ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

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AN ACT

D.C. ACT 17-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2008

To amend, on an emergency basis, Chapter 8 of Title 47 of the District of Columbia Official Code to provide that the owner of a property that is receiving erroneously the homestead deduction and senior/disabled real property tax relief has a duty to inform the Chief Financial Officer that the benefits and those available to low-income property owners shall be rescinded prospectively on the sale of real property to a non-qualifying purchaser, and that a former owner that received the benefits shall be personally liable for the amount of benefits improperly received.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Tax Benefits Revision Emergency Act of 2008".

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

(a) Section 47-845.02(m) is amended by adding 2 new sentences at the end to read as follows: Note, § 47-845.02

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.".

(b) Section 47-845.03(o) is amended by adding 2 new sentences at the end to read as follows: Note, § 47-845.03

"Any tax certificate shall indicate whether the real property is receiving the deferral under this section and the amount of deferred real property tax, interest thereon, and penalties. If a tax certificate does not contain the foregoing information, the eligible owner, and not the real property, shall be personally liable for the amount of deferred real property tax, interest thereon, and penalties.".

(c) Section 47-850.02 is amended as follows: Note, § 47-850.02

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

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(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or current owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

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

"(6)(A) Notwithstanding the rescission of the deduction pursuant to paragraphs (4) and (5) of this subsection, if all of the applicant's ownership interest in the real property is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of such half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, §§ 47-850(d), 47-850.01(b), and 47-850.04 shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to a dwelling unit in any half tax year.".

(2) Subsection (c)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(d) Section 47-850.03 is amended by striking the phrase "47-850.01" and inserting the phrase "47-850.01 and for the credit provided in § 47-864.01" in its place. **Note, § 47-850.03**

(e) Section 47-863 is amended as follows: **Note, § 47-863**

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

(A) Paragraph (1) is amended by striking the word "applicant" wherever it appears and inserting the phrase "applicant (or former owner if there is no applicant)" in its place.

(B) Paragraphs (4) and (5) are amended by striking the phrase "(for which notification is required under this subsection)".

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

"(6)(A) Notwithstanding the rescissions of the deduction pursuant to paragraphs (4) and (5) of this subsection, if the applicant's required ownership interest in the real property

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is transferred to a new owner, shareholder, or member who does not apply or qualify for the deduction, the real property shall nevertheless be entitled to the apportioned amount of the deduction applicable to the installment payable during the half tax year during which such ownership interest was transferred. At the end of the half tax year, the deduction shall cease.

"(B) If the applicant purchases another real property or interest in a housing cooperative for which he or she shall make application for the deduction, and the application and purchase occurs during the same half tax year when the transfer occurred, subsections (i) and (j) of this section shall not apply to the extent that both real properties may benefit from the deduction during that half tax year and, thereafter, only the newly purchased real property or housing cooperative in which the applicant acquired newly an interest shall benefit from the applicant's deduction.

"(C) Notwithstanding the foregoing, a real property shall not benefit from more than one deduction in any half tax year; provided, that in the case of a housing cooperative, the real property shall not benefit from more than one deduction related to an eligible household in any half tax year.".

(2) Subsection (g)(1) is amended as follows:

(A) Strike the word "applicant" the first time it appears and insert the phrase "applicant or former owner, and not the real property" in its place.

(B) Strike the word "applicant" the second time it appears and insert the phrase "applicant or former owner" in its place.

(3) Subsection (l) is amended by striking the word "decrease" and inserting the word "deduction" in its place.

Note, § 47-864.01

(f) Section 47-864.01 is amended as follows:

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

"(c-1) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease.".

(2) Subsection (d)(3) is amended striking the word "back" and inserting the phrase "back, except as set forth in subsection (c-1) of this section" in its place.

Sec. 3. Applicability.

(a) Section 2(c)(1)(A) and (B), 2(c)(2), 2(e)(1)(A) and (B), and 2(e)(2) shall apply for tax years beginning after September 30, 2001.

(b) Section 2(c)(1)(C) and 2(e)(1)(C) shall apply as of January 2, 2007.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 24, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2008

Codification District of Columbia Official Code

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To amend, on an emergency basis, due to Congressional review, the District of Columbia Taxicab Commission Establishment Act of 1985 to place a moratorium on the issue of new licenses for limousine organizations and 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 Congressional Review Emergency 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:

Amend § 50-313

(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 a limousine organization or independently operated limousine, as those terms are 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 a limousine organization or independently operated limousine shall have a prospective effect.".

Amend § 50-319

(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.".

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 24, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2008

Codification District of Columbia Official Code

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To amend, on an emergency basis, due to Congressional review, the Recreation Act of 2004 to authorize the Recreation Enterprise Fund to be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

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

Note, § 10-303

Sec. 2. Section 4(b) of the Recreation Act of 2004, effective January 13, 1995 (D.C. Law 10-246; D.C. Official Code § 10-303(b)), is amended as follows:

(a) Designate the existing language as paragraph (1).

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

"(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.".

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 24, 2008

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Codification District of Columbia Official Code

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AN ACT

D.C. ACT 17-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 24, 2008

To amend the District of Columbia Public Space Rental Act to clarify the definition of assessed value, to decrease the collection of rent associated with vaults, to provide that owners have at least 30 days to pay a rent bill, and to provide for a statute of limitations for claiming a refund of an overpayment of rent; and to amend the Department of Transportation Establishment Act of 1996 to reduce the amount of revenue from vault rent to be deposited in the Highway Trust Fund.

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

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended as follows:

Amend § 10-1101.01

(a) Section 103 (D.C. Official Code § 10-1101.01) is amended by adding a new 2nd unnumbered paragraph to read as follows:

""Assessed value" means the estimated market value of the real property attributable to the land for purposes of real property taxation as of January 1 preceding the rent year.".

Amend § 10-1103.04

(b) Section 305 (D.C. Official Code § 10-1103.04) is amended as follows:

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

(A) Strike the phrase "One and eight-tenths percent (1.8%)" and insert the phrase "One and two-tenths percent (1.2%)" in its place.

(B) Strike the phrase "Forty-fifth of one percent (0.45%)" and insert the phrase "Three-tenths of one percent (0.30%)" in its place.

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

"(d) The owner shall have at least 30 days from the date of issuance of a bill to pay the rent.".

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(c) A new section 305a is added to read as follows:

"Sec. 305a. Overpayments.

"(a) If there is a payment of a rent that results in an overpayment, the overpayment shall be credited against other rent periods owed.

"(b) The Mayor shall refund the rent payment less any other rent owing; provided, that the refund shall not be allowed after 3 years from the date the rent payment was made.

"(c) The owner may file a claim for a refund in the manner prescribed by the Mayor.

"(d) The District shall pay interest on the overpayment beginning 90 days after the receipt of the claim for refund; provided, that for the rent originally due on June 30, 2008, interest on the overpayment shall not accrue before 180 days from the receipt of the claim for refund.

"(e) The interest payable by the District under subsection (d) of this section shall be at the rate provided in D.C. Official Code § 47-3310(c).

"(f) The Mayor shall issue a final decision concerning the claim for a refund within 180 days from the date that the claim was filed. The owner may, within 45 days from either the date of the final decision or the expiration of the 180 days if no final decision issues, file suit in the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Official Code §§ 47-3303 and 47-3304; provided, that the rent, including any interest, shall have first been paid.".

Amend § 50-921.11

Sec. 3. Section 9c(c)(4) of the Department of Transportation Establishment Act of 1996, effective April 9, 1997 (D.C. Law 14-137; D.C. Official Code § 50-921.11(c)(4)), is amended to read as follows:

"(4) One hundred percent of the proceeds collected by the District for rental of public space, including bus shelter advertising revenue; provided, that 1/6 of revenue generated by public space rental fees for vaults shall be deposited into the Highway Trust Fund.".

Sec. 4. Applicability.

Sections 2 and 3 shall apply as of July 1, 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
APPROVED
October 24, 2008

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AN ACT

D.C. ACT 17-551

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend the Workforce Housing Production Program Approval Act of 2006 to remove the requirement that the Mayor issue rules to implement the act and provide that the Mayor may issue rules to implement the act, to require the land trust to submit annual reports on the status of the workforce housing pilot program, and to grant authority to the Mayor to transfer moneys to the workforce housing pilot program from the Housing Production Trust Fund and the industrial revenue bond special account; and to amend the Housing Production Trust Fund Act of 1988 to authorize the expenditure of $4 million in accordance with the Workforce Housing Production Program Approval Act of 2006.

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

Sec. 2. The Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 6-1061.02) is amended as follows:

Amend § 6-1061.02

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

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

(2) Subsection (h) is amended by striking the sentence "Within one year after the effective date of this title, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program." and inserting the sentence "Within 60 days after the close of each fiscal year, as established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802) ." in its place.

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(b) A new section 104 is added to read as follows:

"Sec. 104. Authority to transfer moneys from the Housing Production Trust Fund and the industrial revenue bond special account.

"(a) The Mayor may make a one-time transfer of $4 million from the Housing Production Trust Fund to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e).

"(b)(1) The Mayor may make a one-time transfer of $1 million from the industrial revenue bond special account established under D.C. Official Code § 47-131(c)(4) to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e). The funds transferred pursuant to this subsection may be used to assist eligible households whose annual incomes do not exceed 120% of the area median income.

"(2) For the purposes of this subsection, the terms "area median income" and "eligible households" shall have the same meanings as provided in section 2 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801).".

Sec. 3 The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

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

Amend § 42-2801

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

"(2A) "Eligible household" means a household that, at the time of its purchase of a qualified housing unit, had total annual income at or below 120% of the area median income; provided, that the annual incomes of eligible households assisted through an allocation of proceeds from the Housing Production Trust Fund shall not exceed 80% of the area median income.".

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

"(5A) "Land Trust Plan" means the District of Columbia Workforce Housing Land Trust Design and Implementation Plan, as amended and approved by the Workforce Housing Production Program Approval Act.".

(3) New paragraphs (11) and (12) are added to read as follows:

"(11) "Workforce Housing Land Trust" means the tax-exempt organization selected by the Deputy Mayor for Planning and Economic Development to administer the pilot program pursuant to section 102(b) of the Workforce Housing Production Program Approval Act.

"(12) "Workforce Housing Production Program Approval Act" means the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.01 *et seq.*).".

(b) Section 3 (D.C. Official Code § 42-2802) is amended by adding a new subsection (b-3) to read as follows:

Amend § 42-2802

"(b-3) Notwithstanding any other provision of this act or any other law to the contrary, $4 million of the funds deposited into the Fund may be made available by the Mayor to the Workforce Housing Land Trust. The uses of the funds shall be governed exclusively by the provisions of the

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Land Trust Plan and the requirements of the Workforce Housing Production Program Approval Act.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

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AN ACT

D.C. ACT 17-552

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend the Rental Housing Conversion and Sale Act of 1980 to provide the Mayor with an opportunity to purchase housing accommodations, subordinate to the rights of tenants, for certain low-income housing accommodations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District's Opportunity to Purchase 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 § 42-3401.01 *et seq.*), is amended by adding a new title IV-A to read as follows:

"TITLE IV-A. DISTRICT'S OPPORTUNITY TO PURCHASE.

"Sec. 431. District's opportunity to purchase certain housing accommodations.

"(a) Before an owner of a housing accommodation may sell a housing accommodation comprised of 5 or more units, the owner shall provide to the Mayor, on behalf of the District, and the Mayor shall have, an opportunity to purchase the housing accommodation in the same manner, except as otherwise provided by this title, as the opportunity to purchase is provided to a tenant under Title IV.

"(b) The Mayor may assign the opportunity to purchase pursuant to section 436.

"(c) The Mayor shall have the same remedies and rights to enforce owner compliance with this act as a tenant or tenant organization would have against an owner for violation of this act.

"Sec. 432. Limitations on the District's opportunity to purchase.

"(a) The District's opportunity to purchase shall be subordinate to the right of a tenant.

"(b) To exercise its right under this title, the Mayor shall provide a written statement of interest to the owner and tenant within 30 days of the Mayor's receipt of the copy of offer of sale required by section 403.

"(c)(1) The Mayor shall not exercise the opportunity to purchase provided by this title unless at least 25% of the rental units in the housing accommodation are affordable units.

"(2) For the purposes of this subsection, the term "affordable unit" means a rental unit in a housing accommodation for which the existing monthly rent, including utilities,

paid by the tenant is equal to or less than 30% of the monthly income of a household with an income of 50% of the area median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size.

"Sec. 433. Limitations on the District as purchaser of a housing accommodation.

"(a) If the District, or an assignee, purchases a housing accommodation pursuant to this title, the District shall remain subject to all provisions of this act as owner of the housing accommodation.

"(b)(1) The Mayor, or an assignee of the Mayor, shall maintain affordable rents in the housing accommodation so that unit rents for tenants living in the housing accommodation on the date that the offer of sale was issued will not be greater than the unit rent on the date of the offer of sale or 30% of an existing tenant's household income, whichever is less.

"(2) For the purposes of this subsection, household income shall be calculated pursuant to 24 C.F.R. § 5.609.

"(3) Tenants shall be notified in writing as to the manner in which the Mayor, or an assignee of the Mayor, calculates household income and rent.

"(4) The Rent Administrator shall consider a challenge to a rent amount or income calculation upon a petition filed by a tenant. The petition shall be heard and determined according to the procedures in the Rent Stabilization Program established pursuant to Title II of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01 *et seq.*).

"(5) Notwithstanding the rent amounts established pursuant to this section, nor any other law, no tenant in an affordable unit shall be required to pay a rent increase of more than 10% per year.

"(6) Income restrictions may be imposed upon the housing accommodation by the Mayor, or an assignee of the Mayor; provided, that an existing tenant shall be exempt from any income restrictions.

"(c)(1) The Mayor, or an assignee of the Mayor, shall maintain any unit in the housing accommodation that was an affordable unit, as defined in section 432(c)(2), on the date that the offer of sale was issued as affordable for as long as the housing accommodation remains a housing accommodation owned by the District.

"(2) For any rental unit that becomes vacant:

"(A) If the monthly rent, including utilities, paid by the tenant was equal to or less than 30% of the monthly income of a household with an income of 60% of the area median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size, that unit shall remain affordable for a tenant with an income at or below 60% of the area median income; or

"(B) If the monthly rent, including utilities, paid by the tenant was equal to or less than 30% of the monthly income of a household with an income of 30% of the area

median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size, that unit shall remain affordable for a tenant with an income at or below 30% of the area median income.

"(3) Vacancies in affordable units shall be filled and maintained so that the division of affordable units in the housing accommodation is no less than one-third affordable for households at 30% of area median income, one-third affordable for households at 60% of area median income, and one-third affordable for households at 80% of area median income.

"(d) If any unit in the housing accommodation was not an affordable unit as defined in section 432(c)(2), on the date the offer of sale was issued, the Mayor, or an assignee of the Mayor, shall develop an affordability plan to explore all means whereby the number of affordable units in the housing accommodation may be increased. The Mayor, or an assignee of the Mayor, shall take all practicable steps to increase the number of affordable units in the housing accommodation.

"Sec. 434. Procedure for District to effectuate purchase.

"(a) The Mayor shall have not less than 150 days from the date of the owner's receipt of the Mayor's written statement of interest, issued pursuant to section 432(b), to negotiate a contract for sale.

"(b) For every day of delay in providing information by the owner as required by this act, the negotiation period shall be extended by one day.

"(c) If a tenant organization is formed and delivers an application for registration to the Mayor pursuant to section 411, the Mayor shall have 15 days, in addition to the time provided for in subsection (a) of this section, to negotiate a contract of sale.

"(d) The Mayor shall have up to 60 days after the date of execution of a contract of sale to complete settlement.

"(e) If the owner provides any extension of time to a tenant under this act, the Mayor shall automatically receive the same extension of time. The owner shall provide written notification to the Mayor of any extensions of time provided to the tenant.

"Sec. 435. Rights of tenants not abrogated.

"No provision of this title shall abrogate the rights of tenants or tenant organizations under this act.

"Sec. 436. Assignment of District rights.

"The Mayor may assign the opportunity to purchase provided under this title to a person that:

"(1) Demonstrates the capacity to own and manage, either by itself or through a management agent, the housing accommodation and related facilities for the remaining useful life of the housing accommodation; and

"(2) Agrees to obligate itself and any successors in interest to maintain the affordability of the assisted housing development as required by section 433.

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"Sec. 437. Rules.

"Within 60 days of the effective date of the District's Opportunity to Purchase Amendment Act of 2008, passed on 2nd reading on October 7, 2008 (Enrolled version of Bill 17-631), 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 issues rules to implement the provisions of this title.".

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 27, 2008

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AN ACT

D.C. ACT 17-553

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend Chapter 3 of Title 25 of the District of Columbia Official Code to proscribe the sales of single containers by off-premises retailers located in Mt. Pleasant, in Ward 1; in Ward 2; and in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008".

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Subchapter III is amended by adding 3 new section designations to read as follows:

"25-344. Special restrictions for off-premises retailer's license in Mt. Pleasant.

"25-345. Ward 2 restrictions for off-premises retailer's license.

"25-346. Ward 6 restrictions for off-premises retailer's license.".

(b) A new section 25-344 is added to read as follows:

New § 25-344

"§ 25-344. Special restrictions for off-premises retailer's license in Mt. Pleasant.

"(a) For the purposes of this section, the term "Mt. Pleasant" means the area defined as ANC-1D, delimited by Piney Branch Parkway to the north, 16th Street to the east, Harvard Street to the south, and Adams Mill and Klingle Roads to the west, on the effective date of this section.

"(b) A licensee under an off-premises retailer's license in Mt. Pleasant, class A or B, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.".

(c) A new section 25-345 is added to read as follows:

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"§ 25-345. Ward 2 restrictions for off-premises retailer's license. New § 25-345

"(a) For the purposes of this section, the term"Ward 2" means the area defined as Ward II in § 1-1041.03 on the effective date of this section.

"(b) A licensee under an off-premises retailer's license, class A or B, located in Ward 2, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

"(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall notify the Advisory Neighborhood Commission in which the licensee is located when a licensee applies for an exception and provide a copy of the application. The copy of the application shall be provided at the address of the ANC's office of record. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

"(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

"(A) The input, if any, of the ANC in which the licensee is located, as evidenced by a vote of the ANC, which shall be given great weight;

"(B) Whether the exception will negatively impact the enforceability and effectiveness of the ban;

"(C) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

"(D) Evidence of licensee participation in the community, such as attendance at ANC and Police Service Area community meetings; and

"(E) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

"(3) A new licensee under an off-premises retailer's license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

"(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.".

(d) A new section 25-346 is added to read as follows: New § 25-346

"§ 25-346. Ward 6 restrictions for off-premises retailer's license.

"(a) For the purposes of this section, the term "Ward 6" means the area defined as Ward VI in § 1-1041.03 on the effective date of this section.

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"(b) A licensee under an off-premises retailer's license, class A or B, located in Ward 6 shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less, as well as spirits (liquor) sold in half-pints or smaller volumes.

"(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall notify the Advisory Neighborhood Commission in which the licensee is located when a licensee applies for an exception and provide a copy of the application. The copy of the application shall be provided at the address of the ANC's office of record. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

"(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

"(A) The input, if any, of the ANC in which the licensee is located, as evidenced by a vote of the ANC, which shall be given great weight;

"(B) Whether the exception will negatively impact the enforceability and effectiveness of the ban;

"(C) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sale to persons without a valid identification;

"(D) Evidence of licensee participation in the community, such as attendance at ANC and Police Service Area community meetings; and

"(E) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

"(3) A new licensee under an off-premises retailer's license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

"(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.".

Sec. 3. Subsidies for officers.

As of July 28, 2008, the Alcoholic Beverage Regulation Administration shall provide subsidies for officers that participate in the Pilot Subsidy Program for Reimbursable Details, in entertainment areas during late night closing times and approved special events. Receipts for weekend nights prior to July 28, 2008 shall be considered under the law in place prior July 28, 2008.

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Note, § 25-344

Sec. 4. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Vincent C Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-554

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

Codification District of Columbia Official Code

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To amend, on a temporary basis, Chapter 3 of Title 25 of the District of Columbia Official Code to prohibit the sales of single containers of beer, malt liquor, or ale by off-premises retailers located in a targeted area of Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Targeted Ward 4 Single Sales Moratorium Temporary Act of 2008".

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) New sections 25-340.01 and 25-341.01 are added to read as follows:

"§ 25-340.01. Special restrictions for Ward 4.

"No class A or B license shall be issued in or transferred into Ward 4; provided, that this section shall not prohibit the transfer of a class A or B license within Ward 4. For the purposes of this section, the term "Ward 4" means the area defined as Ward 4 in § 1-1041.03 on September 30, 2004. This section shall not apply to any application for a new or transferred license pending on September 30, 2004.

"§ 25-341.01. Targeted Ward 4 Moratorium Zone.

"(a) For the purposes of this section, the term "Targeted Ward 4 Moratorium Zone" means the area bounded by the line starting at 13th Street, N.W., and Eastern Avenue, N.W.; thence in a southerly direction along 13th Street, N.W., to Fern Street, N.W.; thence in an easterly direction along Fern Street, N.W., to Georgia Avenue, N.W.; thence in a southerly direction along Georgia Avenue, N.W., to Aspen Street, N.W.; thence in a westerly direction along Aspen Street, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Piney Branch Road, N.W.; thence in a southerly direction along Piney Branch Road, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Colorado Avenue, N.W.; thence in a southwesterly direction along Colorado Avenue, N.W., to Madison Street, N.W.; thence in a westerly direction along Madison Street, N.W., to 16th Street, N.W.; thence in a southerly direction along 16th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W. to 13th Street, N.W.; thence in a

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northerly direction along 13th Street, N.W., to Randolph Street, N.W.; thence in an easterly direction along Randolph Street, N.W. to 10th Street, N.W.; thence in a southerly direction along 10th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W., to Rock Creek Church Road, N.W.; thence in an easterly direction along Rock Creek Church Road, N.W., to 7th Street, N.W., thence in a northerly direction along 7th Street, N.W., to Randolph Street, N.W., thence in an easterly direction along Randolph Street, N.W., to Rock Creek Church Road, N.W.; thence in a northeasterly direction along Rock Creek Church Road, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to Grant Circle, N.W.; thence in a westerly direction along the southern circumference of Grant Circle, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to 8th Street, N.W.; thence in a northerly direction along 8th Street, N.W., to Ingraham Street, N.W.; thence in an easterly direction along Ingraham Street, N.W., to 2nd Street, N.W.; thence in a southerly direction along 2nd Street, N.W., to Farragut Street, N.W.; thence in a southeasterly direction along Farragut Street, N.W., to 1st Street, N.W.; thence in a northeasterly direction along 1st Street, N.W., to Gallatin Street, N.W.; thence in an easterly direction along Gallatin Street, N.W., to North Capitol Street; thence in a northerly direction along North Capitol Street to Riggs Road, N.E.; thence in an easterly direction along Riggs Road, N.E., to South Dakota Avenue, N.E.; thence in a southeasterly direction along South Dakota Avenue, N.E., to Kennedy Street, N.E.; thence in a northeasterly direction along Kennedy Street, N.E., to Madison Street, N.E.; thence in a northwesterly direction along Madison Street, N.E., to 6th Street, N.E.; thence in a northeasterly direction along 6th Street, N.E., to Nicholson Street, N.E.; thence in a northwesterly direction along Nicholson Street, N.E., to 6th Street, N.E.; thence in a northerly direction along 6th Street, N.E., to Eastern Avenue, N.E.; thence in a northwesterly direction along Eastern Avenue, N.E., to New Hampshire Avenue, N.E.; thence in a southwesterly direction along New Hampshire Avenue, N.E. to Blair Road, N.E.; thence in a northwesterly direction along Blair Road, N.E., to North Capitol Street; thence in a northwesterly direction along Blair Road, N.W., to Aspen Street, N.W.; thence in an easterly direction along Aspen Street, N.W., to Willow Street, N.W.; thence in a northeasterly direction along Willow Street, N.W., to Eastern Avenue, N.W.; thence in a northwesterly direction along Eastern Avenue, N.W., to the point of beginning at the intersection of 13th Street, N.W., and Eastern Avenue, N.W.; provided, that the Targeted Ward 4 Moratorium Zone shall not include the area bounded by the line starting at the intersection of 8th Street, N.W., and Dahlia Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Aspen Street, N.W.; thence easterly along Aspen Street, N.W., to Piney Branch Road, N.W.; thence southwesterly along Piney Branch Road, N.W., to 8th Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Madison Street, N.W.; thence in an easterly direction along Madison Street, N.W., to 3rd Street, N.W.; thence in a northerly direction along 3rd Street, N.W., to Whittier Street, N.W.; thence in a westerly direction along Whittier Street, N.W., to 5th Street, N.W.; thence in a northerly direction along 5th Street, N.W., to Dahlia Street, N.W.; thence in a westerly direction along Dahlia Street, N.W., to the point of beginning

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at the intersection of 13th Street, N.W., and Dahlia Street, N.W.

"(b) Within the Targeted Ward 4 Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.".

Sec. 3. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

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

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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
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-555

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

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To amend, on an emergency basis, the Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008 to modify the definition of the terms "owner" and "project", to clarify the purposes for which the bond proceeds may be used, and to require the creation of separate accounts within the Rhode Island Avenue Metro Plaza PILOT Fund; and to amend section 47-4613 of the District of Columbia Official Code to modify the definition of the terms"owner" and "project", to clarify that the payment in lieu of taxes includes both real property taxes and possessory interest taxes, and to reduce the amount of the construction sales tax abatement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rhode Island Avenue Metro Plaza Revenue Bonds Approval Emergency Amendment Act of 2008".

Sec. 2. The Rhode Island Avenue Metro Plaza Revenue Bonds Approval Act of 2008, effective April 2, 2008 (D.C. Law 17-140; 55 DCR 1870), is amended as follows:

(a) Section 201 is amended as follows:

(1) Paragraph (9) is amended to read as follows:

"(9) "Owner" means the Washington Metropolitan Area Transit Authority or any person to which an interest in any portion of the Rhode Island Metro Plaza PILOT Area is transferred.".

(2) Paragraph (10) is amended to read as follows:

"(10) "Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of a parking garage for the Washington Metropolitan Area Transit Authority as part of a mixed-use development project to be constructed at the Rhode Island Avenue Metro station in the District of Columbia.".

(b) Section 202(a) is amended to read as follows:

"(a) Pursuant to section 490 of the Home Rule Act, the Mayor is authorized to issue the bonds in an aggregate amount not to exceed $7.2 million to pay Development Costs of the Project and Issuance Costs of the bonds and to fund capitalized interest and required reserves.".

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(c) Section 204(a) is amended by striking the word "note" and inserting the phrase "note or notes" in its place.

(d) Section 211(a) is amended by adding a new 2nd sentence to read as follows:

"The Chief Financial Officer shall create accounts within the Rhode Island Avenue Metro Plaza PILOT Fund for the payments in lieu of taxes with respect to separate parcels of real property within the Rhode Island Avenue Metro Plaza PILOT Area that are subject to agreements for payments in lieu of taxes and the funds in those accounts may be pledged to the payment of one or more of the bonds.".

(e) Section 211(d) is repealed.

Sec. 3. Section 47-4613 of the District of Columbia Official Code is amended as follows: **Note, § 47-4613**

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

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

"(2) "Owner" shall have the same meaning as provided in § 47-802(5) and shall include the holder of a possessory interest as described in § 47-1005.01.".

(2) Paragraph (5) is amended by striking the phrase "means the real property" and inserting the phrase "means the real property, or any possessory interest therein," in its place.

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

(1) Strike the phrase "taxes imposed under Chapter 8 of this title" and insert the phrase "taxes imposed under Chapter 8 of this title or any possessory interest tax imposed under § 47-1005.01" in its place.

(2) Strike the phrase "equal to the real property taxes" and insert the phrase "equal to the real property taxes or any possessory interest taxes" in its place.

(c) Subsection (c) is amended by striking the period and inserting the phrase "or any unpaid possessory interest taxes under § 47-1005.01(f)(3)." in its place.

(d) Subsection (f) is amended by adding a new 3rd sentence to read as follows:

"If a possessory interest tax would be imposed with respect to a lease or right to use a lot within the Rhode Island Metro Plaza PILOT Area but for this section, the failure to make payments in lieu of taxes with respect to the possessory interest shall be enforced against the owner of the possessory interest in the manner specified in § 47-1005.01(f)(3).".

(e) Subsection (h) is amended as follows:

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

"(1) For purposes of this subsection, the term "Rhode Island Metro Plaza Project" means the residential and retail buildings and parking facilities, comprising a mixed-use development, to be developed and constructed at the Rhode Avenue Metro station in the District of Columbia by Rhode Island Avenue Metro, LLC.".

(2) Paragraph (3) is amended by striking the phrase "$2 million" and inserting the phrase "$1 million" in its place.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

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AN ACT

D.C. ACT 17-556

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend, on an emergency basis, the Washington Convention Center Authority Act of 1994 to authorize the use of the new convention center vault space by the new convention center hotel for certain purposes and to authorize an underground airspace lease in addition to vault permits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Convention Center Hotel Emergency Amendment Act of 2008".

Sec. 2. The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended as follows:

(a) A new section 703a is added to read as follows:

"Sec. 703a. Use of new convention center vault space.

"(a) Notwithstanding any other provision of law, with respect to the airspace located below the portion of N Street, N.W., between 7th and 9th Streets, N.W., and 9th Street, N.W., between and including N Street, N.W., and Massachusetts Avenue, N.W., and the adjoining sidewalks abutting the new convention center in which the Authority was permitted to construct, and has constructed, a portion of the new convention center, including loading docks, access ramps, and associated driveways, the Authority may enter into one or more agreements with Marriott International, Inc., or its designee, to permit Marriott International, Inc., or its designee to:

"(1) Use the new convention center's access ramp and associated driveways;

"(2) Construct and maintain within such airspace access ways from the new convention center's access ramp and associated driveways for the purpose of entering and exiting from the proposed loading docks of the new convention center hotel and such other purposes as may be authorized by the Authority; and

"(3) Construct, operate, and maintain within such airspace a pedestrian connector between the new convention center hotel and the new convention center.

"(b) The agreement regarding the pedestrian connector authorized under subsection (a) of this section may provide that Marriott International, Inc., or its designee, shall be responsible for the operation and maintenance of the pedestrian connector and, if so provided, that the Authority shall pay 50% of the costs to operate and maintain the pedestrian connector.".

(b) Section 704 (D.C. Official Code § 10-1202.24) is amended to read as follows:

"Sec. 704. Authority for vault space permit or airspace lease.

"Notwithstanding any other provision of law, the Mayor may issue a permit or airspace

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lease to Marriott International, Inc., or its designee, for vault space or airspace adjacent to the real property subject to the leases referenced in sections 702 and 703, having a term not to exceed 99 years, or such longer period as may be otherwise determined by the Mayor, and at no additional rent or fee, except as may be otherwise determined by the Mayor, but otherwise in accordance with the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*) and the District of Columbia Public Space Utilization Act, approved October 17, 1968 (82 Stat. 1166; D.C. Official Code § 10-1121.01 *et seq.*), as applicable.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-557

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

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To amend, on an emergency basis, due to Congressional review, the Performance Parking Pilot Zone Temporary Act of 2008 to change the boundaries of the late night Adams Morgan taxicab zone and provide flexibility regarding the number and placement of taxicab stands.

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

Sec. 2. Section 7 of the Performance Parking Pilot Zone Temporary Act of 2008, effective April 14, 2008 (D.C. Law 17-170; 55 DCR 5185), is amended as follows:

Note, § 50-2601

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

"(a) The Mayor shall establish a taxicab zone in Adams Morgan by July 15, 2008, which shall include 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) Subsection (f) is amended by striking the phrase "2 taxicab stands within the Adams Morgan taxicab zone." and inserting the phrase "at least one taxicab stand within or adjacent to the Adams Morgan taxicab zone." in its place.

Sec. 3. Applicability.

This act shall apply as of October 14, 2008.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-558

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend, on an emergency basis, due to Congressional review, the Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004 to correct an error in the description of the area included within the Tingey Street, S.E. right-of-way so as to exclude a portion of land located under the historic building known as Building 160 from the right-of-way, and to require the Office of the Surveyor to amend its records to reflect the correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tingey Street, S.E. Right-of-Way Congressional Review Emergency Amendment Act of 2008".

Sec. 2. The Dedication and Designation of Portions of New Jersey Avenue, S.E., 4th Street, S.E., and Tingey Street, S.E., S.O. 03-1420, Act of 2004, effective April 8, 2005 (D.C. Law 15-310; 52 DCR 1720) ("2004 Act"), is amended as follows:

(a) Section 2 (D.C. Official Code § 9-203.02, note) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "provided, that" and inserting the phrase "provided, that the dedication of land, in fee, for street purposes of Tingey Street shall exclude the land that is located under the existing historic building known as Building 160, consisting of approximately 2,577 square feet, as such land is depicted on a certain survey, prepared by AMT, LLC, to mark and map ("excluded land") and recorded in the records of the Office of the Surveyor on February 25, 2008, as Map RS-126 and prepared in conjunction with a plat in Survey Book 1000 at Page 203 and also known as Map No. RS-126; and, provided further, that" in its place.

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

"(c) On July 16, 2008, the excluded land, as described in subsection (a)(1) of this section, shall revert to and be vested in the United States of America, acting by and through the Administrator of the General Services Administration.".

(b) Section 5 is amended as follows:

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

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

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"(b) The plat entitled "Public Streets Dedicated and Easement Established, Square 770" and recorded in Subdivision Book 202 at page 26 among the records of the Office of the Surveyor ("Office"), filed under S.O. 03-1420, shall be amended by the Surveyor to reflect the excluded land within Tingey Street described in subsection (a)(1) of this section. The Surveyor shall correct any other plats or surveys in the Office's records considered necessary by the Surveyor to reflect the excluded land.".

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the 2004 Act as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-559

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

Codification District of Columbia Official Code

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To amend, on an emergency basis, the Prevention of Child Abuse and Neglect Act of 1977 to establish that an individual with a certain criminal conviction, or who lives with other adults with certain criminal convictions, shall be disqualified from receiving a license, approval, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, to identify a list of felony convictions for which an individual, despite a certain conviction, or the conviction of an adult living in the home of the individual, may qualify for approval, licensure, or permission to adopt or foster a child or to otherwise have custody of a child as legal guardian, kinship caregiver, or custodian pursuant to court order under section 16-2320 of the District of Columbia Official Code, if, after a discretionary agency review, a determination is made that the approval, licensure, or permission would be consistent with the health, safety, and welfare of the child, and to establish that in such cases funds that would otherwise be available under Title IV-E of the Social Security Act for adoption-assistance payments or foster-care-maintenance payments shall not be made on behalf of the child; and to amend section 16-308 of the District of Columbia Official Code to permit the court to dispense with an investigation, report, and interlocutory decree, but not a criminal records check, under specified circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Safe Families Continuing Compliance Emergency Amendment Act of 2008".

Sec. 2. Section 506 of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.06), is amended as follows:

Note, § 4-1305.06

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

(1) The lead-in language is amended by striking the phrase "Except as provided in subsection (d) of this section, an" and inserting the word "An" in its place.

(2) Paragraph (5) is amended by striking the phrase "homicide, assault or battery"

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and inserting the phrase "or homicide, but not including other physical assault or battery" in its place.

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

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

(A) Strike the phrase ", or an adult residing in the home of the individual,".

(B) Strike the phrase "check that the individual" and insert the phrase "check that the individual, or an adult residing in the home of the individual," in its place.

(2) Paragraph (1) is repealed.

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

"(d) Notwithstanding the requirements of subsection (c) of this section, an individual may be approved, licensed, or permitted as set forth in subsection (a) of this section if:

"(1) The individual has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children; provided, that any adoption-assistance payments or foster-care-maintenance payments made on behalf of a child to an individual pursuant to this paragraph shall not be made with federal funds provided through Title IV-E of the Social Security Act, approved June 17, 1980 (94 Stat. 500; 42 U.S.C. § 670 *et seq.*); or

"(2) An adult residing in the home of the individual, but not the individual who seeks to be approved, licensed, or permitted as set forth in subsection (a) of this section, has a felony conviction for any of the offenses listed in subsection (c) of this section and, after a discretionary agency review of the conviction and current circumstances, it is determined that an approval, licensure, or permission would be consistent with the health, safety, and welfare of children.".

Sec. 3. Section 16-308 of the District of Columbia Official Code is amended to read as follows:

Note, § 16-308

"§ 16-308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent.

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified in § 16-305(4) and (5).

"(c) Nothing in this section shall be construed to waive the requirements of §§

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4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.".

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C Gray

Chairman
Council of the District of Columbia

Adrian M Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

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AN ACT

D.C. ACT 17-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend, on an emergency basis, Chapter 38 of Title 47 of the District of Columbia Official Code to provide for real property tax rebates for supermarkets that would qualify for the existing real property tax exemption but for the inability of the landlord to pass the tax abatement onto the supermarket.

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

Sec. 2. Chapter 38 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-3805. Supermarket real property tax rebate.".

(b) A new section 47-3805 is added to read as follows:

"§ 47-3805. Supermarket real property tax rebate.

"(a) Beginning October 1, 2007, if a qualified supermarket leases real property (or a portion thereof) that is subject to tax under chapter 8 of Title 47, the qualified supermarket shall receive a rebate of the tax that represents the qualified supermarket's pro rata share of the tax levied for the tax year on the real property (or portion thereof) that the qualified supermarket leases if:

"(1) The qualified supermarket is liable under the lease for its pro rata share of the tax;

"(2) An application for the rebate of the tax is made on or before December 31 of the succeeding tax year; and

"(3) The lessor paid the tax.

"(b) The rebate shall be the amount of the pro rata share of the tax paid by the qualified supermarket as required by the lease.

"(c) The application shall include:

"(1) A copy of the lease; and

"(2) Documentation that the tax has been paid, as required by the Mayor.

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"(d) If a proper application has been made, the Mayor shall rebate the tax to the qualified supermarket on or before March 1 of the succeeding tax year.

"(e) For the purposes of this section, the term "qualified supermarket" means a qualified supermarket, as defined in § 47-3801, for which all of the requirements for the real property tax exemption provided by § 47-1002(23), other than § 47-1002(23)(B)(iii), are satisfied.

"(f) Any rebates authorized under this section shall be paid from the General Fund of the District of Columbia.".

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

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To amend, on an emergency basis, the Washington Metropolitan Area Transit Regulation Compact to allow the Mayor of the District of Columbia to select the agency to be represented by the Commissioner representing the District of Columbia on the Washington Metropolitan Area Transit Commission, and to provide that changes to the composition of the Washington Metropolitan Area Transit Commission shall not result in the removal from office of any current Commissioners before the expiration of their terms.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Commission District of Columbia Commissioner Emergency Amendment Act of 2008".

Sec. 2. Section 1 of Article III of Title I of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Official Code § 9-1103.01), is amended as follows:

Note, § 9-1103.01

(a) Subsection (a) is amending by striking the phrase "from the Public Service Commission of the District of Columbia" and inserting the phrase "from a District of Columbia agency with oversight of matters relating to the Commission" in its place.

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

"(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date.".

Sec. 3. Applicability.

This act shall apply upon the adoption by the State of Maryland and the Commonwealth of Virginia of the amended language in section 2, and the consent or approval of the United States Congress.

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Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To approve, on an emergency basis, modifications to Contract No. DCAM-2006-C-0033 for citywide janitorial 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 "Modifications to Contract No. DCAM-2006-C-0033 Approval and Payment Authorization Emergency Act of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Contract No. DCAM-2006-C-0033 to provide citywide janitorial services and authorizes payment in the amount of $2,816,297.32 for services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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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
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AN ACT

D.C. ACT 17-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

To amend, on a emergency basis, due to Congressional review, An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, to include construction code and property maintenance code violations as bases for summary correction of life or health threatening conditions and to revise the service of process rules; to amend the Rental Housing Conversion and Sale Act of 1980 to extend relocation and storage expense assistance to displaced tenants while a condemnation proceeding is pending, and to set the amount of relocation and storage expenses available to such tenants; to amend the Rental Housing Act of 1985 to clarify the Mayor's right to inspect housing accommodations and to apply for administrative search warrants to gain access where a landlord or tenant fails to cooperate with attempts at authorized inspections; to amend the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 to add construction and property maintenance code violations as bases for the appointment of a tenant receivership, to remove the 50% limit on the amount of rent available for abatement actions by a receiver; that a receiver may be ordered where a rental housing accommodation is operated in a manner that demonstrates a pattern of neglect for the property for 30 successive days, to provide that service of notices of violation may be effected by posting the notices in or about the property, and to provide that a court may in appropriate circumstances order a respondent to contribute funds in addition to amounts collected as rent for the abatement of housing code violations; and to amend Title 14 of the District of Columbia Municipal Regulations to permit civil and criminal sanctions for housing code violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008".

Sec. 2. An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat.

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114; D.C. Official Code § 42-3131.01 *et seq.*), is amended as follows:

(a) Section 1(c)(1) (D.C. Official Code § 42-3131.01(c)(1)) is amended by striking the phrase "housing regulation violations" and inserting the phrase "housing regulation violations or violations of the construction codes, including the property maintenance code," in its place. Note, § 42-3131.01

(b) Section 3(3) and (4) (D.C. Official Code § 42-3131.03(3) and (4)) are amended to read as follows:

"(3) If no such office can be found in said District by reasonable search, if forwarded by first-class mail to the last-known address of the person to be notified, or the person's agent, as determined by the tax records, business license records, or business entity registration records, and not returned by the post office authorities;

"(4) If no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by paragraph (3) of this section shall be returned by the post office authorities, if posted in a conspicuous place in or about the property affected by the notice; or.".

Sec. 3. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq*), is amended as follows:

(a) Section 302(b) (D.C. Official Code § 42-3403.02(b)) is amended by striking the phrase "is not required to pay more than $500 to the tenant" and inserting the phrase "is not required to pay more than $1,000 to the tenant" in its place. Note, § 42-3403.02

(b) Section 307(b)(2)(B) (D.C. Official Code § 42-3403.07(b)(2)(B) is amended to read as follows: Note, § 42-3403.07

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

"(i) Relocation payments may include payments for 2 months of storage, security deposit, 1st month's rent, actual moving expenses, and other items incidental to the relocation as approved by the Office of the Tenant Advocate.

"(ii) To receive relocation payments, the tenant shall:

"(I) Be low-income;

"(II Apply for the assistance; and

"(III) Reside or intend to reside within the District of Columbia after condemnation of the housing accommodation.

"(iii) The amount and method of relocation payments shall be determined by the Office of the Tenant Advocate.".

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Sec. 4. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), is amended as follows:

(a) Section 907 (D.C. Official Code § 42-3509.07) is amended by striking the phrase "except titles III and V" and inserting the phrase "except titles III and IV and section 908," in its place.

Note, § 42-3509.07

(b) A new section 908 is added to read as follows:

"Sec. 908. Inspection of rental housing.

"(a) Notwithstanding any other law or regulation to the contrary, for the purpose of determining whether any housing accommodation is in compliance with applicable housing regulations or construction code rules, the Mayor may enter upon and into any lands and tenements in said District, during all reasonable hours, to inspect the same; provided, that if a tenant of a housing business does not give permission to inspect that portion of the premises under the tenant's exclusive control, the housing inspector shall not enter that portion of the premises unless said inspector has:

"(1) A valid administrative search warrant pursuant to subsection (d) of this section which permits the inspection; or

"(2) A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent an imminent danger to the public health or welfare.

"(b) Any person who shall hinder, interfere with, or prevent any inspection authorized by this subchapter shall, upon conviction thereof, be punished by a fine not exceeding $100, by imprisonment for a period not exceeding 3 months, or both, such fine and imprisonment, in the discretion of the court.

"(c) The Mayor may apply to a judge of the District of Columbia for an administrative search warrant to enter any premises to conduct any inspection authorized by subsection (a) of this section.

"(d) A judge may issue the warrant if the judge finds that:

"(1) The applicant is authorized or required by law to make the inspection;

"(2) The applicant has demonstrated that the inspection of the premises is sought as a result of:

"(A) Evidence of an existing violation of the housing regulations, codified in Title 14 of the District of Columbia Municipal Regulations, the construction codes, codified in Title 12 of the District of Columbia Municipal Regulations, or other law; or

"(B) A general and neutral administrative plan to conduct periodic inspections relating to issuance or renewal of housing business licenses or for conducting fire or life safety inspections;

"(3) The owner, tenant, or other individual in charge of the property has denied access to the property, or, after making a reasonable effort, the applicant has been unable to contact any of these individuals; and

"(4) The inspection is sought for health or safety related purposes.".

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Sec. 5. The Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-281: D.C. Official Code § 42-3651.01 *et seq.*), is amended as follows:

(a) Section 502 (D.C. Official Code § 42-3651.02) is amended to read as follows: Note, § 42-3651.02

"Sec. 502. Grounds for appointment of a receiver.

"(a)(1) A receiver may be appointed if a rental housing accommodation has been cited by the Department of Consumer and Regulatory Affairs for a violation of chapters 1 through 16 of Title 14 of the District of Columbia Municipal Regulations, or Title 12 of the District of Columbia Municipal Regulations, or its equivalent, which violation poses a serious threat to the health, safety, or security of the tenants; and

"(2) The owner, agent, lessor, or manager has been properly notified of the violation but has failed timely to abate the violations; provided, that proper notification shall be deemed to have been effected if a copy of the notice has been served pursuant to applicable law or rule, or as follows:

"(A) By personal service on the property owner, lessor, or manager or the agent thereof; or

"(B) By delivering the notice to the last known home or business address of the property owner, lessor, manager or agent as identified by the tax records, business license records, or business entity registration records, and leaving it with a person over 16 years of age residing or employed therein; or

"(C) By mailing the notice, via first-class mail postage prepaid, to the last known home or business address of the property owner, lessor, manager or agent as identified by the tax records, business license records, or business entity registration records; or

"(D) If the notice is returned as undeliverable by the post office authorities, or if no address is known or can be ascertained from the District's tax, business license, or business entity registration records, by posting a copy of the notice in a conspicuous place in or about the structure affected by the notice.

"(b) A receiver may also be appointed if a rental housing accommodation has been operated in a manner that demonstrates a pattern of neglect for the property for a period of 30 consecutive days and such neglect poses a serious threat to the health, safety, or security of the tenants. For purposes of this subsection, the term "pattern of neglect" includes all evidence that the owner, agent, lessor, or manager of the rental housing accommodation has maintained the premises in a serious state of disrepair, including vermin or rat infestation, filth or contamination, inadequate ventilation, illumination, sanitary, heating or life safety facilities, inoperative fire suppression or warning equipment, or any other condition that constitutes a hazard to its occupants or to the public.".

(b) Section 505 (D.C. Official Code § 42-3651.05) is amended by adding a new subsection (f) to read as follows: Note, § 42-3651.05

"(f) As part of any order appointing a receiver, or in any plan for abatement presented by a respondent, the Court may, in appropriate circumstances, order that the respondent

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contribute funds in excess of the rents collected from the rental housing accommodation, for the purposes of abating housing code violations and assuring that any conditions that are a serious threat to the health, safety, or security of the occupants or public are corrected.".

(c) Section 506(c)(1) (D.C. Official Code § 42-3651.06(c)(1)) is amended by striking the phrase "no more than one-half of". Note, § 42-3651.06

Sec. 6. Section 102.4 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 102.4), is amended to read as follows: DCMR

"102.4 Civil fines, penalties, and fees may be imposed as additional sanctions for any violation this chapter or chapters 2 through 14 of this subtitle, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter or chapters 2 through 14 of this subtitle, shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.".

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 30, 2008, as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, beginning October 6, 2008, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
October 27, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2008

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To amend, on an emergency basis, due to Congressional review, Chapter 3 of Title 25 of the District of Columbia Official Code to proscribe the sales of single containers of beer, malt liquor, or ale by off-premises retailers located in Mt. Pleasant, in Ward 1; Advisory Neighborhood Commissions 2C and 2F, in Ward 2; and Single Member District ANC 6C09, in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mt. Pleasant, Targeted Ward 2, and Targeted Ward 6 Single Sales Moratorium Congressional Review Emergency Act of 2008".

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Subchapter III is amended by adding 3 new section designations to read as follows:

"25-344. Special restrictions for off-premises retailer's license in Mt. Pleasant.

"25-345. Ward 2 special restrictions for off-premises retailer's license – Advisory Neighborhood Commissions 2C and 2F.

"25-346. Ward 6 special restrictions for off-premises retailer's license – Advisory Neighborhood Commissions 6C09.".

(b) A new section 25-344 is added to read as follows:

New § 25-344

"§ 25-344. Special restrictions for off-premises retailer's license in Mt. Pleasant.

"(a) For the purposes of this section, the term "Mt. Pleasant" means the area defined as ANC-1D, delimited by Piney Branch Parkway to the north, 16th Street to the east, Harvard Street to the south, and Adams Mill and Klingle Roads to the west, on the effective date of this section.

"(b) A licensee under an off-premises retailer's license in Mt. Pleasant, class A or B, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

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"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.".

(c) A new section 25-345 is added to read as follows:

"§ 25-345. Ward 2 special restrictions for off-premises retailer's license – Advisory Neighborhood Commissions 2C and 2F. New § 25-345

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

"(1) "ANC 2C" means the Advisory Neighborhood Commission described in "Description of ANC 2C Boundaries" in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

"(2) "ANC 2F" means the Advisory Neighborhood Commission described in "Description of ANC 2F Boundaries" in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

"(b) A licensee under an off-premises retailer's license, class A or B, located in ANC 2C or ANC 2F, shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.

"(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

"(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

"(A) The input, if any, of the ANC in which the licensee is located, which shall be given great weight;

"(B) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sales to persons without a valid identification;

"(C) Evidence of licensee participation in the community, such as attendance at ANC and Police Service Area community meetings; and

"(D) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

"(3) A new licensee under an off-premises retailer's license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

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"(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.".

(d) A new section 25-346 is added to read as follows:

New § 25-346

"§ 25-346. Ward 6 special restrictions for off-premises retailer's license – Advisory Neighborhood Commission 6C09.

"(a) For the purposes of this section, the term "ANC 6C09" means the Single Member District in the Advisory Neighborhood Commission described in "Description of SMD 6C09 Boundaries" in section 2(a) of the Advisory Neighborhood Commissions Boundaries Act of 2002, effective May 10, 2002 (D.C. Law 14-133; 49 DCR 2568).

"(b) A licensee under an off-premises retailer's license, class A or B, located in ANC 6C09 shall not:

"(1) Divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less; or

"(2) Sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.

"(c)(1) An existing licensee may apply to the Alcoholic Beverage Control Board for an exception to the restrictions in subsection (b) of this section. The Board shall make its determination on the licensee application within 60 calendar days of receipt of the application.

"(2) In making a determination on the licensee application under this subsection, the Board shall consider the following factors:

"(A) The input, if any, of the ANC in which the licensee is located, which shall be given great weight;

"(B) The absence or presence of any primary or secondary tier violations within the 12 months immediately preceding the date of application, including sales to minors, use of premises for unlawful purposes, or sales to persons without a valid identification;

"(C) Evidence of licensee participation in the community, such as attendance at Advisory Neighborhood Commission and Police Service Area community meetings; and

"(D) Clear and convincing evidence that there have been no significant adverse community impacts, such as loitering, littering, or other anti-social behavior in the vicinity of the licensee establishment.

"(3) A new licensee under an off-premises retailer's license, class A or B, may not apply for an exception under this subsection within the first 12 months of having obtained a license under this title.

"(d) The restrictions in subsection (b) of this section shall not apply to a licensee located in a federal building, or to a licensee that is a full-service grocery store, as described in this title.".

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Sec. 3. Subsidies for officers.

As of July 28, 2008, the Alcoholic Beverage Regulation Administration shall provide subsidies for officers that participate in the Pilot Subsidy Program for Reimbursable Details, in entertainment areas during late night closing times and approved special events. Receipts for weekend nights prior to July 28, 2008 shall be considered under the law in place prior to that date.

Sec. 4. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 5. Applicability.

This act shall apply as of October 26, 2008.

Sec. 6. 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. 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), 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 27, 2008