e)(1) The Collection and Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology, to the maximum extent that is feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures:

“(A) For receipt of payments from parents, holders, and other states, and for disbursements to custodial parents and other obligees, the IV-D agency, and the agencies of other states;

“(B) For accurate identification of payments;

“(C) To ensure prompt disbursement of the custodial parent’s share of any payment; and

“(D) To furnish to any parent, upon request, timely information on the current status of support payments required to be made by or to the parent through the Collection and Disbursement Unit pursuant to subsection (b) of this section.

“(2) The Collection and Disbursement Unit shall not be required to convert and maintain, in automated form, records of payments made before August 22, 1996, in cases subject to wage withholding not enforced by the IV-D agency.

“(f) The Collection and Disbursement Unit shall distribute all amounts payable within 2 business days after receipt from the employer or other holder if sufficient information identifying the payee is provided. The Collection and Disbursement Unit may delay the distribution of collections toward arrearages until any appeal with respect to such arrearages has been resolved.

“(g) The IV-D agency and the Court, as applicable, shall use the automated system the IV-D agency maintains pursuant to section 27j, to the maximum extent that is feasible, to assist and facilitate the collection and disbursement of support payments, including:

“(1) Transmission of orders and notices to employers and other holders for the withholding of income:

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“(A) Within 2 business days after receipt of notice of the withholding (including identification of the income source subject to withholding) from a court, a state, a holder, the Federal Parent Locator Service, or another source recognized by the District; and

“(B) Using uniform formats prescribed by federal regulation or policy;

“(2) Ongoing monitoring to promptly identify failures to make timely payment of support; and

“(3) Automatic use of enforcement procedures if payments are not timely made.”

(c) Section 6 (D.C. Official Code § 46-205) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “Collection and Disbursement Unit” and inserting the word “Court” in its place.

(2) Paragraph (4) is amended by striking the phrase “Collection and Disbursement Unit” and inserting the word “Court” in its place.

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

“(5) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor’s earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and Title I of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; 51 DCR 1615).”

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

“(6) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1000 or more.”

(d) Section 7(b-1) (D.C. Official Code § 46-206(b-1)) is amended to read as follows:

“(b-1) In any support enforcement action following entry of a support order, upon showing that a diligent effort, which includes more than a search of IV-D agency and Court records, has been made to ascertain the location of a party, the Court shall accept as adequate service on the party delivery by first-class mail of any pleading or notice to the most recent residential or employer address filed by the party with the IV-D agency or the Court pursuant to section 27b.”

(e) Section 8 (D.C. Official Code § 46-207) is amended as follows:

(1) Subsection (a-1) is amended by striking the phrase “Collection and Disbursement Unit” and inserting the word “Court” in its place.

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

(A) Paragraph (2) is amended by striking the phrase “Collection and Disbursement Unit” and inserting the phrase “IV-D agency and the Court” in its place.

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(B) Paragraph (5) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

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

"(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor's employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage and deduct the premiums from the obligor's earnings in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41, 1-307.42), and Title I of the Medical Support Establishment and Enforcement Amendment Act of 2004, effective March 30, 2004 (D.C. Law 15-130; 51 DCR 1615)."

(D) Paragraph (7) is amended to read as follows:

"(7) Notice that the amount and name of the obligor and obligee of all support orders entered, modified, registered, or enforced in the District after December 23, 1997 shall be reported to a consumer credit reporting agency if the obligor owes overdue support in the amount of \$1000 or more."

(E) Paragraph (8) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(f) Section 9 (D.C. Official Code § 46-208) is amended as follows:

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

"(b) The Collection and Disbursement Unit shall establish procedures for the prompt return to an obligor of any amounts that have been improperly withheld."

(2) Subsection (c) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(3) Subsection (e) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(g) Section 10 (D.C. Official Code § 46-209) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (c)(7) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the phrase "IV-D agency and the Court" in its place.

(h) Section 11 (D.C. Official Code § 46-210) is amended as follows:

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

"(d) Payment of arrearages after the date of the issuance of a notice of withholding pursuant to section 10 is not a defense to the withholding."

(2) Subsection (e)(5) is amended by striking the phrase "direct the Collection and Disbursement Unit to".

(i) Section 12 (D.C. Official Code § 46-211) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

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(2) Subsection (a-1) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(3) Subsection (a-2) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

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

(A) Paragraph (4) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(B) Paragraph (10) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(j) Section 13(b) (D.C. Official Code § 46-212(b)) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(k) Section 15 (D.C. Official Code § 46-214) is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(B) Paragraph (4) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (b) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(3) Subsection (c) is amended by striking the phrase "Collection and Disbursement Unit" in both places it appears and inserting the word "Court" in its place.

(l) Section 16 (D.C. Official Code § 46-215) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(m) Section 17 (D.C. Official Code § 46-216) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (b) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(n) Section 19 (D.C. Official Code § 46-218) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (b) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(o) Section 23 (D.C. Official Code § 46-222) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (b) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(3) Subsection (c) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

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(p) Section 24 (D.C. Official Code § 46-223) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the word "Court" in its place.

(2) Subsection (b) is amended by striking the phrase "Collection and Disbursement Unit" and inserting the phrase "TV-D agency" in its place.

(q) Section 27b(a) (D.C. Official Code § 46-226.02(a)) is amended by striking the phrase "with the Collection and Disbursement Unit" and inserting the phrase "with the Court" in its place.

(r) Section 27f(f) (D.C. Official Code § 46-226.06(f)) is amended by striking the phrase "TV-D agency" and inserting the word "Court" in its place.

Sec. 3404. 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)).

## SUBTITLE E. OFFICE OF ADMINISTRATIVE HEARINGS AMENDMENT

Sec. 3501. Short title.

This subtitle may be cited as the "Office of Administrative Hearings Amendment Act of 2004".

Sec. 3502. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended as follows:

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

"(2) Department of Consumer and Regulatory Affairs, except for those cases under the jurisdiction of the Rent Administrator."

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

"(b-1)(1) In addition to those agencies listed in subsections (a) and (b) of this section, as of October 1, 2005, this act shall apply to adjudicated cases under the jurisdiction of the Rent Administrator in the Department of Consumer and Regulatory Affairs.

"(2) In preparation for the transfer of jurisdiction of the Rent Administrator's adjudicatory function to the Office, the Rent Administrator of the Department of Consumer and Regulatory Affairs shall submit a plan to the Mayor and Council by December 31, 2004 describing how the Rent Administrator's office will function after its adjudicatory responsibilities are transferred to the Office, the legislative changes needed to prepare the Rent Administrator for its new role, and the resources needed to maintain its non-adjudicatory functions. The plan shall be developed in consultation with the Office."

(c) Subsection (c) is amended by striking the phrase "(a) or (b)" and inserting the phrase "(a), (b), or (b-1)" in its place.

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(d) Subsection (h) is amended by striking the phrase "(a) or (b)" and inserting the phrase "(a), (b), or (b-1)" in its place.

Sec. 3503. Section 204 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.04), is amended by adding a new subsection (l) to read as follows:

"(l) In preparation for the transfer of jurisdiction of the Rent Administrator's adjudicatory function to the Office of Administrative Hearings pursuant to section 6(b-1) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-1)), the Rent Administrator shall submit a plan to the Mayor and Council by December 31, 2004 describing how the Rent Administrator's office will function after its adjudicatory responsibilities are transferred to the Office of Administrative Hearings, the legislative changes needed to prepare the Rent Administrator for its new role, and the resources needed to maintain its non-adjudicatory functions. The plan shall be developed in consultation with the Office of Administrative Hearings."

Sec. 3504. 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)).

#### SUBTITLE F. PREVENTION OF AUTO THEFT AND RECKLESS DRIVING

Sec. 3601. Short title.

This subtitle may be cited as the "Prevention of Auto Theft and Reckless Driving Act of 2004".

Sec. 3602. Motor vehicle theft prevention teams.

(a) For the purpose of this subtitle, the term "motor vehicle" means any automobile, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer, or bus.

(b) The Metropolitan Police Department shall have no fewer than 3 teams, comprised of no fewer than 3 officers each, whose primary responsibilities are the prevention of motor vehicle theft and the recovery of stolen motor vehicles.

Sec. 3603. Fiscal impact statement.

There is no fiscal impact. This subtitle does not mandate additional full-time employees or equipment. The Metropolitan Police Department will staff the teams with existing full-time employees and use existing equipment.

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## TITLE IV. PUBLIC EDUCATION SYSTEM

## SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2004".

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

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase "\$6,551 per student for 2004" and inserting the phrase "\$6,903.60 per student for FY 2005 and subsequent fiscal years" in its place

(b) Section 105 (a)(D.C. Official Code § 38-2904 (a)) is amended to read as follows: "The student counts at certain grade levels and in certain programs shall be weighted to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

Grade Level	Weighting	Per Pupil Allocation in FY 2005
Pre-School	1.17	\$8,077.21
Pre-Kindergarten	1.17	\$ 8,077.21
Pre K Incentive	1.17	\$8,077.21
Kindergarten	1.03	\$7,110.71
Grades 1-3	1.03	\$7,110.21
Grades 4-5	1.00	\$6,903.60
Ungraded ES	1.03	\$7,110.71
Grades 6-8	1.03	\$7,110.71
Ungraded MS/JHS	1.03	\$7,110.71
Grades 9-12	1.17	\$8,077.21
Ungraded SHS	1.17	\$8,077.21
Alternative	1.30	\$8,974.68
Special Education Schools	1.17	\$8,077.21
Adult	0.75	\$5,177.70

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

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

Level/Program	Definition	Weighting	Supplemental \$ Per Pupil FY 2005
Level 1: Special Education	Eight (8) hours or less per week of specialized services	0.55	\$3,796.98
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.85	\$5,868.06
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.50	\$10,355.40
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained separate school other than residential placement	2.70	\$18,639.72
LEP/NEP	Limited and non-English proficient students	0.40	\$2,671.44
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,173.61

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Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$11,736.12
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$2,581.95
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.36	\$9,388.90
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$20,303.49
Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special educational needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$20,186.13

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Level 5: Special Education - Residential	Residential placement	9.40	\$64,893.84
LEP/NEP - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$4,694.45

(d) Section 107 (D.C. Official Code § 38-2906) is amended to read as follows:

- (1) The existing language in designated as subsection (a).
- (2) A new subsection (b) is added to read as follows:

“(b) In FY 2005, appropriations in excess of the student count shall be made available to the DC Public Schools in order to encourage admittance of up to 578 additional pre-kindergarten students.”.

Sec. 4003. 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)).

**SUBTITLE B. STUDENT RESIDENCY REQUIREMENT ACT**

Sec. 4011. Short title.

This subtitle may be cited as the "Truth in Student Residency in Public and Public Charter Schools Act of 2004".

Sec. 4012. The District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-302) is amended as follows:

- (1) Subsection (a) is amended by striking the phrase “parent or guardian” and inserting the phrase “parent, guardian, custodian, or other primary caregiver” in its place.
- (2) Subsection (b) is amended to read as follows:

“(b) The amount which shall be paid with respect to each person subject to subsection (a) of this section shall be fixed by the State Education Office as the amount necessary to cover all expenses incurred by the District of Columbia public schools or public charter schools that

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are a result of each person's use of a school's services, as determined by the State Education Office pursuant to section 3 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602), and in accordance with the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Official Code § 38-2901 *et seq.*). Following the final determination of the amounts, the State Education Office shall publish the tuition rate determinations in the District of Columbia Municipal Regulations."

(b) Section 4 (D.C. Official Code § 38-304) is amended to read as follows:

"Sec. 4. Definitions.

For the purposes of this act, the term:

"(1) "Adult" means a person who is 18 years of age, or older.

"(2) "Adult student" means a student who is at least 18 years old, or who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

"(3) "Appointed representative" means an individual acting on behalf of a person, pursuant to his or her written authorization, in presenting to school or chartering authority officials documentation to establish or verify the District residency of the person seeking to enroll the student.

"(4) "Chartering Authority" means a District entity authorized to grant charters for the establishment of charter schools, pursuant to either the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.01 *et seq.*), or the Public Charter School Act of 1996, effective May 29, 1996 (D.C. Law 11-135; D.C. Official Code § 1701.01 *et seq.*).

"(5) "Child" means a person who is less than 18 years of age.

"(6) "Custodian" means a person to whom physical custody has been granted by a court of competent jurisdiction.

"(7) "District of Columbia public schools" or "DCPS" means the District of Columbia public school system, not including public charter schools.

"(8) "Guardian" means a person who has been appointed legal guardian of a student by a court of competent jurisdiction.

"(9) "Orphan" means a child who resides in the District of Columbia and who does not have a living parent or guardian.

"(10) "Other primary caregiver" means a person other than a parent or court appointed custodian or guardian who is the primary provider of care and support to a child who resides with him or her, and whose parent, custodian, or guardian is unable to supply such care and support and who submits evidence, pursuant to section 13 and procedures established pursuant to section 14, that he or she is the primary caregiver of the student.

"(11) "Parent" means a natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody.

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"(12) "Public charter school" means a District school authorized by a chartering authority.

"(13) "State Education Office" means the office established by the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*)."

(c) New sections 9 through 16 are added to read as follows:

"Sec. 9. Proof of residency.

"All students enrolled in District of Columbia public schools and public charter schools must provide proof of residency in the District or pay tuition pursuant to section 2. A determination of residency status shall be made annually for each student. The methods used to determine residency status shall be consistent across District of Columbia public schools and public charter schools and shall be crafted to facilitate rather than hinder school enrollment of eligible students.

"Sec. 10. Nonresident free tuition.

" A student entitled to enrollment without payment of nonresident tuition shall be either:

"(1) A child who is otherwise eligible for admission to the DCPS or a public charter school, and who qualifies for free instruction under one of the following categories:

"(A) A child who is in the care or control of a parent, custodian, or guardian who is a resident of the District;

"(B) A child who is in the care or control of a District resident who is his or her other primary caregiver, as established pursuant to section 13;

"(C) A child who is a resident of the District and does not have a living parent, custodian, guardian, or other primary caregiver in the United States;

"(D) A child who is a ward of the District; or

"(E) A child who is living with his or her spouse, when the spouse is at least 18 years old and is a resident of the District.

"(2) An adult student who is otherwise eligible for admission to the DCPS or a public charter school and is a resident of the District. For the purposes of this act, the residence of an adult student is the address of the adult student, not the address of the adult student's parent, custodian, guardian or other primary caregiver.

"Sec. 11. Establishment of residency.

"(a) The residency status of each student enrolling in a DCPS school or public charter school shall be established by October 5, or within 10 days of the time of initial enrollment, whichever occurs later, within the school year for which the student is being enrolled. Residency status shall be re-established annually. Residency status shall be established through the use of satisfactory documentation as set forth in sections 12 and 13. The State Education Office, pursuant to section 3(b)(3) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2604(b)(3)), shall establish such rules and procedures to carry out residency verification as it deems appropriate and as are consistent with this act.

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"(b) For a student whose primary caregiver is not a parent, custodian or guardian, establishment of residency shall also include documentation that the District resident seeking to enroll the student is his or her primary caregiver, as set forth in section 13 and procedures established pursuant to section 14.

"Sec. 12. Documentation to be submitted at the attending school in order to establish residency.

"(a) Documentation satisfactory to establish District residency for local school verification and certification must be delivered to the school principal or to his or her employee designee either by the person seeking to enroll the student or by that person's appointed representative.

"(b) One of the following items shall establish District residency for the purposes of this act:

"(1) Proof of payment of District personal income tax, in the name of the person seeking to enroll the student, for the tax period closest in time to the consideration of District residency;

"(2) A pay stub issued less than 45 days prior to consideration of residency in the name of the person seeking to enroll the student that shows his or her District residency and evidence of the withholding of District income tax;

"(3) Current official documentation of financial assistance received by the person seeking to enroll the student, from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;

"(4) Confirmation, based upon completion and submission of a tax information authorization waiver form, by the District Office of Finance and Revenue of payment of District income taxes by the person seeking to enroll the student;

"(5) Current official military housing orders showing residency in the District of the person seeking to enroll the student; or

"(6) A currently valid court order indicating that the student is a ward of the District.

"(c) Providing 2 of the following items shall also suffice as proof of residency in the District:

"(1) A current motor vehicle registration in the name of the person seeking to enroll the student and evidencing District residency;

"(2) A valid unexpired lease or rental agreement in the name of the person seeking to enroll the student, and paid receipts or canceled checks (for a period within 2 months immediately preceding consideration of residency) for payment of rent on a District residence in which the student actually resides;

"(3) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the person seeking to enroll the student; and

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"(4) Utility bills (excluding telephone bills) and paid receipts or cancelled checks (from a period within the 2 months immediately preceding consideration of residency) in the name of the person seeking to enroll the student that show a District residence address.

"(d) If the person seeking to enroll the student is unable to produce documents complying with this section, the principal, or the principal's designated employee, at his or her option and with the agreement of the person seeking to enroll the student, may conduct a home visit to determine residency. Use of the home visit as a residency verification measure requires a sworn affidavit by the principal of the school or the principal's designee attesting that residency of the student was confirmed by a home visit, by the principal or the principal's designee, made within 45 days of enrollment. A residency verification home visit form must be completed by the principal or the principal's designee. Residency verification home visit forms shall be issued by the State Education Office, and shall be available at all DCPS Schools, public charter schools, the DCPS student residency office, the District Board of Education's Public Charter School Office, the Public Charter School Board, and the State Education Office.

"(e) If the person seeking to enroll the student cannot establish residency pursuant to this subsection then the principal or the principal's designee attempting to verify residency shall refer the person to the DCPS student residency office or the appropriate chartering authorities, and procedures established by them pursuant to section 14 shall be followed.

"Sec. 13. Documentation to be submitted to establish status as other primary caregiver.

"(a) A person seeking to enroll a student as an other primary caregiver shall provide documentation that establishes his or her status as an other primary caregiver in conjunction with documentation that establishes the caregiver's residency status pursuant to sections 11 and 12.

"(b) Status as an other primary caregiver shall be established through the use of one of the following items:

"(1) Previous school records indicating that the student is in the care of the caregiver;

"(2) Immunization or medical records indicating that the student is in the care of the caregiver;

"(3) Proof that the caregiver receives public or medical benefits on behalf of the student;

"(4) A signed statement, sworn under penalty of perjury, that he or she is the primary caregiver for the student; or

"(5) An attestation from a legal, medical or social service professional attesting to the caregiver's status relevant to the student.

"(c) The statement submitted pursuant to paragraph (4) of this subsection shall be submitted on a standard form to be issued by the State Education Office, and shall be available at all District of Columbia public schools buildings, public charter schools, the DCPS student residency office, the Board of Education's public charter school office, the Public Charter

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School Board, and the State Education Office. The form shall delineate appropriate indicators of primary caregiver status. The statement need not be notarized, but shall make clear that it is sworn under penalty of perjury;

"(d) The attestation submitted pursuant to paragraph (5) of this section shall be submitted on a standard form to be issued by the State Education Office. The form shall delineate appropriate indicators of the status, and shall be available at all District of Columbia public school buildings, public charter schools, the DCPS student residency office, the Board of Education's public charter school office, the Public Charter School Board, and the State Education Office. The attestation need not be notarized.

"(e) If the person seeking to enroll the student cannot establish his or her primary caregiver status pursuant to this section then the principal or the principal's designee attempting to verify residency shall refer the person to the DCPS student residency office or the appropriate chartering authority and procedures established by the Board of Education or the appropriate chartering authority pursuant to section 14 shall be followed.

"Sec. 14. Authorities to establish procedures if unable to confirm residency and other primary caregiver status at the attending school.

"(a) The Board of Education and the chartering authorities shall establish such procedures as they deem appropriate to establish residency and other primary caregiver status in cases where persons seeking to enroll students in schools under their supervision are unable to prove residency or other primary caregiver status at the local school level under sections 12 and 13. The established procedures shall be provided to the State Education Office by the aforementioned agencies no later than 30 calendar days before the first day of school.

"(b) The procedures established pursuant to subsection (a) of this section shall:

"(1) Provide for the designation of officials authorized to determine residency and other primary caregiver status;

"(2) Include the designation of forms and methods to document residency and other primary caregiver status in addition to those set forth in this act, for use when documents set forth in this act are unavailable or are of questionable authenticity;

"(3) Establish investigation and appeal procedures for persons seeking to enroll students whose residency or other primary caregiver documentation is found to be unsatisfactory;

"(4) Provide for written notification of the determination of residency and other primary caregiver status to the person seeking to enroll the student, and, in the case of those whose documentation is found to be unsatisfactory, the reasons therefor and a written description of procedures for administrative review and appeal of the determination;

"(5) Include rules and criteria to permit students to attend school without prepayment of tuition during any administrative review and appeal procedures on their residency status;

"(6) Designate the point at which the administrative determination is final; and

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"(7) Include procedures for the payment of non-resident tuition on behalf of students found not to be residents of the District and for their exclusion from DCPS or public charter schools, upon their failure to pay such tuition.

"(c) The procedures promulgated pursuant to this section shall be subject to approval by the State Education Office, which shall act to approve or disapprove the procedures within 30 calendar days of receipt of the proposed procedures.

"Sec. 15. False information; penalty.

"The fact that a parent or caregiver of a student has provided satisfactory evidence of residency or other primary caregiver status pursuant to this act shall not prevent a principal or other school administrator, the Board of Education, a chartering authority, or the State Education Office from establishing by information and other evidence that a student or the student's parent or primary caregiver is not in fact a District of Columbia resident or an other primary caregiver. Any person, including any District of Columbia public schools or public charter school official, who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively, payment of a fine of not more than \$500, or imprisonment for not more than 90 days, or any combination thereof. The case of a person who knowing supplies false information may be referred to the Office of the Attorney General for consideration for prosecution.

"Sec. 16. Rules.

"The Mayor shall promulgate rules pursuant to this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day period, the proposed rules shall be deemed approved."

Sec. 4013. Title 5 of the District of Columbia Municipal Regulations is amended as follows:

(1) Subsection 2002.11 is amended to read as follows:

"2002.11. District residency shall be determined pursuant to the District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*)."

(2) A new subsection 5000.2 is added to read as follows:

"5000.2 District residency shall be determined pursuant to the District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*)."

Sec. 4014. 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)).

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SUBTITLE C. DISTRICT OF COLUMBIA PUBLIC LIBRARIES FACILITIES  
AMENDMENT ACT

Sec. 4041. Short title.

This subtitle may be cited as the "District of Columbia Public Library Facilities Amendment Act of 2004".

Sec. 4042. Facility Planning and Construction for Public Libraries.

Facilities planning for the Georgetown, Petworth, Southeast, Mount Pleasant and Francis Gregory Libraries shall occur in fiscal year 2005 through the cooperation of the District of Columbia Public Libraries, the Office of Property Management and the Department of Recreation. Facilities planning shall incorporate considerations of literacy activities at existing libraries and recreation centers.

Sec. 4043. 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 Rue Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4044. Effective date.

This subtitle shall be effective October 1, 2005.

## SUBTITLE D. MAXIMIZE COLLECTION OF FEDERAL AND PRIVATE GRANTS

Sec. 4051. Short title.

This subtitle may be cited as the "Maximize Collections of Federal and Private Grants Act of 2004".

Sec. 4052. Maximization of Federal and Private Grant Acquisition.

To support the effective use of local dollars, the District of Columbia Public Schools, District of Columbia Public Charter Schools, the University of the District of Columbia, the Department of Parks and Recreation and the District of Columbia Public Library shall each provide a detailed plan for maximizing the federal and private grants received by the agencies and provide a report to the Council of their efforts to pursue grants and maximize those opportunities by November 1, 2004.

Sec. 4053. 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)).

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TITLE V. HUMAN SUPPORT SERVICES  
SUBTITLE A. TOBACCO TRUST FUND AMENDMENT

Sec. 5101. Short title.

This subtitle may be cited as the "Tobacco Trust Fund Amendment Act of 2004".

Sec. 5102. Section 2302b(b)(5)(A) of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 7-1811.03(b)(5)(A)), is amended by adding a sentence at the end to read as follows:

"For fiscal years 2005 through 2008, 100% of the residual and 100% of the annual savings from debt defeasance and prepayment shall be transferred to the General Fund."

Sec. 5103. 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)).

SUBTITLE B. NURSING FACILITY QUALITY OF CARE ACT

Sec. 5201. Short title.

This subtitle may be cited as the "Nursing Facility Quality of Care Act of 2004".

PART A

Sec. 5202. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase "12B. Health Care Provider Assessment Act of 1995 . . . . 47-1241" and insert the phrase "12B. Health Care Provider Assessment Act of 1995 [Repealed] . . . . 47-1241" in its place.

(2) Add the phrase "12C. Nursing Facility Quality of Care Fund; Nursing Facility Assessment . . . . 47-1261" after the phrase "12B. Health Care Provider Assessment Act of 1995 [Repealed] . . . . 47-1241".

(b) Chapter 12B is repealed.

(c) A new Chapter 12C is added to read as follows:

"Chapter 12C

"Nursing Facility Quality of Care Fund; Nursing Facility Assessment.

"Section

"47-1261.

Definitions.

"47-1262.

Nursing Facility Quality of Care Fund.

"47-1263.

Assessments on nursing facilities.

"47-1264.

Interest and penalties.

"47-1265.

Confidentiality; audit; determination or redetermination of assessment.

"47-1266.

Appeals.

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- "47-1267. Rules.  
 "47-1268. Federal determinations; suspension and termination of assessment.  
 "47-1269. Applicability.

## "§ 47-1261. Definitions.

"For the purposes of this chapter, the term:

"(1) "Case mix reimbursement methodology" means a prospective Medicaid payment rate system for nursing facilities that includes:

"(A) A point-of-sale prescription system;

"(B) A resident classification system based on resident acuity and needs;

and

"(C) The following 3 peer groupings for rate purposes:

"(i) All freestanding nursing facilities, except those owned by the District of Columbia;

"(ii) All hospital-based nursing facilities; and

"(iii) All nursing facilities owned by the District of Columbia.

"(2) "Fiscal year" means the 12-month accounting period of the District of Columbia beginning on October 1 and ending on September 30 of the next year.

"(3) "Fund" means the Nursing Facility Quality of Care Fund established by this chapter.

"(4) "Gross resident revenue" means the sum of resident charges, ancillary service charges, and other charges related to the provision of services to residents.

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

"(6) "Net resident revenue" means gross resident revenue less deductions resulting from a nursing facility's inability to collect full payment of its established charges to residents. The deductions include:

"(A) Bad debts;

"(B) Contractual adjustments, including the difference between the amount that would be realized at the nursing facility's established charges and the amount actually received pursuant to contractual agreements entered into to receive Medicare payments, Medicaid payments, Blue Cross or Blue Shield plan payments, or other third-party payments;

"(C) Uncompensated or charity care; and

"(D) Administrative, courtesy, and policy discounts and adjustments.

"(7) "Nursing facility" means a health care facility as defined in and codified at § 44-501(a)(3), but does not include a health care facility operated by the federal government.

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“(8) “Quality of care initiatives” means initiatives that include a case mix reimbursement methodology, reimbursement of the costs of the audit required by § 47-1262(d), and, to the extent that amounts in the Fund remain, other programs designed to promote and foster the improved care, safety, and health of residents in Medicaid-certified nursing facilities.

“(9) “Resident” means a person receiving services in a nursing facility.

“(10) “Superior Court” means the Superior Court of the District of Columbia.

“§ 47-1262. Nursing Facility Quality of Care Fund.

“(a) There is established a fund designated as the Nursing Facility Quality of Care Fund, which shall be separate from the General Fund of the District of Columbia and shall be used for the purposes set forth in subsection (b) of this section. All assessments collected under this chapter, any and all interest earned on those assessments, any and all interest and penalties collected under § 47-1264, and any and all matching federal funds on those amounts, shall be deposited into the Fund, and shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.

“(b) The Fund shall be used solely to fund quality of care initiatives.

“(c) The Mayor shall submit to the Council, as a part of the annual budget, a requested appropriation for expenditures from the Fund.

“(d) The Mayor shall audit all income and expenses of the Fund annually and provide the annual report to the Council.

“§ 47-1263. Assessments on nursing facilities.

“(a) Except as provided in paragraph (1) of this subsection, each nursing facility in the District of Columbia shall pay to the Mayor an assessment of 6% per annum of net resident revenue. The assessment shall be a uniform amount per licensed bed, and the amount shall be determined as follows:

“(1) For fiscal year 2005, the assessment shall be \$3,600 per licensed bed annually, or the appropriate pro-rata amount based upon that total if the assessment is in effect for less than the entire fiscal year.

“(2) For fiscal year 2006 and each succeeding fiscal year, the Mayor shall determine the uniform amount per licensed bed that will equal 6% per annum of net resident revenue by rules issued pursuant to § 47-1267.

“(b) Except for fiscal Year 2005, the Mayor shall provide notice to each nursing facility of the amount of the assessment for the ensuing fiscal year no later than September 1.

“(c) Each nursing facility shall pay the assessment required by subsection (a) of this section to the Mayor in equal monthly installments.

“(d) Each nursing facility shall report net resident revenue for the period upon which the assessment for a fiscal year is to be determined under subsection (a)(2) of this section by submitting an audited financial statement and other information for that period as the Mayor may prescribe by rules issued pursuant to § 47-1267.

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## “§ 47-1264. Interest and penalties.

“(a) When a nursing facility fails to pay the full amount of an assessment by the date required by this chapter, or by rules issued pursuant to § 47-1267, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance. The Chief Financial Officer may arrange a payment plan for the amount of the assessment and interest in arrears.

“(b) A nursing facility that fails to file a report required under this chapter, or by rules issued pursuant to § 47-1267, shall pay an administrative penalty equal to 5% of the monthly assessment for each month, or any fraction thereof, that the failure to file continues. The total administrative penalty shall not exceed 25% of the nursing facility's annual assessment.

“(c) A nursing facility that knowingly provides false information in a report required by this chapter, or by rules issued pursuant to § 47-1267, shall be subject to a penalty of not more than \$1,000.

“(d) The District of Columbia shall have a lien upon the real and personal property located in the District of Columbia of the nursing facility for any assessments, interest, or administrative penalties that are due under this chapter, or rules issued pursuant to § 47-1267. The District of Columbia shall have the priority of a secured creditor.

“(e) Any action brought to enforce the provisions of subsection (c) of this section shall be brought in the Superior Court of the District of Columbia by the Attorney General for the District of Columbia in the name of the District of Columbia.

## “§ 47-1265. Confidentiality; audit; determination or redetermination of assessment.

“(a) Unless otherwise provided by law or necessary to carry out the provisions of this chapter, proprietary information submitted by a nursing facility under this chapter is confidential and shall not be disclosed by the Mayor.

“(b) The Mayor may audit the information required to be reported by a nursing facility under this chapter, or any rules issued pursuant to § 47-1267, and may use the audited information to determine or redetermine the amount of the assessment due under this chapter.

“(c) The Mayor may summon any person to appear before the Mayor to give testimony or answer interrogatories, or to produce books, records, or other pertinent information relating to matters subject to an audit. The summons may be served by a member of the Metropolitan Police Department or by registered mail or certified mail addressed to the person at the person's last dwelling place or principal place of business. A verified return by the person serving the summons, or, in the case of service by registered or certified mail, the return post office receipt signed by the person served, shall be proof of service.

“(d) The Mayor may report a person who, having been served pursuant to subsection (c) of this section, neglects or refuses to obey the summons, to the Superior Court of the District of Columbia. The Superior Court may compel obedience to the summons to the same extent as witnesses may be compelled to obey subpoenas of the Superior Court.

## “§ 47-1266. Appeals.

“(a)(1) A nursing facility may contest the amount of an assessment, including any

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interest or administrative penalties, imposed under this chapter, or by rules issued pursuant to § 47-1267, by filing a notice of appeal with the Office of Administrative Hearings within 60 days after the date of the notice of:

“(A) An annual assessment under § 47-1263(a);

“(B) A determination or redetermination of an assessment based on an audit of information under § 47-1265(b); or

“(C) An imposition of interest or administrative penalties under § 47-1264.

“(b) The Office of Administrative Hearings shall conduct a hearing on the appeal filed under subsection (a) of this section subject to the provisions of subchapter I of Chapter 5 of Title 2 governing adjudication of contested cases, and pursuant to the rules of the Office of Administrative Hearings.

“(c) Before filing an appeal pursuant to subsection (a) of this section, the nursing facility shall first pay to the Mayor the assessment, together with any administrative penalties and interest due on the assessment. In no case shall the filing of a notice of appeal act as a stay on the payment of the assessment, interest, or administrative penalties.

“§ 47-1267. Rules.

“The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

“§ 47-1268. Federal determinations; suspension and termination of assessment.

“(a) If the federal government determines that an assessment imposed on nursing facilities pursuant to this chapter does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. § 1396b(w)), monies collected pursuant to the assessment shall be refunded to the nursing facilities that paid the assessment and the assessment shall be null and void as of the effective date of the federal determination.

“(b) An adverse determination under subsection (a) of this section with respect to an assessment imposed on one or more, but not all nursing facilities pursuant to this chapter shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other nursing facilities imposed by this chapter. An adverse determination with respect to all assessments imposed by this chapter shall be governed by subsection (a) of this section.

“(c) Notwithstanding any other provision of this chapter, if the federal government determines that any exclusions from nursing facilities specified under this chapter would prevent an assessment imposed by this chapter from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, approved July 30, 1965 (79 Stat. 349; 42 U.S.C. § 1396b(w)(3)(B)), the exclusions shall not be made.

“(d) The assessment imposed under § 47-1263(a) shall not be due at the time required by this chapter, or by rules issued pursuant to § 47-1267, if the Department suspends or postpones regular Medicaid payment to nursing facilities beyond the regular monthly payment cycle, but

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shall be due when the regular monthly payment cycle resumes.

“(e)(1) The assessment imposed under § 47-1263(a) shall be null and void if either of the following occurs:

“(A) The case mix rate methodology for nursing facilities is altered or amended in a way that has the effect of reducing or adversely affecting the Medicaid rates for nursing facilities; or

“(B) In subsequent fiscal years, general funding levels for Medicaid rates for nursing facilities fall below the fiscal year 2005 level of funding, on a per-Medicaid-resident, per-day basis.

“(2) For purposes of this subsection, the term “effect of reducing or adversely affecting the Medicaid rates” means the overall average Medicaid per diem rate for nursing facilities is decreased or the altered or amended Medicaid rates, on an overall average per diem basis, are less than they would have been if the case mix reimbursement methodology had not been changed.

“(f) If the assessment imposed under § 47-1263(a) becomes null and void, for any reason, the Mayor may seek to amend the State Medicaid plan to adjust the case mix reimbursement methodology.

“§ 47-1269. Applicability.

“This chapter shall apply as of the effective date of final rules implementing a case mix reimbursement methodology issued pursuant to section 5212(b) of the Nursing Facility Quality of Care Act of 2004, passed on 2<sup>nd</sup> reading on June 29, 2004 (Enrolled version of Bill 15-768), or as of April 1, 2005, whichever is later.”

## PART B

## Sec. 5211. Definitions.

For the purposes of this part, the term:

“(1) “Case mix reimbursement methodology” means a prospective Medicaid payment rate system for nursing facilities that includes:

“(A) A point-of-sale prescription system;

“(B) A resident classification system based on resident acuity and needs;

and

“(C) The following 3 peer groupings for rate purposes:

“(i) All freestanding nursing facilities, except those owned by the District of Columbia;

“(ii) All hospital-based nursing facilities; and

“(iii) All nursing facilities owned by the District of Columbia.

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

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administered by the Department of Health.

“(3) "Nursing facility" means a health care facility as defined in D.C. Official Code § 44-501(a)(3), but does not include a health care facility operated by the federal government.

Sec. 5212. Medicaid reimbursement system for nursing facilities.

(a) The Department of Health shall develop and implement a case mix reimbursement methodology for nursing facilities. The case mix reimbursement methodology shall be effective no earlier than April 1, 2005.

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

## PART C

Sec. 5231. 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)).

## SUBTITLE C. ADOPTION VOUCHER FUND

Sec. 5301. Short title.

This subtitle may be cited as the "Adoption Voucher Fund Amendment Act of 2004".

Sec. 5302. Section 3805 of the Adoption Voucher Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 4-344), is amended by adding a new subsection (c) to read as follows:

“(c) Funds deposited in the Fund shall not revert to the General Fund of the District of Columbia at the end of the fiscal year or at any other time, but shall remain available until expended for the purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act.”.

Sec. 5303. 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)).

## SUBTITLE D. SPECIAL PURPOSE REVENUE FUNDS CFO CERTIFICATION

ACT

Sec. 5401. Short title.

This subtitle may be cited as the "Special Purpose Revenue Funds CFO Certification Act

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of 2004".

Sec. 5402. Section 47-368.01 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase "subsection (c)" and inserting the phrase "subsections (c) and (d)" in its place.

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

"(d) Beginning in fiscal year 2005, the Chief Financial Officer shall submit to the Council a quarterly audit and accounting of the spending, revenue generation, and balances for all Other-Type Fund dedicated for use by the Department of Health. If the information for such an Other-Type Fund is not submitted to the Council within one month after the end of a fiscal quarter, revenue that accumulated in the Other-Type Fund during the fiscal quarter may not be transferred to the General Fund of the District of Columbia."

Sec. 5403. 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)).

## SUBTITLE E. SUBSTANCE ABUSE TREATMENT FOR YOUTH

Sec. 5501. Short title.

This subtitle may be cited as the "Substance Abuse Treatment for Youth Amendment Act of 2004".

Sec. 5502. Section 4212 of the Pilot Substance Abuse for Youth Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-3101), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "a 2-year pilot substance abuse program for youths 14 through 21 years of age" and inserting the phrase "a substance abuse program for youths 14 through 20 years of age" in its place:

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

"(b) In fiscal year 2005, the Addiction Prevention and Recovery Administration shall:

"(1) Provide no less than 400 slots in the program for youth treatment services;

"(2) Provide, at minimum, an average of 15 youth residential treatment slots, but at no time less than 12 residential slots, to be used exclusively to serve 120 youth;

"(3) Provide a minimum of 385 community-based youth outpatient treatment slots exclusively for youth, of which 75 intensive outpatient slots and 125 outpatient treatment slots shall be utilized exclusively to provide a continuum of community-based care services for youth in the care of the Youth Services Administration who are released from the Oak Hill Youth Center."

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

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“(c) To support the infrastructure necessary for implementation and ongoing monitoring of quality assurance for the youth substance abuse treatment program, 3 full-time employees, personnel grade DSS-11/12, shall be detailed from the Department of Human Services, Youth Services Administration to the Department of Health, Addiction Prevention and Recovery Administration to serve as Program Monitors/Coordinators.

“(d)(1) The Addiction Prevention and Recovery Administration shall fund 2 positions to support the administration, service delivery, and monitoring of services provided to youth under the care of the Youth Services Administration. One position shall be titled the Program Manager, and shall be classified as a personnel grade MSS-13. The second position shall be an Administrative Assistant, classified as a personnel grade DSS-9.

“(2) The Program Manager shall serve as a continuity of care liaison between the Addiction Prevention and Recovery Administration and the Youth Services Administration, and shall be housed at, or report regularly to, the Oak Hill Youth Center.

“(3) The Program Manager shall work closely with the Youth Services Administration to assure that as slots are identified, filled, monitored, and maintained that all services are beneficial to the Youth Services Administration’s efforts to comply with the *Jerry M v. District of Columbia* consent decree.

“(4) The Program Manager shall be responsible for working closely with other Addiction Prevention and Recovery Administration staff to utilize Substance Abuse Rehabilitation Option services.”.

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

“(e) A memorandum of understanding, or any other formal agreement deemed necessary to facilitate the implementation of the priority outpatient slots for the Youth Services Administration, shall be finalized and signed no later than October 1, 2004. A copy of the agreement shall be provided to the Council’s Committee on Human Services.”.

Sec. 5503. 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)).

SUBTITLE F. OFFICE ON AGING ACCESSRX PRESCRIPTION DRUG ASSISTANCE AMENDMENT

Sec. 5601. Short title.

This subtitle may be cited as the "Office on Aging AccessRx Prescription Drug Assistance Amendment Act of 2004".

Sec. 5602. Section 303 of the District of Columbia Act on the Aging, effective October 29, 1975 (D.C. Law 1-24; D.C. Official Code § 7-503.03), is amended by adding a new

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paragraph (3A) to read as follows:

“(3A) Provide information, through the Office of the Chief Technology Officer, to District of Columbia residents on prescription drug savings available under and eligibility for the AccessRx program established by Title I of the AccessRx Act of 2004, signed by the Mayor on March 24, 2004 (D.C. Act 15-410; 51 DCR 3688);”.

Sec. 5603. 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)).

SUBTITLE G. BUREAU OF ENVIRONMENTAL QUALITY ACT

Sec. 5701. Short title.

This subtitle may be cited as the “Bureau of Environmental Quality Funding Act of 2004”.

Sec. 5702. On October 1, 2004, \$300,000 from Special Purpose Revenue Fund account #0545 (Pesticide Product Registration) and \$542,000 from Special Purpose Revenue Fund account #0648 (Asbestos Certification and Abatement Fee) shall be transferred to the Department of Health, and shall be used to fund the Environmental Health Administration’s Total Maximum Daily Loan program and air quality programs, respectively, in fiscal year 2005.

Sec. 5703. 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)).

SUBTITLE H. MEDICAL HOMES GRANT MAKING ACT

Sec. 5801. Short title.

This subtitle may be cited as the “Medical Homes Grant Making Act of 2004”.

Sec. 5802. In addition to any contract for services authorized by the Health Care Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official Code § 7-1401) (“Act”), subject to any necessary appropriation, the legal availability of funding, and to matching revenues (cash or in-kind) equivalent to at least 50% of each fiscal year’s grant from the District of Columbia, the Office of the City Administrator may award, through a grant to the District of Columbia Primary Care Association, if the grant meets the criteria for a sole source award, from capital funds available to the Department of Health outside

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of the funding for any contract authorized by the Act, an amount not to exceed \$1 million during fiscal year 2005, an amount not to exceed \$7 million during fiscal year 2006, and an amount not to exceed \$7 million during fiscal year 2007, to support and stimulate the Medical Homes DC.

Sec. 5803. 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)).

SUBTITLE I. HUMAN SUPPORT SERVICES FISCAL YEAR 2005 PROGRAM PERFORMANCE REQUIREMENTS ACT

Sec. 5901. Short title.

This subtitle may be cited as the "Human Support Services Fiscal Year 2005 Program Performance Requirements Act of 2004".

Sec. 5902. Department of Health fiscal year 2005 program performance requirements. For fiscal year 2005, the Department of Health shall:

- (1) Have sufficient local match available as needed to be spent so that no federal dollars are lost in programs including the Breast and Cervical Cancer Program, the Prostate Cancer Program, the Comprehensive Cancer Control Program, and the D.C. Cancer Registry;
- (2) Maintain fiscal year 2003 number of full-time employees, hours of operation, and services in the Sexually Transmitted Disease Control Program and the Tuberculosis Control Program; and
- (3) Allocate sufficient funds to the Department of Health, Health Regulation Administration to maintain the fiscal year 2003 funding level and number of inspector and surveyor full-time employees for the following divisions:
  - (A) The Health Care Facilities Division;
  - (B) Child and Residential Care Facilities Division; and
  - (C) Intermediate Care Facilities Division.

Sec. 5903. Department of Human Services Fiscal Year 2005 program performance requirements.

For fiscal year 2005, the Department of Human Services shall use the \$250,000 that the Committee on Human Services directed from the Department of Mental Health's Strategic Management Service to the Department of Human Services' Family Services Administration for the Southeast Veteran's Access Housing, Inc., for the renovation of the men's shelter.

Sec. 5904. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement

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required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

## TITLE VI. PUBLIC WORKS

## SUBTITLE A. RODENT CONTROL AMENDMENT

Sec. 6001. Short title.

This subtitle may be cited as the "Rodent Control Act of 2000 Amendment Act of 2004".

Sec. 6002. Section 910 of the Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 16 DCMR § 3216), is repealed.

Sec. 6003. 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(c)(3)).

## SUBTITLE B. LEAD PIPE REPLACEMENT FUNDING

Sec. 6011. Short title.

This subtitle may be cited as the "Lead Service Line Priority Replacement Assistance Act of 2004".

Sec. 6012. Establishment of the Lead Service Line Priority Replacement Assistance Fund.

(a) There is established within the General Fund of the District of Columbia a nonlapsing Lead Service Line Priority Replacement Assistance Fund ("Fund") to be administered by the Mayor, in consultation with the District of Columbia Water and Sewer Authority ("WASA").

(b) The purpose of the Fund shall be to provide grants to eligible District homeowners up to \$2,500 to assist them in the replacement of the portion of their lead service line that is located on their private property.

(c) Payments to eligible homeowners are subject to appropriation and the availability of funds. This subtitle does not establish a right to funds on the part of any person.

Sec. 6013. Funding.

(a) The Fund shall be comprised of:

(1) General revenue funds appropriated by a line item in the budget submitted pursuant to section 446 of the Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and authorized by Congress in an appropriations act for the purposes of the Fund;

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(2) Grants from any source to the Fund or to the District of Columbia for the purposes of the Fund;

(3) Capital funds appropriated for the purposes of the Fund; and

(4) Interest earned from the deposit or investment of monies of the Fund.

(b) The monies shall be deposited into the Fund without regard to fiscal year limitation pursuant to an act of Congress, and shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the purpose of the Fund, subject to authorization by Congress.

(c) The Mayor shall include in the fiscal year 2006 budget estimates of the District an amount as may be necessary for capitalization of the Fund.

Sec. 6014. Eligibility criteria.

(a) To be eligible for an assistance grant from the Fund, a household must:

(1) Have an aggregate income of 60% or less than the area median income for a household of like size in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development; and

(2) Have a known lead service line

(b) Grants shall be awarded, to the extent reasonably possible, according to the following priority:

(1) Households with a tap water test that shows a lead level at or above 15 parts per billion and that include:

(A) A child under the age of 6 years;

(B) A pregnant woman; or

(C) A woman who is nursing;

(2) Households with a tap water test that shows a lead level below 15 parts per billion and which include:

(A) A child under the age of 6 years;

(B) A pregnant woman; or

(C) A woman who is nursing; and

(3) To all other eligible households.

(c) Grants under this section shall be awarded as follows:

(1) The District shall pay 100% of the replacement costs of lead service lines, up to \$2,000, for eligible households with incomes of 20% or less of the area median income for a household of like size;

(2) The District shall pay 80% of the replacement costs of lead service lines, up to \$2,000, for eligible households with incomes of 21% to 30% of the area median income for a household of like size;

(3) The District shall pay 60% of the replacement costs of lead service lines, up to \$2,000, for eligible households with incomes of 31% to 40% of the area median income for a

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household of like size;

(4) The District shall pay 50% of the replacement costs of lead service lines, up to \$2,000, for eligible households with incomes of 41% to 60% of the area median income for a household of like size.

(d) If funds are not sufficient to pay for the replacement costs of lead service lines for all eligible households under this section, priority shall be given to providing grants to the eligible households with the lowest total income in the priority established under subsection (b) of this section.

Sec. 6015. Administering of grants.

WASA shall administer the grants under this subtitle. A household requesting a grant for assistance in replacing a lead service line on private property shall apply to WASA for the grant, and WASA shall determine whether the household meets the eligibility criteria of section 6014(a) of this subtitle. Upon determination by WASA that a household is eligible for a grant under this subtitle, WASA or a subcontractor of WASA shall replace the service line on private property at cost and shall credit the household for the amount of the grant for which it is eligible against the costs of replacement.

Sec. 6016. Rules and procedures.

The Mayor, in consultation with WASA, is authorized to promulgate rules and to establish procedures to implement this subtitle.

Sec. 6017. Non-liability of the District and the Water and Sewer Authority.

The replacement of a lead service line that is located on private property and that is funded, in whole or in part, pursuant to this subtitle shall not be the responsibility of the District or WASA. Neither the District nor WASA shall be liable for any negligent acts or acts of omission associated with the replacement of lead service lines, and the District shall incur no liability associated with the replacement of the lines.

Sec. 6018. Applicability.

Implementation of this subtitle shall be subject to funding and appropriation.

Sec. 6019. 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)).

SUBTITLE C. ABATEMENT OF DANGEROUS CONDITIONS ON PUBLIC SPACE

Sec. 6021. Short title.

This subtitle may be cited as the "Abatement of Dangerous Conditions on Public Space

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Act of 2004".

Sec. 6022. Definitions.

For purposes of this subtitle, the terms:

- (1) "Department" means the District Department of Transportation.
- (2) "Director" means the Director of the District Department of Transportation.
- (3) "Private structure" means a fixture or other structure built on public space or in the public right of way constructed by a private person or entity, with or without the permission of the District.
- (4) "Public right of way" means the surface, the air space above the surface (including air space immediately adjoining and above a private structure), and the area below the surface of any public street, bridge, tunnel, highway, lane, path, alley, sidewalk, or boulevard.
- (5) "Public space" means all the publicly-owned property within the property lines of a street, park, or other public property as such property lines are shown on the land records of the District, and includes any roadway, tree space, sidewalk, or parking within such property lines.

Sec. 6023. Unsafe Structure in Public Space; inspection; owner to remove or secure; District action.

(a) Whenever any private structure on public space or in the public right of way is observed by or reported to the Department as unsafe, the Director may examine such structure and if, in the Director's opinion, the structure is unsafe, the Director may immediately notify the owners of all properties abutting the structure or other persons having a property interest in the unsafe structure of this unsafe condition.

(b) The notice shall direct the person to whom it is issued to either make safe and secure, repair, or to remove, as may be necessary, that portion of the unsafe private structure that abuts the property of the owner, agent, or other person having a property interest in the structure or show cause, sufficient to the Director, why the person should not be required to take corrective action.

(c) A person so notified shall be allowed until 12:00 noon of the day following the service of such notice to commence the securing, repairing, or removing of the portion of the unsafe private structure identified in the notice as being the responsibility of the owner, agent, or other person. A person so notified shall employ sufficient labor to remove or repair the structure as expeditiously as can be done.

(d) Where the public safety requires immediate corrective action, the Director may cause the unsafe structure to be shored up, taken down, or otherwise secured without delay, and may install a fence or boarding for the protection of the public. The Director shall provide an opportunity for review of the corrective action taken without prejudice to the Director's authority to take and complete remedial action if it is determined to be necessary.

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(e) If the owner takes corrective action to secure or repair the unsafe private structure as required by this subtitle, the Director shall provide the owner with notice, as provided for in this subtitle if additional remedial repairs are determined to be necessary to restore the private structure and the public space to a safe condition.

(f) Notice required by subtitle shall be deemed to have been served if the person or an authorized agent is notified by personal service or by registered mail sent to the person's last known address and by the conspicuous posting of the notice on the unsafe private structure. If the person or person's address is unknown or the person fails to accept service either personally or by registered mail, then notice is deemed served upon the person by the posting of a copy of the notice in a conspicuous place on the person's property that abuts the unsafe private structure.

Sec. 6024. Cost of work performed by Department assessed against private structures in public space; costs of correcting life-or-health threatening condition.

(a) If a person to whom a notice was issued pursuant to this subtitle fails to take the actions required under the notice or to show good cause to the Director why such actions need not be taken, the Director may correct the condition, assess the fair market value of the correction or the actual cost of the correction, whichever is higher, and all expenses incident thereto, including the cost of publication, as a tax against the property which the condition abuts. The tax shall be carried on the regular tax rolls of the District and may be collected in the same manner as general taxes in the District are collected.

(b) Any tax authorized to be levied and collected under subsection (a) of this section may be paid without interest within 60 days from the date such tax was levied. Interest of 20% per annum shall be charged on all unpaid amounts from the expiration of 60 days from the date the tax was levied. The tax may be paid in 3 equal installments, with interest. If the tax or part of the tax shall remain unpaid after the expiration of 2 years from the date the tax was levied, the property against which the tax was levied may be sold for the tax or the unpaid portion of the tax, with interest and penalties, at the next ensuing annual tax sale conducted pursuant to D.C. Official Code § 47-1301 in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if the tax with interest and penalties is not paid in full prior to the sale.

Sec. 6025. Dangerous Structures on Public Space Fund.

There is established a fund designated as the Dangerous Structures on Public Space Fund, which shall be separate from the General Fund of the District of Columbia and shall be used for defraying the Department's costs for repairing or removing dangerous structures in public space and all associated administrative costs. The fund shall be funded by taxes collected or property collected under this subtitle along with any additional funds that may be lawfully appropriated for this purpose at the discretion of the Director. All monies collected under this subtitle, and all interest earned, shall be deposited into the fund without regard to any fiscal year limitation, pursuant to an act of Congress. All monies deposited into the fund shall not revert to

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the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this subtitle, subject to authorization by Congress in an appropriations act.

Sec. 6026. Assessment of fee.

The Director may charge any person whose property abuts the unsafe private structure that is the subject of any corrective action as provided in this subtitle or any property owner who receives a notice to correct any wrongful condition, a fee to cover the administrative costs incurred by the District in its effort to remedy the violation. The Director may assess this fee as a tax against the property, may carry this tax on the regular tax rolls, and may collect this tax in the same manner as real estate taxes are collected.

Sec. 6027. 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)).

SUBTITLE D: LITTER CONTROL ADMINISTRATION

Sec. 6031. Short title.

This subtitle may be cited as the "Litter Control Administration Fine Amendment Act of 2004".

Sec. 6032. Section 1380 of the District of Columbia Municipal Regulations (24 DCMR1380), is amended to read as follows:

“1380. SCHEDULE OF FINES FOR VIOLATIONS OF THE LITTER CONTROL ADMINISTRATION ACT

“1380.1 The following civil infractions and their respective fines set forth in this subsection shall refer to residential violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Solid wastes not properly stored and contained for collection (21 DCMR 700.3)	Yes	1st violation within 60-day period	\$7	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Failure to maintain abutting public space (21 DCMR 702.1)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100

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Failure to maintain abutting public space (buildings with no more than 3 dwelling units) (21 DCMR 702.2)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Construction waste out for collection (21 DCMR 702.3)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Failure to containerize leaves (21 DCMR 703.2)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Leaves swept onto public space (21 DCMR 703.3)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Solid waste container out at wrong time or place (21 DCMR 705.5)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Household hazardous waste out for collection (21 DCMR 705.6)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improperly bundled solid waste (21 DCMR 705.7)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improper disposal of Bulk waste (21 DCMR 706.1)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32

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		4th violation within 60-day period	\$1000	100
Insufficient number of solid waste containers (21 DCMR 707.3)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Unclean or damaged containers (21 DCMR 707.4)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Container without tight-fitting lid or not watertight (21 DCMR 708.5)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improper container--contents not removable (21 DCMR 708.6)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Overweight conventional container (21 DCMR 708.7)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Open solid waste container (21 DCMR 708.9)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Illegal plastic bags (21 DCMR 708.10)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improper solid waste container (21 DCMR 708.11(a-c))	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32

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Overweight supercan (21 DCMR 708.8)	No	4th violation within 60-day period	\$1000	100
		1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Vehicle on public space without a permit (24 DCMR 101.5)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
		Failure to maintain the public parking (24 DCMR 102.1)	No	1st violation within 60-day period
2nd violation within 60-day period	\$150	16		
3rd violation within 60-day period	\$300	32		
4th violation within 60-day period	\$1000	100		
Improperly enclosing the public parking (24 DCMR 103.1)	Yes	1st violation within 60-day period		\$75
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
		Enclosing the tree space (24 DCMR 103.14)	Yes	1st violation within 60-day period
2nd violation within 60-day period	\$150			16
3rd violation within 60-day period	\$300			32
4th violation within 60-day period	\$1000			100
Paving the public parking (24 DCMR 104.1)	Yes			1st violation within 60-day period
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
		Illegal deposit in an alley (24 DCMR 1000.1)	Yes	1st violation within 60-day period
2nd violation within 60-day period	\$150			16
3rd violation within 60-day period	\$300			32
4th violation within 60-day period	\$1000			100
Dangerous Obstructions in public space without a permit (24 DCMR 2000.4)	Yes			1st violation within 60-day period
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100

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Obstructing public space without a permit (24 DCMR 2001.2)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Obstructing free use of public space - overgrowth of shrubs, trees, bushes (24 DCMR 2001.3)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Failure to properly protect public space when travel is obstructed (24 DCMR 2001.4)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improper disposal of container capable of confining children (24 DCMR 2010.1)	Yes	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100"

“1380.2 The following civil infractions and their respective fines set forth in this subsection shall refer to commercial violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Improper storage of solid waste (21 DCMR 700.3)	Yes	1st violation within 60-day period	\$1000	16
		2nd violation within 60-day period	\$2000	32
		3rd violation within 60-day period	\$4000	24
		4th violation within 60-day period	\$8000	200
Improper storage of solid waste (21 DCMR 700.3)	No	1st violation within 60-day period	\$1500	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Failure to maintain the abutting public space & causing a nuisance (21 DCMR 702.1)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200

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Failure to maintain the abutting public space (21 DCMR 702.1)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	100
Failure to containerize leaves (21 DCMR 703.2)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Leaves on public space (21 DCMR 703.3)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Open food waste stored for collection (21 DCMR 704.2)	No	1st violation within 60-day period	\$500	16
		2nd violation within 60-day period	\$1000	32
		3rd violation within 60-day period	\$2000	64
		4th violation within 60-day period	\$4000	200
No licensed solid waste collector (21 DCMR 705.1)	No	1st violation within 60-day period	\$500	16
		2nd violation within 60-day period	\$1000	32
		3rd violation within 60-day period	\$2000	64
		4th violation within 60-day period	\$4000	200
Insufficient number of solid waste collections (21 DCMR 705.2)	No	1st violation within 60-day period	\$500	16
		2nd violation within 60-day period	\$1000	32
		3rd violation within 60-day period	\$2000	64
		4th violation within 60-day period	\$4000	200
Permitting spillage from solid waste container or collection vehicle (21 DCMR 705.3)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Open-bodied vehicles licensed after 2/29/1980 (21 DCMR 705.4(a))	No	1st violation within 60-day period	\$300	16
		2nd violation within 60-day period	\$600	32
		3rd violation within 60-day period	\$900	64
		4th violation within 60-day period	\$2000	100

## ENROLLED ORIGINAL

Unenclosed or uncovered solid waste collection vehicle (21 DCMR 705.4)	No	1st violation within 60-day period	\$300	16
		2nd violation within 60-day period	\$600	32
		3rd violation within 60-day period	\$900	64
		4th violation within 60-day period	\$2000	200
Household hazardous waste out for collection (21 DCMR 705.6)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Improper solid waste container (21 DCMR 707.1)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Insufficient number of solid waste containers (21 DCMR 707.3)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Unclean or damaged container (21 DCMR 707.4)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Solid waste collection vehicle without a dumping mechanism (21 DCMR 709.3)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Improperly displaying solid waste vehicle ID (21 DCMR 709.5)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Collecting solid waste without a license (21 DCMR 710.1)	No	1st violation within 60-day period	\$500	16
		2nd violation within 60-day period	\$1000	32
		3rd violation within 60-day period	\$1500	64
		4th violation within 60-day period	\$2000	200

## ENROLLED ORIGINAL

Illegal disposal at DC facilities (21 DCMR 713.1)	No	1st violation within 60-day period	\$300	16
		2nd violation within 60-day period	\$600	32
		3rd violation within 60-day period	\$900	64
		4th violation within 60-day period	\$2000	200
Operating an open dump (21 DCMR 713.10)	Yes	1st violation within 60-day period	\$300	16
		2nd violation within 60-day period	\$600	32
		3rd violation within 60-day period	\$900	64
		4th violation within 60-day period	\$2000	200
Unsafe, unclean, or non-odor-free containerization (21 DCMR 806.1)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Debris drained into storm sewer (21 DCMR 806.5)	No	1st violation within 60-day period	\$1000	16
		2nd violation within 60-day period	\$2000	32
		3rd violation within 60-day period	\$4000	64
		4th violation within 60-day period	\$8000	200
Nuisance or unsightly space (21 DCMR 806.10)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Container lacks collector's name phone number, capacity (21 DCMR 806.24)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Vehicle on public space without a permit (24 DCMR 101.5)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Failure to maintain the public parking (24 DCMR 102.1)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200

ENROLLED ORIGINAL

Improperly enclosing the public parking (24 DCMR 103.1)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Enclosing the tree space (24 DCMR 103.14)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Advertising device on sidewalk (24 DCMR 104.9)	No	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Illegal deposits in alleys (24 DCMR 1000.1)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Obstructing public space without a permit (24 DCMR 2001.2)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Obstructing free use of public space-overgrowth of shrubs, trees, bushes (24 DCMR 2001.3)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Dangerous Obstructions in public space without a permit (24 DCMR 2000.4)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200
Failure to properly protect public space when travel is obstructed (24 DCMR 2001.4)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200

ENROLLED ORIGINAL

Improper disposal of container capable of confining children (24 DCMR 2010.1)	Yes	1st violation within 60-day period	\$150	16
		2nd violation within 60-day period	\$300	32
		3rd violation within 60-day period	\$600	64
		4th violation within 60-day period	\$2000	200"

"1380.3 The following civil infractions and their respective fines set forth in this subsection shall refer to general violations:

Infraction (DCMR Citation)	Abatement Violation		Fine	Service Hours
Littering (21 DCMR 700.4)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Posting notices on public lampposts (24 DCMR 108.1)	Yes	1st violation within 60-day period	\$150	8
		2nd violation within 60-day period	\$300	16
		3rd violation within 60-day period	\$600	32
		4th violation within 60-day period	\$2000	100
Signs or posters on trees in public space (24 DCMR 108.2)	Yes	1st violation within 60-day period	\$150	8
		2nd violation within 60-day period	\$300	16
		3rd violation within 60-day period	\$600	32
		4th violation within 60-day period	\$2000	100
Failure to remove animal Excrement from public space (24 DMCR 900.7)	No	1st violation within 60-day period	\$150	8
		2nd violation within 60-day period	\$300	16
		3rd violation within 60-day period	\$600	32
		4th violation within 60-day period	\$2000	100
Trailing mud, earth, rocks onto public space (24 DCMR 1000.1)	No	1st violation within 60-day period	\$300	8
		2nd violation within 60-day period	\$600	16
		3rd violation within 60-day period	\$900	32
		4th violation within 60-day period	\$2000	64
Illegal Dumping (24 DCMR 1000.1)	Yes	1st violation within 60-day period	\$1000	
		2nd violation within 60-day period	\$2000	
		3rd violation within 60-day period	\$4000	
		4th violation within 60-day period	\$8000	

ENROLLED ORIGINAL

Illegal Dumping (from a Vehicle) (D.C. Law 10-117)	Yes	1st violation within 60-day period	\$5000	
		2nd violation within 60-day period	\$5000	
		3rd violation within 60-day period	\$5000	
		4th violation within 60-day period	\$5000	
Nuisance Vacant Lot (24 DCMR 1002.1)	Yes	1st violation within 60-day period	\$300	
		2nd violation within 60-day period	\$600	
		3rd violation within 60-day period	\$900	
		4th violation within 60-day period	\$2000	
Depositing handbills on public space (24 DCMR 1008.1)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Improper use of litter receptacles (24 DCMR 1009.1)	No	1st violation within 60-day period	\$75	8
		2nd violation within 60-day period	\$150	16
		3rd violation within 60-day period	\$300	32
		4th violation within 60-day period	\$1000	100
Damaging public litter receptacles (24 DCMR 1009.2)	No	1st violation within 60-day period	\$300	8
		2nd violation within 60-day period	\$600	16
		3rd violation within 60-day period	\$900	32
		4th violation within 60-day period	\$2000	100
Graffiti (D.C. Law 13-309)	Yes	1st violation within 60-day period	\$250	
		2nd violation within 60-day period	\$500	
		3rd violation within 60-day period	\$1000	
		4th violation within 60-day period	\$2000".	

Sec. 6033. 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)).

SUBTITLE E. TAXICAB DRIVER SECURITY REVOLVING FUND REPEALER

Sec. 6041. Short title.

That subtitle may be cited as the "District of Columbia Taxicab Commission Fund Repealer Amendment Act of 2004".

## ENROLLED ORIGINAL

Sec. 6042. The District of Columbia Taxicab Commission Establishment Act of 1985, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 50-301 *et seq.*), is amended as follows:

- (a) Section 20b (D.C. Official Code § 50-321) is repealed.
- (b) Section 20c (D.C. Official Code § 50-322) is repealed.
- (c) All funds in the Taxicab Driver Security Revolving Fund shall revert to the General Fund on October 1, 2004.

Sec. 6043. 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 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

#### SUBTITLE F. LOCAL ROADS CONSTRUCTION AND MAINTENANCE FUND

Sec. 6051. Short title.

This subtitle may be cited as the "Local Roads Construction and Maintenance Fund Act of 2004".

Sec. 6052. For fiscal year 2005 the Chief Financial Officer shall include the General Obligation Bond funded local roads capital obligations within the calculation of the non-special purpose local funds obligated to meet the requirements of section 102a(c)(1) of the Highway Trust Fund Establishment Act of 1986, effective November 13, 2003. (D.C. Law 15-39); D.C. Official Code § 9-111.01a(c)(1): Provided that for fiscal year 2005 revenues identified as Local Roads Construction and Maintenance Fund – dedicated revenue (D.C. Official Code § 9-111.01b) shall be dedicated only at the amount authorized as the Department of Transportation's fiscal year 2005 operating budget and any additional revenues shall be for general fund purposes.

Sec. 6053. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 603(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

#### TITLE VII. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

##### SUBTITLE A. ANACOSTIA LIGHT RAIL PROJECT

Sec. 7001. This subtitle may be cited as the "Anacostia Corridor Demonstration Project Funding Act of 2004".

## ENROLLED ORIGINAL

Sec. 7002. The Council directs the Washington Metropolitan Area Transit Authority ("WMATA") to deposit into a separate account for the funding of the Anacostia Corridor Demonstration Project all presently undedicated funds from the following District accounts:

- (1) District of Columbia Statement of Accounts with WMATA Schedule A: Principal and Interest Statement; and
- (2) WMATA/District of Columbia Local Funding Agreement Escrow Account.

Sec. 7003. 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)).

## SUBTITLE B. METRO MATTERS

Sec. 7011. This subtitle may be cited as the "Metro Matters Funding Requirements Act of 2004".

Sec. 7012. The Council authorizes the Mayor to conclude a funding agreement with the Washington Metropolitan Area Transit Authority ("WMATA") by January 1, 2005, for the purposes of funding capital projects identified in Metro Matters, which is a public outreach campaign launched October 23, 2003, to raise awareness about Metro's financial crisis and urgent need for \$1.5 billion in capital funding.

Sec. 7013. By October 1, 2004, WMATA shall have no fewer than 78 rail cars assigned to the Branch Avenue portion of the Green line during morning and afternoon peak periods.

Sec. 7014. 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)).

## SUBTITLE C. METRORAIL FUNDING

Sec. 7021. Short title.

This subtitle may be cited as the "Metrorail Late-Night Funding Requirement Act of 2004".

Sec. 7022. (a) The Council authorizes the use of \$486,000 from any WMATA fare increase implemented after April 30, 2004, to be made available to meet the District's contribution to funding the cost of operating the Metro system from 2:00 a.m. to 3:00 a.m. on Saturday and Sunday mornings, beginning January 1, 2005.

## ENROLLED ORIGINAL

(b) No District funds shall be made available for the service described in subsection (a) of this section unless the service is made a regional service and is funded pursuant to the Metrorail Subsidy Allocation Formula.

Sec. 7023. 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)).

SUBTITLE D. DOWNTOWN CIRCULATOR BUS SERVICE

Sec. 7031. Short title.

This subtitle may be cited as the "Downtown Circulator Bus Service Funding Act of 2004".

Sec. 7032. The Council authorizes the use of \$200,000 from any WMATA fare increase implemented after April 30, 2004, to be made available for the Downtown Circulator Bus Service, which amount shall be in addition to the \$500,000 appropriated in the District of Columbia Appropriations Act, 2005.

Sec. 7033. 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)).

SUBTITLE E. CARDOZO PRE-APPRENTICESHIP PROGRAM

Sec. 7041. Short title.

This subtitle may be cited as the "Cardozo Pre-Apprenticeship Program Act of 2004".

Sec. 7042. The Council directs the Washington Metropolitan Area Transit Authority ("WMATA") to use \$213,925 from any WMATA fare increase implemented after April 30, 2004, to fund the Electro-Mechanical Technology Training Program for the District of Columbia high school students at Cardozo Senior High School's Transportation and Technology program.

Sec. 7043. 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)).

## ENROLLED ORIGINAL

## SUBTITLE F. TOURISTS TAKE METRO TO DC NEIGHBORHOODS

Sec. 7051. Short title,

This subtitle may be cited as the "Tourists Take Metro to DC Neighborhoods Act of 2004".

Sec. 7052. The Council authorizes the Washington Metropolitan Area Transit Authority to make \$30,000 of the District's subsidy appropriated in the District of Columbia Appropriations Act, 2005 available to Cultural Tourism DC for the continuation of a program encouraging tourists to use Metro to go beyond the monuments into the neighborhoods.

Sec. 7053. Fiscal impact statement.

This subtitle will have no fiscal impact. The funds will be allocated from the local funds appropriated for fiscal year 2005 for the Washington Metropolitan Area Transit Authority.

## SUBTITLE G. METRO BUS FUNDING.

Sec. 7061. Short title.

This subtitle may be cited as the "Metro Bus Funding Requirement Act of 2004".

Sec. 7062. It is the position of the District government that the Washington Metropolitan Area Transit Authority shall not procure any diesel buses or diesel-electric hybrid buses, with the exception of the Downtown Circulator Bus Service.

Sec. 7063. Beginning with fiscal year 2006, the Mayor shall not submit a budget for the Washington Metropolitan Area Transit Authority to the Council of the District of Columbia that funds diesel or diesel-electric hybrid buses, except for the Downtown Circulator Bus Service.

Sec. 7064. Fiscal impact statement.

There will be no fiscal impact. This subtitle does not require the expenditure of any funds or other resources, but only prohibits the expenditure of local funds for certain purposes.

## TITLE VIII. EFFECTIVE DATE

Sec. 8001. 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)(2) of the District of Columbia Home Rule Act, approved

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
August 2, 2004

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-488

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 2, 2004

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2005 Spring  
Supp.

West Group  
Publisher

To authorize, on a temporary basis, the Mayor to require the owner of a multiple dwelling, upon written request by a rental tenant or owner-occupant of that dwelling, to order a water lead level test kit for that tenant or owner-occupant within 15 calendar days of receiving the written request to allow the tenant or owner-occupant to collect a sample of his or her tap water and have it tested for lead, to ensure that the water sample is tested for lead and that the result is provided to the tenant or owner-occupant and any other rental tenant or owner-occupant of the dwelling who requests a copy and that the result is conspicuously posted on the premises, and to establish a penalty for failure to comply with the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Dwelling unit" means any habitable room or group of habitable rooms located within a residential building and forming a single unit which is used or intended to be used for living, sleeping, and the preparation and eating of meals, including a bachelor apartment.
- (2) "Multiple Dwelling" means any residential building containing 3 or more dwelling units, 3 or more rooming units, or any combination of dwelling or rooming units totaling 3 or more.
- (3) "Owner" means any individual, corporation, association, or partnership listed as the legal title holder of record and any owners' association legally incorporated in accordance with the District of Columbia Cooperation Association Act, approved June 19, 1940 (54 Stat. 480; D.C. Official Code § 29-901 *et seq.*), or the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), that is the recognized representative of the households in a condominium or cooperative housing building.

## ENROLLED ORIGINAL

(4) "WASA" means the District of Columbia Water and Sewer Authority established by section 202 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.02).

Sec. 3. Testing.

(a) The Mayor shall require the owner of a multiple dwelling to order a water lead level test kit from WASA to sample the tap water in a dwelling or rooming unit for the presence of lead within 15 calendar days of a written request to do so by a rental tenant or owner-occupant of the unit. The rental tenant or owner-occupant shall also send a copy of this written request to the Mayor.

(b)(1) The owner shall order a water lead level test kit for each rental tenant and owner-occupant of the dwelling who requests a test, up to a maximum of 2% of the total units in the multiple dwelling or 6 units, whichever is less. In multiple dwellings of less than 50 units, the owner shall order at least one water lead level test kit if requested to by a rental tenant or owner-occupant of the dwelling.

(2) An owner shall not be required to order a water lead level test kit pursuant to this act more than once in a 6-month period for each unit whose rental tenant or owner-occupant requests a test kit.

(c) WASA shall send a water lead level test kit to each owner upon request. At the time WASA sends a water lead level test kit to an owner in response to a request pursuant to this act, WASA shall also send written notice to the Mayor that it has sent the water lead level test kit.

(d) Within 15 calendar days of receiving the water lead level test kit from WASA, the owner shall provide the water lead level test kit to an occupant of each unit being tested and send written certification to the Mayor that the owner has provided the kit.

(e) The rental tenant or owner-occupant of the unit being tested shall send a sample of the water he or she collects from the unit to WASA to have it tested for the lead level.

(f) WASA shall ensure that the lead level of the water sample is tested at its expense and shall mail the result of the water lead level test to both the dwelling owner and to the rental tenant or owner-occupant of the unit in which the water sample was collected when the result is available.

(g) Within 15 calendar days of receiving the water lead level test result from WASA, the owner shall:

(1) Provide a written copy of the water lead level test result to any rental tenant or owner-occupant of the multiple dwelling who requests a copy of the test result and post the test result in a conspicuous place on the dwelling's premises; and

(2) Send written certification to the Mayor that the owner has provided a written copy of, and posted, the water lead level test result as required by this subsection.

## ENROLLED ORIGINAL

## Sec. 4. Violations.

(a) Whenever the Mayor finds reasonable grounds to believe that a violation of any provision of this act exists, he or she shall give notice of the alleged violation to the person or persons responsible for that violation. Each notice of violation shall be in writing and shall:

- (1) State the nature of the violation;
- (2) Indicate the provision of this act being violated;
- (3) Allow a reasonable time for the performance of any corrective action

required by the notice; and

- (4) Be signed by the Mayor or the Mayor's authorized agent.

(b) Each notice shall be served upon the persons responsible for correcting the violation described in the notice.

(c) The notice shall be properly served upon the person to be notified if served by any of the following means:

- (1) By serving a copy of the notice upon the person personally;
- (2) By leaving a copy of the notice at the person's usual place of business or at the person's usual residence with a person over the age of 16 years;
- (3) If no residence or place of business can be found in the District following a reasonable search, by leaving a copy of the notice with any agent of the person to be notified who has any authority or duty with reference to the premises to which the notice relates, or by leaving a copy of the notice at the office of that agent with any person employed in that office;
- (4) By mailing a copy of the notice with a receipt of notice included, postage prepaid, to the last known address of the person to be notified; or

(5) By publishing a copy of the notice on 3 consecutive days in a daily newspaper of general circulation published in the District.

(d) Failure of an owner to comply with the provisions of this act upon a determination by the Mayor that a violation has occurred shall be punishable by a fine of \$100 for each day of noncompliance.

## Sec. 5. Rules and procedures.

The Mayor is authorized to promulgate rules and to establish procedures to implement this act.

## Sec. 6. Fines and penalties.

Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules.

## Sec. 7. Repealer

The Residential Water Lead Level Test Emergency Act of 2004, effective May 25, 2004 (D.C. Act 15-436; 51 DCR 5953), is repealed.

ENROLLED ORIGINAL

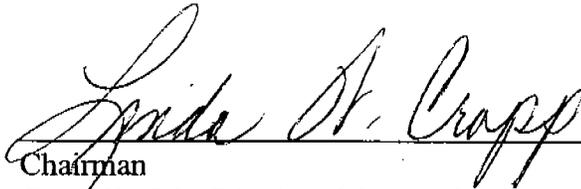
Sec. 8. Fiscal impact statement.

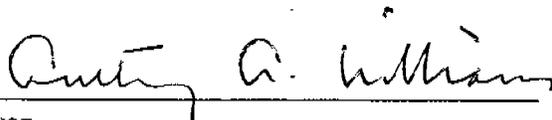
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. 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  
August 2, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency ( ) Temporary (X) Permanent ( )	Date Reported:
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Subject/Short Title: The "Multiple Dwelling Residence Water Lead Level Test Temporary Act of 2004"

Part I: Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	( )	(X)
a) It will affect local expenditures.	( )	(X)
b) It will affect federal expenditures.	( )	(X)
c) It will affect private/other expenditures.	( )	(X)
d) It will affect intra-District expenditures.	( )	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	( )	(X)
a) It will impact local revenue.	( )	(X)
b) It will impact federal revenue.	( )	(X)
c) It will impact private/other revenue.	( )	(X)
d) It will impact intra-District revenue.	( )	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	( )
<b>Explanation:</b> This bill will have no or minimal fiscal impact because the portion of it that WASA has to administer would not affect the District budget and it would require minimal administration by the Executive.		

Part II: Other Impacts of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	( )	(X)
2. Are there performance measures/output for this bill?	( )	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? Owners of multiple dwelling residences in the District would have no requirement to test the building's tap water for excessive lead levels.	(X)	( )
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	( )	(X)

Sources of information:  Council staff.	Councilmember: Carol Schwartz
	Staff Person & Tel: Andrew Gerst (202) 727-8272
	Council Budget Director's Signature: <i>Andrew Gerst</i> 6/28/04