

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-519

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2009 Spring
 Supp.

West Group
 Publisher

To amend, on an emergency basis, the District of Columbia Procurement Practices Act of 1985 to clarify that the Chief Financial Officer shall not approve payment of goods, services, and leases until the Council has affirmatively approved the contract or allowed the contract to be deemed approved without Council affirmative approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Chief Financial Officer Approval of Payment of Goods and Services Emergency Amendment Act of 2008”.

Sec. 2. Section 105A of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), is amended by adding a new subsection (e-1) to read as follows:

**Note,
 § 2-301.05a**

“(e-1) The Chief Financial Officer shall not approve payment for goods, services, or leases required to be reviewed by the Council pursuant to this section until the Council has affirmatively approved the contract or allowed the contract to be deemed approved without Council affirmative approval.”.

Sec. 3. Fiscal impact statement.

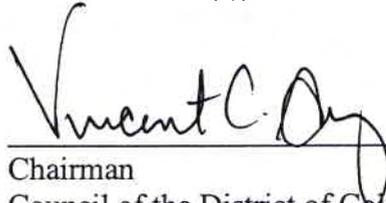
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

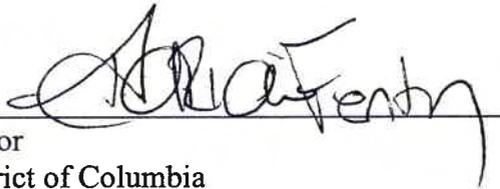
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

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D.C. ACT 17-520

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To designate the public park in Square 0918, bounded by Massachusetts Avenue, N.E., 9th Street, N.E., and A Street, N.E., in Ward 6, as Lola Beaver Memorial Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lola Beaver Memorial Park Designation Act of 2008”.

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates the park in Square 0918, bounded by Massachusetts Avenue, N.E., 9th Street, N.E., and A Street, N.E., in Ward 6, as “Lola Beaver Memorial Park”.

Note,
 § 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the Department of Parks and Recreation.

Sec. 4. Applicability.

This act shall apply as of November 28, 2008.

Sec. 5. Fiscal impact statement.

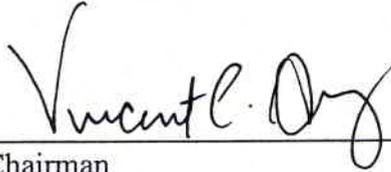
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

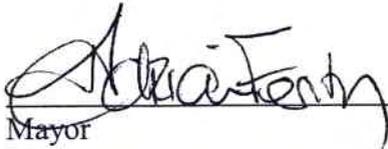
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
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September 30, 2008

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D.C. ACT 17-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

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To designate the Engine Company No. 17 fire station, located at 1227 Monroe Street, N.E., in Ward 5, as the Jackson H. Gerhart House.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Jackson H. Gerhart House Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201, D.C. Official Code § 9-204.01), the Council designates the Engine Company No. 17 fire station, located at 1227 Monroe Street, N. E., in Ward 5, as the "Jackson H. Gerhart House".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Chief of the Fire and Emergency Medical Services Department.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

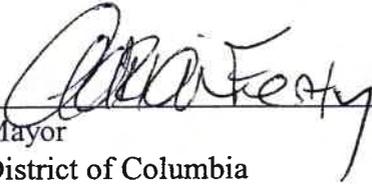
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 30, 2008

To amend the Pedestrian Protection Amendment Act of 1987 to permit civil enforcement of violations of the failure to yield to pedestrians; to amend Title 18 of the District of Columbia Municipal Regulations to create infractions for failure to yield to pedestrians, and to increase the amount of fines and points for civil infractions for failure to yield to pedestrians; to require the District Department of Transportation to create and post special signs to alert motorists of the penalties for failure to yield to pedestrians; and to amend the Pedestrian and Bicycle Safety and Enhancement Fund Establishment Act of 2008 to require that the funds collected as a result of the increased fines and the new infractions be deposited in the Pedestrian and Bicycle Safety and Enhancement Fund.

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

Sec. 2. Section 2 of the Pedestrian Protection Amendment Act of 1987, effective October 9, 1987 (D. C. Law 7-34; D. C. Official Code § 50- 2201.28), is amended by adding a new subsection (c-1) to read as follows:

"(c-1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this section, or the rules or regulations issued under the authority of this section, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)("Civil Infractions Act"). Adjudication of any infractions shall be pursuant to the Civil Infractions Act."

Sec. 3. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

- (a) Section 303.2 is amended by adding new paragraphs (bb) and (cc) to read as follows:
"(bb) Failing to stop and give right-of-way to a pedestrian . . . 3 points
"(cc) Colliding with a pedestrian in the process of failing to stop and give right-of-way . . . 6 points".
- (b) Section 2208 is amended as follows:
(1) The section heading is amended by adding the phrase "and Crosswalks" after

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the word "Intersections".

(2) New subsections 2208.11 and 2208.12 are added to read as follows:

"2208.11 A driver of any vehicle shall stop and give the right-of-way to a pedestrian who has begun crossing on the "WALK" signal to continue to the opposite sidewalk or safety island, whichever is nearest.

"2208.12 When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection."

(c) Section 2600.1 is amended as follows:

(1) The infraction "With pedestrian [§ 2300.2]" under the caption "Colliding" is amended by striking the figure "50.00" and inserting the figure "500.00" in its place.

(2) The infraction "Failure to yield to pedestrian [§ 2303.1] . . . 50.00" under the caption "Right-of-way" is amended to read as follows: "Failure to stop and give right-of-way to pedestrian in roadway [§ 2208] . . . 250.00".

(3) Three new infractions under the caption "Right-of-way" are added to read as follows:

"Failure to yield to pedestrian in the sidewalk [§ 2207.2] . . . 250.00

"Overtaking another vehicle stopped at a crosswalk or intersection for a pedestrian [§ 2221.5] . . . 250.00"

"Stopping, standing, or parking a vehicle in a bicycle lane [§ 2405.1] . . . 65.00."

Sec. 4. Special signs for failure to yield to a pedestrian.

The District Department of Transportation shall develop and implement a plan to create and post special signs with the following or substantially similar notation: "D.C. Law: Failure to stop for pedestrians in crosswalk punishable by \$250 fine". The signs shall be posted at selected District crosswalks and intersections to alert motorists of the fine for this infraction. The Director of the District Department of Transportation shall be responsible for determining which crosswalks and intersections shall have the signs.

Sec. 5. Section 6021(a) of the Pedestrian and Bicycle Safety and Enhancement Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is amended by inserting a new second sentence to read as follows: "In addition, all receipts from fines and penalties collected due to increases in civil fines and new civil infractions established by section 3 of the Pedestrian Safety Reinforcement Amendment Act of 2008, passed on 2nd reading on September 16, 2008 (Enrolled version of Bill 17-539), shall be deposited into the fund."

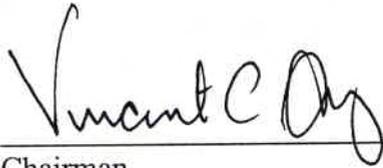
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Sec. 6. Fiscal impact statement.

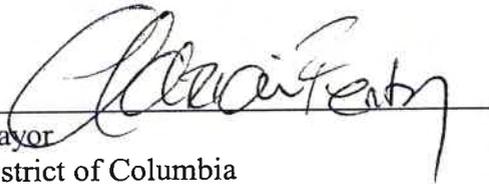
The Council adopts the July 15, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
 District of
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 Official Code*

2001 Edition

2009 Spring
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To amend Title 21 of the District of Columbia Official Code to enact the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, to facilitate the movement of adult guardianships, conservatorships, and other protective proceedings between the District and other states by providing procedures for communication and cooperation between the Superior Court of the District of Columbia and courts of other states, procedures for resolving multi-jurisdictional disputes, procedures for transferring guardianships and conservatorships between the District and other states, and procedures under which a guardianship or other protective order issued in another state may be registered in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act of 2008".

Sec. 2. Title 21 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter heading at the end to read as follows:

"24. Adult Guardianship and Protective Proceedings Jurisdiction; Uniform Act . . . 21-2401.01".

(b) A new Chapter 24 is added to read as follows

"CHAPTER 24
 "ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION;
 UNIFORM ACT.

"Subchapter I. General Provisions.

"Section

"21-2401.01. Short title.

"21-2401.02. Definitions.

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“21-2401.03. International application of chapter.

“21-2401.04. Communication between courts.

“21-2401.05. Cooperation between courts.

“21-2401.06. Taking testimony in another state.

“Subchapter II. Jurisdiction.

“21-2402.01. Definitions; significant connection factors.

“21-2402.02. Exclusive basis.

“21-2402.03. Jurisdiction.

“21-2402.04. Special jurisdiction.

“21-2402.05. Exclusive and continuing jurisdiction.

“21-2402.06. Appropriate forum.

“21-2402.07. Jurisdiction declined by reason of conduct.

“21-2402.08. Notice of proceeding.

“21-2402.09. Proceedings in more than one state.

“Subchapter III. Transfer of Guardianship or Conservatorship.

“21-2403.01. Transfer of guardianship or conservatorship to another state.

“21-2403.02. Accepting guardianship or conservatorship transferred from another state.

“Subchapter IV. Registration and Recognition of Orders from Other States.

“21-2404.01. Registration of guardianship orders.

“21-2404.02. Registration of protective orders.

“21-2404.03. Effect of registration.

“Subchapter V. Miscellaneous Provisions.

“21-2405.01. Uniformity of application and construction.

“21-2405.02. Relation to Electronic Signatures in Global and National Commerce Act.

“21-2405.03. Transitional provision.

“Subchapter I. General Provisions.

“§ 21-2401.01. Short title.

“This chapter may be cited as the “Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act”.

“§ 21-2401.02. Definitions.

“For the purposes of this chapter, the term:

“(1) “Adult” means an individual who has attained 18 years of age.

“(2) “Conservator” means a person appointed by the court to administer the property of an adult, including a person appointed under §§ 21-2001 to 21-2077.

“(3) “Guardian” means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under §§ 21-2001 to 21-2077.

“(4) “Guardianship order” means an order appointing a guardian.

“(5) “Guardianship proceeding” means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

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“(6) “Incapacitated person” means an adult for whom a guardian has been appointed.

“(7) “Party” means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.

“(8) “Person,” except in the term “incapacitated person” or “protected person”, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

“(9) “Protected person” means an adult for whom a protective order has been issued.

“(10) “Protective order” means an order appointing a conservator or other order related to management of an adult’s property.

“(11) “Protective proceeding” means a judicial proceeding in which a protective order is sought or has been issued.

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

“(13) “Respondent” means an adult for whom a protective order or the appointment of a guardian is sought.

“(14) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

“(15) “Superior Court” means the Superior Court of the District of Columbia.
“§ 21-2401.03. International application of chapter.

“The Superior Court may treat a foreign country as if it were a state for the purpose of applying this subchapter and Subchapters II, III, and V.

“§ 21-2401.04. Communication between courts.

“(a) The Superior Court may communicate with a court in another state concerning a proceeding arising under this chapter. The court may allow the parties to participate in the communication. Except as otherwise provided in subsection (b) of this section, the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.

“(b) Courts may communicate concerning schedules, calendars, court records, and other administrative matters without making a record.

“§ 21-2401.05. Cooperation between courts.

“(a) In a guardianship or protective proceeding in the District of Columbia, the Superior Court may request the appropriate court of another state to do any of the following:

“(1) Hold an evidentiary hearing;

“(2) Order a person in that state to produce evidence or give testimony pursuant to procedures of that state;

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“(3) Order that an evaluation or assessment be made of the respondent;

“(4) Order any appropriate investigation of a person involved in a proceeding;

“(5) Forward to the Superior Court a certified copy of the transcript or other record of a hearing under paragraph (1) of this subsection or any other proceeding, any evidence otherwise produced under paragraph (2) of this subsection, and any evaluation or assessment prepared in compliance with an order under paragraph (3) or (4) of this subsection;

“(6) Issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a determination, including the respondent or the incapacitated or protected person; or

“(7) Issue an order authorizing the release of medical, financial, criminal, or other relevant information in that state, including protected health information as defined in 45 C.F.R. § 164.504.

“(b) If a court of another state in which a guardianship or protective proceeding is pending requests assistance of the kind provided in subsection (a) of this section, the Superior Court has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

“§ 21-2401.06. Taking testimony in another state.

“(a) In a guardianship or protective proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in the District of Columbia for testimony taken in another state. The Superior Court, on its own motion, may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

“(b) In a guardianship or protective proceeding, the Superior Court may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. The Superior Court shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

“(c) Documentary evidence transmitted from another state to the Superior Court by technological means that do not produce an original writing may not be excluded from evidence on an objection based on the best evidence rule.

“Subchapter II. Jurisdiction.

“§ 21-2402.01. Definitions; significant connection factors.

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

“(1) “Emergency” means a circumstance that likely will result in substantial harm to a respondent’s health, safety, or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent’s behalf.

“(2) “Home state” means:

“(A) The state in which the respondent was physically present,

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including any period of temporary absence, for at least 6 consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian; or

“(B) If none, the state in which the respondent was physically present, including any period of temporary absence, for at least 6 consecutive months ending within the 6 months prior to the filing of the petition.

“(3) “Significant-connection state” means a state, other than the home state, with which a respondent has a significant connection, other than mere physical presence, and in which substantial evidence concerning the respondent is available.

“(b) In determining under §§ 21-2402.03 and 20-2403.01(e) whether a respondent has a significant connection with a particular state, the Superior Court shall consider:

“(1) The location of the respondent’s family and other persons required to be notified of the guardianship or protective proceeding;

“(2) The length of time the respondent at any time was physically present in the state and the duration of any absence;

“(3) The location of the respondent’s property; and

“(4) The extent to which the respondent has ties to the state, such as voting registration, state or local tax return filing, vehicle registration, driver’s license, social relationship, and receipt of services.

“§ 21-2402.02. Exclusive basis.

“This subchapter provides the exclusive jurisdictional basis for the Superior Court to appoint a guardian or issue a protective order for an adult.

“§ 21-2402.03. Jurisdiction.

“The Superior Court has jurisdiction to appoint a guardian or issue a protective order for a respondent if:

“(1) The District of Columbia is the respondent’s home state;

“(2) On the date the petition is filed, the District of Columbia is a significant-connection state and:

“(A) The respondent does not have a home state or a court of the respondent’s home state has declined to exercise jurisdiction because the District of Columbia is a more appropriate forum; or

“(B) The respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the Superior Court makes the appointment or issues the order:

“(i) A petition for an appointment or order is not filed in the respondent’s home state;

“(ii) An objection to the Superior Court’s jurisdiction is not filed by a person required to be notified of the proceeding; and

“(iii) The Superior Court concludes that it is an appropriate forum under the factors set forth in § 21-2402.06;

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“(3) The District of Columbia does not have jurisdiction under either paragraph (1) or (2) of this subsection, the respondent’s home state and all significant-connection states have declined to exercise jurisdiction because the District is the more appropriate forum, and jurisdiction in the District is consistent with Title 11 and the Constitution of the United States; or

“(4) The requirements for special jurisdiction under § 21-2402.04 are met.
“§ 21-2402.04. Special jurisdiction.

“(a) Even if the Superior Court lacks jurisdiction under § 21-2402.03, the court has special jurisdiction to do any of the following:

“(1) Appoint a guardian in an emergency for a term not exceeding 90 days for a respondent who is physically present in the District of Columbia;

“(2) Issue a protective order with respect to real or tangible personal property located in the District of Columbia;

“(3) Appoint a guardian or conservator for an incapacitated or protected person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to § 21-2403.01.

“(b) If a petition for the appointment of a guardian in an emergency is brought in the District of Columbia and the District was not the respondent’s home state on the date the petition was filed, the Superior Court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

“§ 21-2402.05. Exclusive and continuing jurisdiction.

“Except as otherwise provided in § 21-2402.04, a court that has appointed a guardian or issued a protective order consistent with this chapter has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own terms.

“§ 21-2402.06. Appropriate forum.

“(a) Even if the Superior Court has jurisdiction under § 21-2402.03 to appoint a guardian or issue a protective order, the court may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

“(b) If the Superior Court declines to exercise its jurisdiction under subsection (a) of this section, it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

“(c) In determining whether it is an appropriate forum, the Superior Court shall consider all relevant factors, including:

“(1) Any expressed preference of the respondent;

“(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or

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exploitation;

“(3) The length of time the respondent was physically present in or was a legal resident of this or another state;

“(4) The distance of the respondent from the court in each state;

“(5) The financial circumstances of the respondent’s estate;

“(6) The nature and location of the evidence;

“(7) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

“(8) The familiarity of the court of each state with the facts and issues in the proceeding; and

“(9) If an appointment were made, the court’s ability to monitor the conduct of the guardian or conservator.

“§ 21-2402.07. Jurisdiction declined by reason of conduct.

“(a) If at any time the Superior Court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may:

“(1) Decline to exercise jurisdiction;

“(2) Exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety, and welfare of the respondent or the protection of the respondent’s property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

“(3) Continue to exercise jurisdiction after considering:

“(A) The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court’s jurisdiction;

“(B) Whether it is a more appropriate forum than the court of any other state under the factors set forth in § 21-2402.06(c); and

“(C) Whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of § 21-2402.03.

“(b) If the Superior Court determines that it acquired jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney’s fees, investigative fees, court costs, communication expenses, witness fees and expenses, and travel expenses. The court may not assess fees, costs, or expenses of any kind against the District of Columbia or a governmental subdivision, agency, or instrumentality of the District unless authorized by law other than this chapter.

“§ 21-2402.08. Notice of proceeding.

“If a petition for the appointment of a guardian or issuance of a protective order is brought in the District of Columbia and the District was not the respondent’s home state on the

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date the petition was filed, in addition to complying with the notice requirements of the District, notice of the petition shall be given to those persons who would be entitled to notice of the petition if a proceeding were brought in the respondent's home state. The notice shall be given in the same manner as notice is required to be given in the District.

“§ 21-2402.09. Proceedings in more than one state.

“Except for a petition for the appointment of a guardian in an emergency or issuance of a protective order limited to property located in the District of Columbia under § 21-2402.04(a)(1) or (2), if a petition for the appointment of a guardian or issuance of a protective order is filed in the District and in another state and neither petition has been dismissed or withdrawn, the following rules apply:

“(1) If the Superior Court has jurisdiction under § 21-2402.03, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to § 21-2402.03 before the appointment or issuance of the order.

“(2) If the Superior Court does not have jurisdiction under § 21-2402.03, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the Superior Court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the Superior Court shall dismiss the petition unless the court in the other state determines that the Superior Court is a more appropriate forum.

“Subchapter III. Transfer of Guardianship or Conservatorship.

“§ 21-2403.01. Transfer of guardianship or conservatorship to another state.

“(a) A guardian or conservator appointed in the District of Columbia may petition the Superior Court to transfer the guardianship or conservatorship to another state.

“(b) Notice of a petition under subsection (a) of this section shall be given to the persons that would be entitled to notice of a petition in the District of Columbia for the appointment of a guardian or conservator.

“(c) On the Superior Court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the petition, the Superior Court shall hold a hearing on a petition filed pursuant to subsection (a) of this section.

“(d) The Superior Court shall issue a provisional order granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the Superior Court is satisfied that the guardianship will be accepted by the court in the other state and the Superior Court finds that:

“(1) The incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

“(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

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“(3) Plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

“(e) The Superior Court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the Superior Court is satisfied that the conservatorship will be accepted by the court of the other state and the Superior Court finds that:

“(1) The protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state, considering the factors in § 21-2402.01(b);

“(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

“(3) Adequate arrangements will be made for management of the protected person’s property.

“(f) The Superior Court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of:

“(1) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to § 21-2403.02; and

“(2) The documents required to terminate a guardianship or conservatorship in the District of Columbia.

“§ 21-2403.02. Accepting guardianship or conservatorship transferred from another state.

“(a) To confirm transfer of a guardianship or conservatorship transferred to the District of Columbia under provisions similar to § 21-2403.01, the guardian or conservator shall petition the Superior Court to accept the guardianship or conservatorship. The petition shall include a certified copy of the other state’s provisional order of transfer.

“(b) Notice of a petition under subsection (a) of this section shall be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and the District of Columbia. The notice shall be given in the same manner as notice is required to be given in the District.

“(c) On the Superior Court’s own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the proceeding, the Superior Court shall hold a hearing on a petition filed pursuant to subsection (a) of this section.

“(d) The Superior Court shall issue a provisional order granting a petition filed under subsection (a) of this section unless:

“(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

“(2) The guardian or conservator is ineligible for appointment in the District of

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Columbia.

“(e) The Superior Court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in the District of Columbia upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to § 21-2403.01 transferring the proceeding to the District.

“(f) Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship, the Superior Court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of the District of Columbia.

“(g) In granting a petition under this section, the Superior Court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person’s incapacity and the appointment of the guardian or conservator.

“(h) The denial by the Superior Court of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian or conservator in the District of Columbia under §§ 21-2001 to 21-2077 if the Superior Court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

“Subchapter IV. Registration and Recognition of Orders from Other States.

“§ 21-2404.01. Registration of guardianship orders.

“If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in the District of Columbia, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in the District by filing as a foreign judgment in the Superior Court certified copies of the order and letters of office.

“§ 21-2404.02. Registration of protective orders.

“If a conservator has been appointed in another state and a petition for a protective order is not pending in the District of Columbia, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the protective order in the District by filing as a foreign judgment in the Superior Court certified copies of the order and letters of office and of any bond.

“§ 21-2404.03. Effect of registration.

“(a) Upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in the District of Columbia all powers authorized in the order of appointment except as prohibited under the laws of the District, including maintaining actions and proceedings in the District and, if the guardian or conservator is not a resident of the District, subject to any conditions imposed upon nonresident parties.

“(b) The Superior Court may grant any relief available under this chapter and other law of the District of Columbia to enforce a registered order.

“Subchapter V. Miscellaneous Provisions.

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“§ 21-2405.01. Uniformity of application and construction.

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

“§ 21-2405.02. Relation to Electronic Signatures in Global and National Commerce Act.

“This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*), but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. § 7003(b)).

“§ 21-2405.03. Transitional provision.

“(a) This chapter applies to guardianship and protective proceedings begun on or after the effective date of this chapter.

“(b) Subchapters I, III, and IV and §§ 21-2405.01 and 21-2405.02 apply to proceedings begun before the effective date of this chapter, regardless of whether a guardianship or protective order has been issued.”

Sec. 3. Fiscal impact statement.

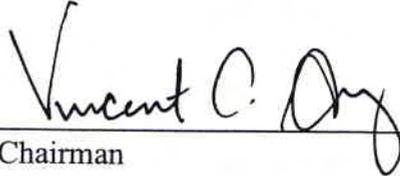
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

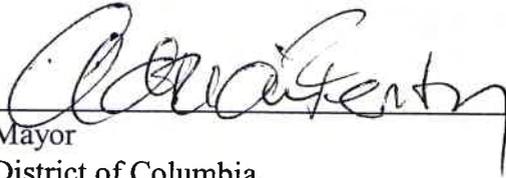
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
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Publisher

To amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to include the placement or display of a noose as an unlawful act; and to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to expand the definition of dangerous weapons to include knuckles made of metal, wood, or plastic.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Title 22 Amendment Act of 2008".

Sec. 2. Section 3 of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.02), is amended as follows:

Amend
§ 22-3312.02

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

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

“(a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a religious or secular symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in section 101 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01), or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross, real or simulated, where it is probable that a reasonable person would perceive that the intent is:”

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

“(3) To threaten another person whereby the threat is a serious expression of an intent to inflict harm; or”

(b) Subsection (b) is repealed.

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Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended to read as follows:

Amend
§ 22-4501

“Sec. 1. Definitions.

“For the purposes of this act, the term:

“(1) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

“(2) "Dangerous crime" means distribution of or possession with intent to distribute a controlled substance. For the purposes of this definition, the term "controlled substance" means any substance defined as such in the District of Columbia Official Code or any Act of Congress.

“(3) "Knuckles" means an object, whether made of metal, wood, plastic, or other similarly durable material that is constructed of one piece, the outside part of which is designed to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped by the fist.

“(4) "Machine gun" means any firearm which shoots automatically or semiautomatically more than 12 shots without reloading.

“(5) "Person" includes individual, firm, association, or corporation.

“(6) "Pistol" means any firearm with a barrel less than 12 inches in length.

“(7) "Playground" means any facility intended for recreation, open to the public, and with any portion of the facility that contains one or more separate apparatus intended for the recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

“(8) "Sawed-off shotgun" means any shotgun with a barrel less than 20 inches in length.

“(9) "Sell" and "purchase" and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

“(10) "Video arcade" means any facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement, and which contains a minimum of 10 pinball or video machines.

“(11) "Youth center" means any recreational facility or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.”

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended as follows:

(1) Strike the phrase “sawed-off shotgun” and insert the phrase “sawed-off shotgun, knuckles,” in its place.

(2) Strike the phrase “or metal knuckles.”

Amend
§ 22-4514

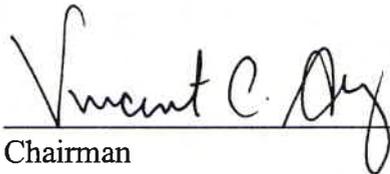
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Sec. 4. Fiscal impact statement.

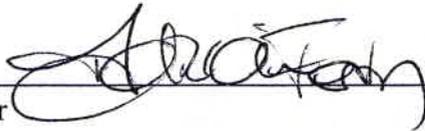
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 30, 2008

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2009 Spring
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To amend section 16-2326.01 of the District of Columbia Official Code to increase the maximum attorney compensation in neglect and termination of parental rights proceedings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Appointed Attorney Compensation Act of 2008".

Sec. 2. Section 16-2326.01(b) of the District of Columbia Official Code is amended as follows:

Amend
 § 16-2326.01

(a) Paragraph (1) is amended by striking the phrase "\$1,600" and inserting the phrase "\$1,760" in its place.

(b) Paragraph (2) is amended by striking the phrase "\$1,600" and inserting the phrase "\$1,760" in its place.

(c) Paragraph (3) is amended by striking the phrase "\$2,200" and inserting the phrase "\$2,400" in its place.

(d) Paragraph (4) is amended by striking the phrase "\$1,100" and inserting the phrase "\$1,200" in its place.

Sec. 3. Applicability of maximum compensation increases.

Section 2 shall apply to compensation for representation provided in cases and proceedings initiated on or after the effective date of An Act To amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes, H.R. 5551, 110th Cong. (2008).

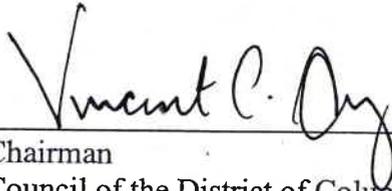
Sec. 4. Fiscal impact statement.

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

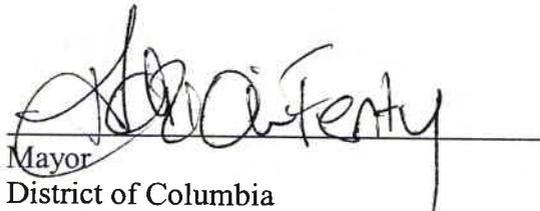
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-526

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
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 Official Code*

2001 Edition

2009 Spring
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West Group
 Publisher

To designate the Engine Company No. 4 fire station, located at 2501 Sherman Avenue, N.W., in Ward 1, as the Fire Chief Burton W. Johnson Building.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fire Chief Burton W. Johnson Building Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates Engine Company No. 4 fire station, located at 2501 Sherman Avenue, N. W., in Ward 1, as the "Fire Chief Burton W. Johnson Building".

Note,
 § 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Chief of the Fire and Emergency Medical Services Department.

Sec. 4. Fiscal impact statement.

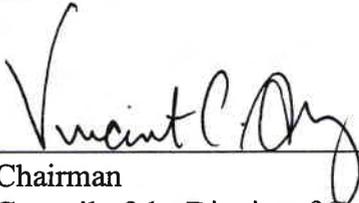
The Council adopts the fiscal impact statement of the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

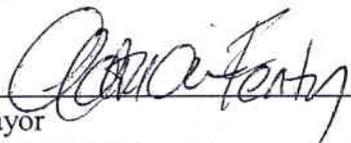
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

To approve modifications to Contract No. DCTO-2007-C-0036 for PeopleSoft development services and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCTO-2007-C-0036 Approval and Payment Authorization Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCTO-2007-C-0036 to provide PeopleSoft development services and authorizes payment in the amount of \$1,454,200 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

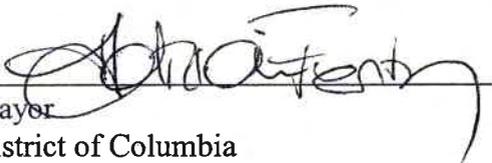
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayer
District of Columbia

APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008Codification
District of
Columbia
Official Code

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2009 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, the Rental Housing Conversion and Sale Act of 1980 to modify the vacancy exception to payment of a condo conversion fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vacancy Exemption Repeal Clarification Temporary Amendment Act of 2008".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.01 *et seq.*), is amended as follows:

(a) Section 204(b) (D.C. Official Code § 42-3402.04(b)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "; or" at the end of the paragraph and inserting a semicolon in its place.

(2) Paragraph (4) is amended by striking the period at the end of the paragraph and inserting the phrase "; or" in its place.

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

"(5)(A) Is part of a building in which there are 4 condominium or cooperative units or less, which was fully vacant and registered as such with the District government on or before July 1, 2008, and for which the imposition of a conversion fee will be a hardship.

"(B) For the purposes of this paragraph, the term "hardship" means a reduction in the profitability of sale of a condominium or cooperative unit."

(b) Section 210 (D.C. Official Code § 42-3402.10) is amended by striking the sentence "The provisions of this title shall not apply to the conversion of housing accommodations into condominium or cooperative status which are fully vacant as of the date of application to the Mayor for a vacancy exemption." and inserting the sentence "The provisions of this title shall not apply to the conversion of housing accommodations into condominium or cooperative status in which there are 4 condominium or cooperative units or less, which were fully vacant and registered as such with the District government on or before July 1, 2008, and for which the imposition of a conversion fee will be a hardship, as defined in section 204(b)(5)(B)." in its place.

Note,
§ 42-3402.04Note,
§ 42-3402.10

ENROLLED ORIGINAL

Sec. 3. Applicability.

Applications filed on or before March 31, 2008 shall be considered under the law in effect on that date. Applications filed on or after July 15, 2008 shall be considered under the provisions of this act.

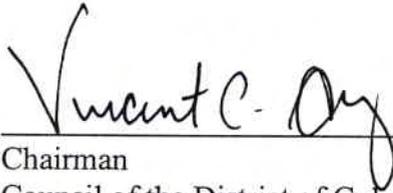
Sec. 4. Fiscal impact statement.

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

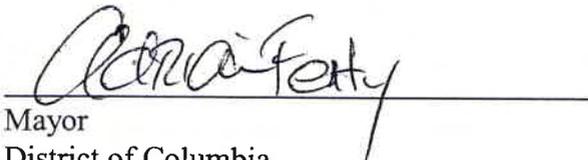
Sec. 5. Effective date.

(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
September 30, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
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Publisher

To amend, on a temporary basis, the Fiscal Year 2009 Budget Support Act of 2008 to provide that an increase in the earned income tax credit applies as of January 1, 2009, and to clarify the purpose of a grant to City Dance, the grant recipient for the 2009 Freedom Schools summer program, and the information that must be submitted to the Office of the Budget Director to receive a grant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Designated Appropriation Allocations Temporary Amendment Act of 2008".

Sec. 2. The Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602), is amended as follows:

(a) Subtitle A of Title VII is amended by adding a new section 7002a to read as follows:
"Sec. 7002a. Applicability.

"This act shall apply as of January 1, 2009."

(b) Title VIII is amended as follows:

(1) Section 8002 is amended as follows:

(A) Subsection (b)(2) is amended by striking the phrase "to build out new studio and black box dance theater space at 14th and T Streets, N.W." and inserting the phrase "to provide operational support for its work in the District of Columbia" in its place

(B) Subsection (c)(1)(G) is amended as follows:

(i) Strike the phrase "Children's Defense Fund" and insert the phrase "Southeast Tennis and Learning Center" in its place.

(ii) Strike the phrase "program at the Southeast Tennis and Learning Center" and insert the word "program" in its place.

(2) Section 8003 is amended to read as follows:

"Sec. 8003. Grant allocations requirements.

"(a) To receive a grant pursuant to section 8002, each named grantee shall be required to submit the following, postmarked or hand delivered to the Council's Office of the Budget

ENROLLED ORIGINAL

Director no later than September 25, 2008:

“(1) The organization’s Articles of Incorporation;

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

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

“(B) A current financial statement by a certified accountant that shows that the organization is in good financial standing and which delineates its:

“(i) Existing assets and liabilities;

“(ii) Pending lawsuits; and

“(iii) Pending and final judgments;

“(4) Internal Revenue Service Form 990 covering the organization’s most recently completed fiscal year;

“(5) A notarized statement from the grantee certifying that:

“(A) The organization is current on District and federal taxes;

“(B) The Council of the District of Columbia is authorized to verify the organization’s tax status with the District of Columbia Office of Tax and Revenue;

“(C) The organization focuses primarily on services to District of Columbia residents and will serve only District of Columbia residents with this grant; and

“(D) The District government shall have access to its financial, administrative, and operational records, including specific consent for the District of Columbia Auditor to access its books, accounts, records, findings, and documents related to the grant; and

“(6) A comprehensive program statement that includes a detailed:

“(A) Scope of work; and

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

“(b) Grantees shall be notified that the District of Columbia Auditor will randomly audit grant recipients.

“(c) The District of Columbia Auditor’s report shall be issued no later than January 1st of the fiscal year immediately following the year for which the grant was awarded.

“(d) Nothing in this title shall be construed as waiving the requirements to submit information required of all grantees by the grantor agencies or organizations.”

“(e)(1) If an organization cannot meet the submission requirements established in subsection (a) of this section, the organization shall be required to submit a notarized statement designating a nonprofit organization, which does meet the criteria, to serve as its fiscal agent or fiscal sponsor postmarked or hand delivered to the Council’s Office of the Budget Director no later than September 25, 2008.

“(2) The fiscal agent or fiscal sponsor shall be required to submit the following, postmarked or hand delivered to the Council’s Office of the Budget Director no later than

ENROLLED ORIGINAL

September 25, 2008:

“(A) A notarized statement agreeing to serve as fiscal agent or fiscal sponsor; and

“(B) The information required by subsection (a) of this section.”.

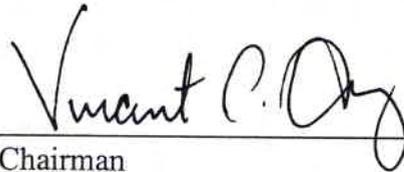
Sec. 3. Fiscal impact statement.

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

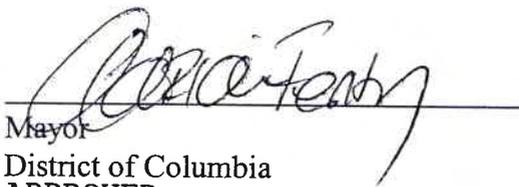
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2009 Spring
 Supp.

West Group
 Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to provide equitable real property tax relief to certain property owned by Washington Parks & People, a tax-exempt organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Parks & People Equitable Real Property Tax Relief Temporary Act of 2008".

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

Note,
 § 47-1078

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

"§ 47-1079. Washington Parks & People Property Tax Exemption."

(b) A new section 47-1079 is added to read as follows:

"§ 47-1079. Washington Parks & People Property Tax Exemption.

"(a) The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against real property located at Square 2841, Lots 0841, 0847, 0848, and 0851, for the period of tax years 1998 to 2008, be forgiven, as of August 4, 2008; provided, that this property is owned and used by Washington Parks & People as a public park, which is available for use by the public, and not used for commercial purposes.

"(b) The one-time transfer of the property specified in subsection (a) of this section to Washington Parks & People shall not be subject to the recordation and transfer taxes and fees under Chapters 9 or 14 of this title.

"(c) Upon the transfer of the property described in subsection (a) of this section to Washington Parks & People, the property shall be exempt from all taxation so long as the same is used in carrying out the public purposes and activities of Washington Parks & People, and not used for commercial purposes, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009."

ENROLLED ORIGINAL

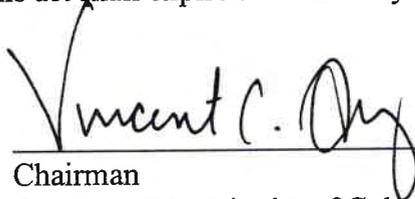
Sec. 3. Fiscal impact statement.

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

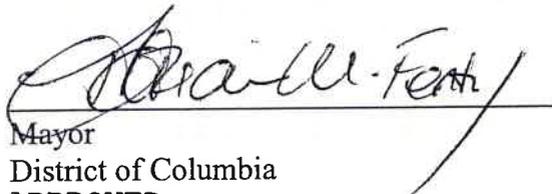
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved 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
September 30, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.

West Group
Publisher

To amend, on a temporary basis, the Historic Landmark and Historic District Protection Act of 1978 to exempt historic housing grants from computation as District gross taxable income; and to amend section 47-1803.02 of the District of Columbia Official Code to reflect that exemption.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Targeted Historic Housing Preservation Assistance Temporary Amendment Act of 2008".

Sec. 2. The second section 11a(e) of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(e)), is amended by adding a new paragraph (3) to read as follows:

Note,
§ 6-1110.02

"(3) A grant made to a taxpayer pursuant to this section shall be excluded in the computation of District gross income."

Sec. 3. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (Y) to read as follows:

Note,
§ 47-1803.02

"(Y) The amount received by a taxpayer pursuant to the second section 11a of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02)."

Sec. 4. Fiscal impact statement.

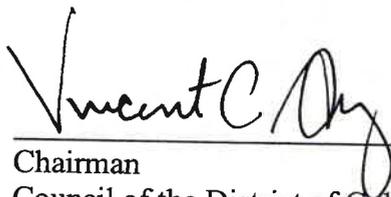
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

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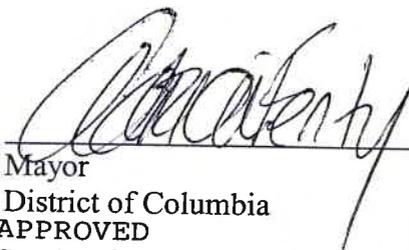
Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 30, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 2, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.

West Group
Publisher

To amend, on an emergency basis, the Department of Youth Rehabilitation Services Establishment Act of 2004 to permit the inspection of records pertaining to youth in the custody of the Department of Youth Rehabilitation Services by the Chairman of the Committee on Human Services, or his designee, when necessary for the discharge of the committee's duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Records Access Emergency Amendment Act of 2008".

Sec. 2. Section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), is amended by adding a new subsection (c) to read as follows:

Note,
§ 2-1515.06

“(c) Notwithstanding the confidentiality requirements of this section, the Chairman of the Committee on Human Services, or his designee, shall be permitted to inspect the records pertaining to youth in the custody of the Department when necessary for the discharge of the committee's duties.”.

Sec. 3. Fiscal impact statement.

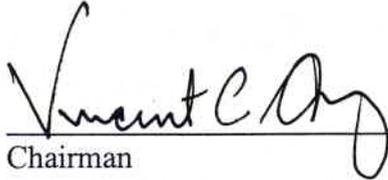
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

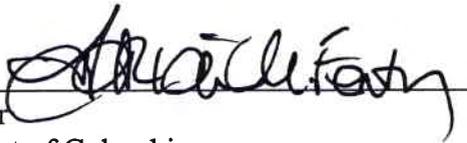
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 2, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 3, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To authorize the issuance of tax increment financing bonds to support a mixed-use development project on the site of the historic O Street Market and a grant to the development sponsor for costs of the project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "City Market at O Street Tax Increment Financing Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

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

(2) "Available Increment" shall have the same meaning as set forth in the Reserve Agreement.

(3) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax provided for in Chapter 8 of Title 47 of the District of Columbia Official Code, inclusive of any penalties and interest charges, exclusive of the special tax provided for in section 481 of the Home Rule Act pledged to payment of general obligation indebtedness of the District.

(4) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including penalty and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08)

(5) "Available Tax Increment" means the sum of the Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the City Market at O Street TIF Area in any fiscal year of the District minus the sum of Available Sales Tax Revenues and Available Real Property Tax Revenues generated in the City Market at O Street TIF Area in the

ENROLLED ORIGINAL

base year.

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

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

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

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

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

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

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

(13) "Development Sponsor" means City Market, L.L.C., a District of Columbia limited liability company, or any other entity that undertakes the development of the project with the approval of the Mayor.

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

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

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

(17) "Project" means the financing, refinancing, or reimbursing of Development Costs incurred for the acquisition, construction, installing, and equipping of a mixed-use project consisting of retail, commercial, and residential space, and parking in Lots 829 and 830, Square 398.

(18) "Reserve Agreement" means that certain Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.

(19) "TIF" means tax increment financing.

Sec. 3. Creation of the City Market at O Street Fund.

(a) There is established as a nonlapsing fund the City Market at O Street Fund. The Chief Financial Officer shall deposit into the City Market at O Street Fund the Available Tax Increment and any other taxes or fees specifically designated by law for deposit in the City Market at O Street

ENROLLED ORIGINAL

Fund.

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

(c) The funds deposited in the City Market at O Street Fund may be used to:

- (1) Secure the repayment of the bonds; and
- (2) Finance, refinance, or reimburse the District or the Development Sponsor for

the project.

(d) If, at the end of any fiscal year of the District, the balance of cash and investments in the City Market at O Street Fund exceeds the amount of debt service (including prepayment of principal and interest), reserves on any bonds, and any approved bond-related administrative expenses during the upcoming fiscal year, the excess may be transferred to the unrestricted balance of the General Fund of the District of Columbia.

(e) Except as provided in subsection (d) of this section, all funds deposited into the City Market at O Street Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

Sec. 4. Creation of the City Market at O Street TIF Area.

(a) There is created a TIF area designated as the City Market at O Street TIF Area. The City Market at O Street TIF Area is defined as the real property located in Lots 829 and 830, Square 398. As provided under section 3, the Available Tax Increment from the City Market at O Street TIF Area shall be deposited in the City Market at O Street Fund and may be used for the purposes set forth in section 3.

(b)(1) The base year for determination of Available Sales Tax Revenues from locations within the City Market at O Street TIF Area shall be the tax year preceding the year in which this act becomes effective.

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

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Sec. 5. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of bonds in an aggregate principal amount not to exceed \$46.5 million to fund the project. The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable and secured as provided in section 6.

(b) The proceeds of the bonds shall be used as follows:

(A) An amount not to exceed \$35 million may be used for payment of Development Costs of the project, other than costs described in subparagraph (B) of this paragraph.

(B) An amount not to exceed \$11.5 million may be used to pay the financing costs incurred by the District or the Development Sponsor and to fund capitalized interest and required reserves.

Sec. 6. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds, and the payment of ongoing administrative expenses related to the bond financing shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the City Market at O Street Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, and other funds that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

(b) There is further allocated to the payment of debt service on the bonds the Available Increment, subordinate to the allocation of Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement and to the extent that the Reserve Agreement continues to apply to the Available Increment, to be used for the payment of debt service on the bonds to the extent that the revenues allocated in subsection (a) of this section are inadequate to pay debt service on the bonds. The allocation of Available Increment authorized by this subsection shall be made in compliance with all existing contractual obligations of the District with respect to the Available Increment and shall terminate on the date on which all of the bonds are paid or provided for and are no longer outstanding pursuant to their terms.

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

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

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Sec. 7. Bond details.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The bonds of any series may be issued in accordance with the terms of a trust

ENROLLED ORIGINAL

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

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

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

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

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding Article 9 of Chapter 28 of the District of Columbia Official Code:

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

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

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

Sec. 8. Issuance of the bonds.

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

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

ENROLLED ORIGINAL

such matters, and may authorize the distribution of the documents in connection with the bonds.

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

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

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

Sec. 9. Financing and Closing Documents.

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

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

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

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

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

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment, the Available Increment, and any other taxes or fees allocated to the City Market at O Street Fund), shall not constitute a debt of the District, and shall not constitute lending

ENROLLED ORIGINAL

of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

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

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

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

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

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Grant authorization.

The Mayor may make a grant to the Development Sponsor in an amount not to exceed \$2.5 million to assist in paying costs for architectural, engineering, design and consulting, and financial and legal services, and the costs related to the preparation of feasibility studies, plans, surveys, historic structure reports, reports of project revenues and expenses, and other predevelopment costs of the project.

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Sec. 15. Applicability.

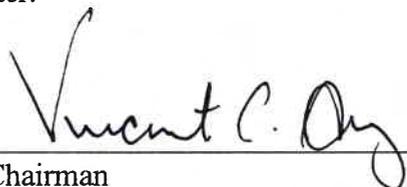
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 16. Fiscal impact statement.

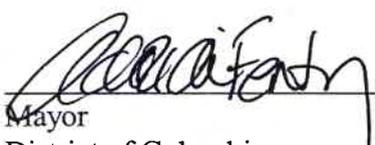
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 3, 2008

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AN ACT
D.C. ACT 17-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 6, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.

West Group
Publisher

To establish a performance parking pilot program to protect neighborhood parking, to manage the imminent demand for curbside parking created by new major retail and entertainment destinations, to promote retail patronage, and to limit congestion, to establish an Adams Morgan Taxicab Zone Pilot Program, and to establish a Mount Pleasant Visitor Pass Pilot Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Performance Parking Pilot Zone Act of 2008".

Sec. 2. Performance Parking Pilot Program.

(a) The Mayor may establish a Performance Parking Pilot Program for the purpose of managing curbside parking and reducing congestion within and around established performance parking pilot zones.

(b) The Mayor shall establish zone-specific parking management targets, and implement regulations, to achieve the following performance parking pilot zone goals:

- (1) Protect resident parking in residential zones;
- (2) Facilitate regular parking turnover in busy commercial areas;
- (3) Promote the use of non-auto transportation; and
- (4) Decrease vehicular congestion within each zone.

(c) Within each performance parking pilot zone, the Mayor shall designate residential permit parking zones on currently undesignated residential blocks.

(d) Within each performance parking pilot zone, and notwithstanding any other provision of law or regulation, the Mayor may employ the following to achieve the goals and targets established pursuant to subsection (b) of this section:

- (1) Set or adjust curbside parking fees;
- (2) Set or adjust the days and hours during which curbside parking fees apply;
- (3) Adjust parking fines, as needed, to dissuade illegal parking; and
- (4) Exempt vehicles displaying valid, in-zone residential permit parking stickers from meter payment, as needed.

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(e) When increasing curbside parking fees within a performance parking pilot zone, the Mayor shall:

(1) Monitor curbside parking availability rates on commercial streets to establish a need for any fee increase;

(2) Except for fees in loading zones, not increase any fee by more than \$0.50 in any one-month period, or more than once per month; and

(3) Except for fees in loading zones, provide notice to the affected Ward Councilmember and Advisory Neighborhood Commission ("ANC") of any changes in curbside parking fees at least 10 days before implementation.

(f) Curbside signage, meter decals, and electronic displays shall provide sufficient notice of changes to restrictions within a performance parking pilot zone, except for changes to curbside parking fees pursuant to subsection (d)(1) of this section.

(g) The Mayor shall designate a project manager who will serve as the main point of contact for the public on matters related to each performance parking pilot zone.

(h) The Mayor shall publish a public web site that includes the following: pilot zone boundaries, rules or regulations, information about how to use new parking fee technologies, and a parking pilot project manager's name and contact information.

(i) The Performance Parking Pilot Program shall terminate 2 years from the effective date of this act.

Sec. 3. Ballpark Performance Parking Pilot Zone.

(a) The Ballpark Performance Parking Pilot Zone is designated as the area bounded by:

(1) The Southeast/Southwest Freeway on the north, 10th Street, S.E., on the east, 12th Street, S.W., on the west, and the Washington Channel and Anacostia River on the south, including both sides of boundary streets, but not including the Southeast/Southwest Freeway; and

(2) East Capitol Street on the north, 11th Street, S.E., on the east, Washington Avenue, S.W., and South Capitol Street on the west, and the Southeast/Southwest Freeway on the south, including both sides of boundary streets, but not including the Southeast/Southwest Freeway.

(b) The Mayor shall assign parking control and traffic control officers for implementation of the pilot program within the Ballpark Performance Parking Pilot Zone, and enhanced enforcement on stadium event days;

(c) Pursuant to section 2(d)(1), the Mayor shall adjust fees to achieve 10% to 20% availability of curbside parking spaces.

(d) Notwithstanding section 2(e)(2), for curbside parking spaces where there are not established parking fees on the effective date of this act, the Mayor may increase fees up to once per month by an amount up to 50% of the initial fee set for this parking pilot zone.

(e) Notwithstanding section 2(d)(1) and except south of the Southeast/Southwest Freeway, where curbside fees existed before the establishment of the performance parking pilot

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zone, the Mayor shall not set the initial performance parking pilot zone fee higher than the existing fee.

(f) Notwithstanding any other provision of this act, the Mayor shall not charge curbside parking fees on District or federal holidays.

(g) Within the first 30 days of implementation of the Ballpark Performance Parking Pilot Zone, the Mayor may issue warning citations for curbside parking violations related to the pilot program in the zone.

Sec. 4. Columbia Heights Retail Performance Parking Pilot Zone.

(a) The Columbia Heights Retail Performance Parking Pilot Zone is designated as:

(1) The area bounded by:

(A) 1100 through 1500 blocks of Monroe Street, N.W.;

(B) 1100 through 1500 blocks of Harvard Street, N.W.;

(C) 2900 through 3400 blocks of 11th Street, N.W.; and

(D) 2900 through 3300 blocks of 16th Street, N.W.; including both sides

of boundary streets;

(2) Both sides of the 2900 through 3400 blocks of 14th Street, N.W.; and

(3) Both sides of the 1400 block of Girard Street, N.W.

(b) The Mayor shall take the following actions for the Columbia Heights Retail Performance Parking Pilot Zone:

(1) Install, on all residential streets in the zone and all other approaches to the municipal parking garage, signs that direct traffic toward off-street parking within the retail complex on the west side of the 3100 block of 14th Street, N.W., state the price for the off-street parking, and encourage public transportation use;

(2) Assign a sufficient number of parking control officers and traffic control officers to enforce parking regulations 7 days per week; and

(3) Implement revisions to residential permit parking zones.

(c) Notwithstanding section 2(d)(1), any curbside parking fee set within the Columbia Heights Retail Performance Parking Pilot Zone at the initiation of the pilot program shall not exceed \$2 per hour.

(d) Notwithstanding section 2(d)(3), any increases in parking fines in the Columbia Heights Retail Performance Parking Pilot Zone shall be subject to the Council review and approval requirements of section 12 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, effective July 21, 2006 (D.C. Law 16-175; D.C. Official Code § 50-2610).

(e) Within the first 30 days of implementation of the Columbia Heights Retail Performance Parking Pilot Zone, the Mayor shall only issue warning citations for curbside parking violations related to the pilot program in this zone.

Sec. 5. Expenditure of Performance Parking Pilot Program revenue.

(a) One hundred percent of annual curbside parking fee revenue from each performance

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parking pilot zone shall be used for the following purposes:

- (1) Twenty percent shall be for general purposes of the District Department of Transportation Operating Fund;
- (2) Up to 60% shall be used to repay the cost of procurement and maintenance of new meters and related signage for the pilot program in that zone;
- (3) Once the cost of meter procurement is paid in full for a zone, up to 5% shall be used to pay for meter maintenance and related signage in that zone; and
- (4) The remaining balance of curbside parking revenues shall be used solely for the purpose of non-automobile transportation improvements in that zone.

(b) The Mayor shall involve performance parking pilot zone residents, businesses, ANCs, and Ward Councilmembers in prioritizing non-automobile transportation improvements. The improvements may include:

- (1) Enhancements to bus and rail facilities to improve access and level of service such as electronic real-time schedule displays outside of stations and stops, display of large, full-color bus and rail maps, bus-only and bus priority lanes, and programs to increase electronic fare payment technologies;
- (2) Enhancements to increase the safety, convenience, and comfort of pedestrians, such as new or improved sidewalks, lighting, signage, benches, improved streetscapes, countdown crosswalk signals, and neighborhood traffic calming; and
- (3) Improvements to bicycling infrastructure, such as painted and separated bicycle lanes, installation of public bicycle racks, and way-finding signage for bicyclists.

Sec. 6. Reporting requirements and oversight of performance parking pilot zones.

(a) Before implementation, or upon the effective date of this act, whichever is later, the District Department of Transportation ("DDOT") shall transmit a detailed performance parking pilot zone plan to the Council and to the Chairs of all ANCs within a performance parking pilot zone. The plan shall set zone-specific parking management targets and shall detail parking changes, which may include new parking restrictions and curbside parking fees.

(b) During the term of a performance parking pilot zone, DDOT, in collaboration with the Ward councilmember, shall conduct quarterly public meetings to provide an update on all parking management targets within the zone and an opportunity for public comment on the program.

(c) If a performance parking pilot zone is not meeting established parking management targets after the 2nd quarter of operation, DDOT shall re-evaluate the strategies used and implement a revised plan. Within 30 days after the 2nd quarter of operation, any revised plan shall be implemented and transmitted to the Council and ANCs, pursuant to subsection (a) of this section.

(d) The Mayor shall submit an annual report for the prior fiscal year on each performance parking pilot zone. The report shall be transmitted to the Council within 30 days after the 4th quarter for each performance parking pilot zone, and shall provide an update on all

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parking management targets within the zone. At a minimum, the report shall include:

- (1) Any changes to established parking fees;
- (2) A description of curbside parking availability;
- (3) A description of parking turnover rates on retail streets;
- (4) Congestion and double-parking statistics for retail streets;
- (5) Statistics on use of pay-by-phone technology;
- (6) Number, location, and nature of parking violations and citations issued;
- (7) Total revenue from the pilot zone;
- (8) An itemization of expenditures for meter procurement and maintenance, enhanced enforcement, and non-auto transportation improvements in each pilot zone; and
- (9) Any recommendations for legislative or regulatory initiatives to improve curbside parking efficiency.

(e) Sixty days before the expiration of a performance parking pilot zone, the Mayor shall produce a final report evaluating the success of the performance parking pilot zone, including recommendations for continuation of some or all aspects of the pilot program within the zone.

Sec. 7. Adams Morgan Taxicab Zone Pilot Program.

(a) The Mayor shall establish a taxicab zone in Adams Morgan by July 15, 2008, which shall include, at a minimum, the following areas:

(1) The width of 18th Street, N.W., from the intersection of 18th Street, N.W., and Wyoming Avenue, N.W., to the intersection of 18th Street, N.W., and Columbia Road, N.W.; and

(2) The width of Columbia Road, N.W., from the intersection of Columbia Road, N.W., and Biltmore Street, N.W., to the intersection of Columbia Road, N.W., and Euclid Street, N.W.

(b) Except as provided in this section, Title 31 of the District of Columbia Municipal Regulations shall apply to the established taxicab zone.

(c) The Mayor shall post signage throughout the zone identifying zone hours, zone restrictions, and taxicab stand locations, and give notice of the same to the District of Columbia Taxicab Commission, affected ANCs, and business organizations before implementation of the Adams Morgan Taxicab Zone Pilot Program.

(d) A taxicab, as defined in Article XI of Title II of the Washington Metropolitan Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Official Code § 9-1103.01), shall not pick up a passenger for hire within a designated taxicab zone during taxi zone hours, except at a designated taxicab stand.

(e) For the purposes of this section, the term "taxi zone hours" shall mean from 9:00 p.m. Thursday through 4:00 a.m. Friday; from 9:00 p.m. Friday through 4:00 a.m. Saturday; and from 9:00 p.m. Saturday through 4:00 a.m. Sunday.

(f) The Mayor shall establish at least one taxicab stand within or adjacent to the Adams

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Morgan taxicab zone. Any taxicab stand shall:

- (1) Be clearly identified with signage;
- (2) Have adequate queue space for a maximum number of taxicabs, as identified by the Mayor; and
- (3) Have adequate space for taxicab patrons to queue.

(g) Taxicabs shall stand in taxicab stands established pursuant to subsection (f) of this section only while awaiting passengers for hire.

(h) The provisions of this section shall be enforced pursuant to section 13 (f) and (g) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-312 (f) and (g)).

(i) The Adams Morgan Taxicab Zone Pilot Program shall terminate on October 1, 2010.

(j) Forty-five days before the termination of the Adams Morgan Taxicab Zone Pilot Program, the Mayor shall present a report to the Council on the efficacy of the program, which shall include recommendations on the continued need for a designated taxicab zone in Adams Morgan.

Sec. 8. Mount Pleasant Visitor Pass Pilot Program.

(a) The Mayor shall implement a one-year visitor parking pilot program for residential permit parking areas within ANC1D boundaries.

(b) For the purposes of this pilot program, DDOT may:

- (1) Charge a fee for each permit issued pursuant to this program; and
- (2) Limit the hours for which a visitor parking permit is valid.

(c) Within 90 days of the effective date of this act, the Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 30-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day period, the rules shall be deemed approved.

Sec. 9. Fiscal impact statement.

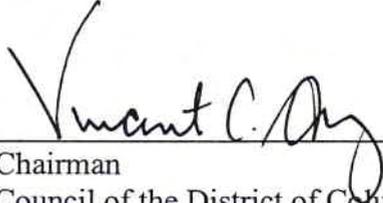
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

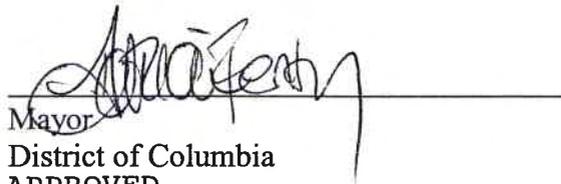
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by this Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 6, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008

Codification
District of
Columbia
Official Code

2001 Edition

2009 Spring
Supp.West Group
Publisher

To amend the District of Columbia Taxicab Commission Establishment Act of 1985 to place a moratorium on the issue of new licenses for independently operated limousines and to place a moratorium on the establishment of new taxicab companies, associations, and fleets.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Taxicab Company, Association, and Fleet and Limousine License Moratorium Amendment Act of 2008".

Sec. 2. The District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended as follows:

(a) Section 14 (D.C. Official Code § 50-313) is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) No new license to operate an independently operated limousine, as that term is defined in Chapter 12 of Title 31 of the District of Columbia Municipal Regulations, shall be issued.

“(2) The moratorium on the issue of new licenses to operate an independently operated limousine shall have a prospective effect.

“(3) The moratorium shall last no longer than 2 years from the effective date of the Taxicab Company, Association, and Fleet and Limousine License Moratorium Amendment Act of 2008, passed on 2nd reading on September 16, 2008 (Enrolled version of Bill 17-703).”.

(b) Section 20 (D.C. Official Code § 50-319) is amended by adding a new subsection (b-1) to read as follows:

“(b-1)(1) No new license to operate a taxicab company, taxicab association, or taxicab fleet shall be issued.

“(2) The moratorium on the issue of new licenses to operate a taxicab company, taxicab association, or taxicab fleet, shall have a prospective effect.

“(3) The moratorium shall last no longer than 2 years from the effective date of

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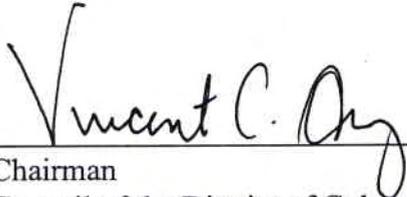
the Taxicab Company, Association, and Fleet and Limousine License Moratorium Amendment Act of 2008, passed on 2nd reading on September 16, 2008 (Enrolled version of Bill 17-703).”.

Sec. 3. Fiscal impact statement.

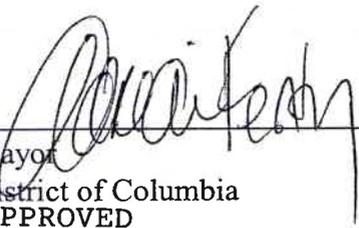
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 6, 2008