

ENROLLED ORIGINAL

**AN ACT
D.C. ACT 20-291**

**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 7, 2014**

To amend the Homeless Services Reform Act of 2005 to clarify the priority to be given to homeless families for tenant-based housing assistance; to amend the District of Columbia Public Assistance Act of 1982 to provide the Mayor with authority to establish the review and redetermination schedule for persons receiving POWER benefits; to forgive and authorize the refund of possessory interest taxes incurred under leases entered into pursuant to the Land Acquisition for Housing Development Opportunities Program; to amend An Act To create a Department of Corrections in the District of Columbia to clarify the Department of Corrections' authority over the management and operation of the Central Cellblock to include persons detained at a medical facility in the District; to amend the Department of Health Functions Clarification Act of 2001 to authorize the Department of Health to award grants for clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases and related services in fiscal year 2014; to amend the School Transit Subsidy Act of 1978 to clarify the fares charged, if any, to students to travel to and from school; to amend the Fiscal Year 2014 Budget Support Act of 2013 to make technical and conforming changes; to amend the Housing Production Trust Fund Act of 1988 to clarify that after May 1, 2013, bonds to fund the New Communities Initiative shall no longer be backed by the Housing Production Trust Fund; to amend Title 47 of the District of Columbia Official Code to clarify that the New Communities Initiative may be financed by income tax secured bonds, to clarify the cost-of-living adjustment for senior-citizen and disabled real property tax relief, to correct the income threshold and cost-of-living adjustment to housing cooperatives, to update the lot numbers for the Tregaron Conservancy property tax exemption, to clarify that the base year for cost-of-living adjustments related to the personal income tax standard deduction and exemption is 2011, to clarify the scope of the processing exemption from the sales tax, and to improve the administrability of the tax abatement financial analysis process; and to amend An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, to bring truancy notification requirements into alignment with current government practice.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2014 Budget Support Technical Clarification Amendment Act of 2014".

ENROLLED ORIGINAL

Sec. 2. Section 8c of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; to be codified at D.C. Official Code § 4-751.05), is amended to read as follows:

“Sec. 8c. Placement of first-priority homeless families.

“(a) When funds that have been allocated for tenant-based assistance under section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), are made available because a family that has been receiving tenant-based assistance no longer requires or has become ineligible for the assistance, the Mayor and the District of Columbia Housing Authority shall use those funds to provide tenant-based assistance to homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.

“(b) Funding for tenant-based assistance that has been made available due to reasons other than the circumstances described in subsection (a) of this section shall not be subject to the requirements of subsection (a) of this section.”.

Sec. 3. Section 572a(b) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.72a(b)), is amended by striking the phrase “shall be subject to annual review and redetermination” and inserting the phrase “shall be subject to review and redetermination by the Mayor” in its place.

Sec. 4. The Council orders that all possessory interest taxes as imposed by section 47-1005.01 of the District of Columbia Official Code, as well as penalties, interest, and other charges associated with such possessory interest taxes, that have been imposed with respect to leases entered into under the provisions of the Land Acquisition for Housing Development Opportunities Program (10 DCMR § B4500 *et seq.*), shall be forgiven for the period beginning June 9, 2001, through September 30, 2013, and that any payments made for this period be refunded to the persons who made the payments.

Sec. 5. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Department of Corrections shall have charge of the management and operation of the Central Cellblock, located at 300 Indiana Avenue, N.W., Washington, D.C., and shall be responsible for the safekeeping, care, and protection of all persons detained at the Central Cellblock or detained at a medical facility in the District, by the Metropolitan Police Department, before their initial court appearance.

“(2) Nothing in this subsection shall be construed as:

“(A) Removing any authority from the Metropolitan Police Department to determine where to hold in custody any person arrested and awaiting an initial court appearance;

“(B) Granting any arrest powers to any employee of the Department of Corrections performing any duty at the Central Cellblock; or

“(C) Limiting any powers or authority of the Metropolitan Police

ENROLLED ORIGINAL

Department or the Department of Corrections.”.

Sec. 6. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended as follows:

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

"(1) Qualified community organizations for the purpose of providing the following services:

"(A) Ambulatory health services for an amount not to exceed \$3,236,980;

"(B) Poison control hotline and prevention education services for an amount not to exceed \$350,000;

"(C) Operations and primary care services for school-based health clinics for an amount not to exceed \$2,250,000; and

"(D) Clinical nutritional home delivery services for individuals living with cancer and other life-threatening diseases; and”.

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

“(2) The Department of Health shall submit a quarterly report to the Secretary to the Council on all grants issued pursuant to the authority granted in subsection (c) of this section and any grant in excess of \$250,000 shall be awarded through a competitive process unless otherwise authorized by law.”.

Sec. 7. Section 2 of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233), is amended as follows:

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

“(a)(1) On regular school days, no student shall be charged a bus fare for regular route transportation within the District during peak and off-peak hours on the Metrobus Transit System and the DC Circulator.

“(2) The fare to be paid by a student on regular school days for regular route transportation during peak and off-peak hours on the Metrorail Transit System within the District shall be as follows:

“(A) \$30 dollars for a monthly pass; and

“(B) \$9.50 for a 10-trip rail pass.

“(3) The fares listed in paragraph (2) of this subsection shall be modified by the same percentage as future Washington Metropolitan Area Transit Authority fare increases or decreases, rounded to the nearest dime (\$.10).”.

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

“(c) Reduced fares for students under this section on the Metrobus and Metrorail Transit Systems and the DC Circulator shall be available only to persons who are under 22 years of age and are:

“(1)(A) District residents; and

“(B) Currently enrolled in a regular course of instruction at an elementary or secondary public, parochial, or private school located in the District; or

“(2) Youth in the District's foster care system until they reach 21 years of age.”.

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

ENROLLED ORIGINAL

“(g) The District Department of Transportation shall have the authority to issue rules to implement the provisions of this act.”.

Sec. 8. The Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 60 DCR 12472), is amended as follows:

(a) Section 7112 is amended by striking the phrase “Sec. 7113” and inserting the phrase “Sec. 7013” in its place.

(b) Section 7272(b) is amended by striking the year “2013” and inserting the year “2012” in its place.

(c) Section 10003 is repealed.

Sec. 9. Section 203 of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03), is amended as follows:

(a) The first subsection (e) is amended to read as follows:

“(e) After May 1, 2013, all new bonds or notes for the New Communities Initiative shall be issued, secured, and paid pursuant to Subchapter II-D of Chapter 3 of Title 47 of the District of Columbia Official Code; provided, that the new bonds or notes issued for the New Communities Initiative shall be:

“(1) Subject to Council approval by resolution submitted by the Mayor that includes the specific information required in subsection (d)(1) through (7) of this section;

“(2) Issued from time to time as separate and independent income tax secured revenue bonds issued pursuant to Subchapter II-D of Chapter 3 of Title 47 of the District of Columbia Official Code and not as a part of an income tax secured revenue bond issued for Capital Projects (other than for the New Communities Initiative), as defined in § 47-340.26(9), or for any other purposes; and

“(3) Notwithstanding the provisions of this subsection, refunding bonds and notes payable from and secured by the Allocated Fund may be issued to refund bonds issued under this act if such refunded bonds and notes were issued before May 1, 2013.”.

(b) The second subsection (e) is designated as subsection (f).

(c) The newly designated subsection (f) is amended by striking the phrase “On an annual basis,” and inserting the phrase “By April 1, 2014,” in its place.

Sec. 10. Subchapter II-D of Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-340.26 is amended as follows:

(1) Paragraph (9) is amended by striking the phrase “purposes,” and inserting the phrase “purposes, and New Communities Initiative Projects,” in its place.

(2) A new paragraph (16A) is added to read as follows:

“(16A) “New Communities Initiative Projects” means the projects approved in accordance with § 42-2812.03(e)).

(3) Paragraph (17) is amended by striking the phrase “District, but” and inserting the phrase “District, excluding debt from the District’s Deed Tax Revenue Bonds issued before May 1, 2013, but” in its place.

(b) Section 47-340.28 is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (a) is amended by striking the phrase “costs of Capital Projects” and inserting the phrase “costs of Capital Projects and the New Communities Initiative Projects” in its place.

(2) Subsection (b-1) is amended by striking the phrase “the capital projects” and inserting the phrase “the Capital Projects and the New Communities Initiative Projects” in its place.

(3) Subsection (d) is amended by striking the phrase “series of the bonds, less any capitalized interest accrued interest and costs of issuance.” and inserting the phrase “series of the bonds for the Capital Projects, less any capitalized interest, accrued interest, and costs of issuance. Subject to applicable law, the District shall maintain a new communities initiative project fund separate and apart from other funds of the District into which it will deposit the proceeds of any series of the bonds for the New Communities Initiative Projects, less any capitalized interest, accrued interest, and costs of issuance.” in its place.

(c) Section 47-340.29(a)(11) is amended by striking the phrase “and this subchapter” and inserting the phrase “, this subchapter, or Chapter 28 of Title 42” in its place.

Sec. 11. (a) Section 47-802 of the District of Columbia Official Code is amended by adding a new paragraph (16) to read as follows:

“(16)(A) The phrase “senior or disabled cost-of-living adjustment” for any real property tax year means \$125,000 multiplied by the difference between the Consumer Price Index for the preceding real property tax year and the Consumer Price Index for the real property tax year beginning October 1, 2012, divided by the Consumer Price Index for the real property tax year beginning October 1, 2012.

“(B) For the purposes of this paragraph, the Consumer Price Index for any real property tax year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on September 30 of such real property tax year.”.

(b) Subsection (a) of this section shall apply to tax years beginning after September 30, 2013.

Sec. 12. (a) Section 47-863(a)(1A) of the District of Columbia Official Code is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “\$125,000; adjusted for inflation beginning on January 1, 2015, as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index for All Urban Consumers, Washington-Baltimore Area, published by the Bureau of Labor Statistics of the Department of Labor” wherever it appears and inserting the phrase “\$125,000, increased annually, beginning October 1, 2014, by the senior or disabled cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)” in its place.

(2) Subparagraph (B) is amended by striking the figure “\$100,000” wherever it appears and inserting the phrase “\$125,000, increased annually, beginning October 1, 2014, by the senior or disabled cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50)” in its place.

ENROLLED ORIGINAL

(b) Subsection (a) of this section shall apply to tax years beginning after September 30, 2013.

Sec. 13. Section 47-1077 of the District of Columbia Official Code is amended by striking the phrase "Lots 849 and 857" and inserting the phrase "Lots 857, 859, and 860" in its place.

Sec. 14. (a) Section 47-1801.04(11) of the District of Columbia Official Code is amended to read as follows:

"(11)(A) "Cost-of-living adjustment" means an amount, for any calendar year, equal to the dollar amount set forth in paragraphs (44)(A) and (B) of this section or §§ 47-1806.02(f)(1)(A) and (i) multiplied by the difference between the Consumer Price Index for the preceding calendar year and the Consumer Price Index for the calendar year beginning January 1, 2011, divided by the Consumer Price Index for the calendar year beginning January 1, 2011.

"(B) For the purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index for the Washington-Baltimore Metropolitan Statistical Area for all-urban consumers published by the Department of Labor, or any successor index, as of the close of the 12-month period ending on July 31 of such calendar year."

(b) This section shall apply for taxable years beginning after December 31, 2010.

Sec. 15. (a) Section 47-2005(11) of the District of Columbia Official Code is amended by striking the phrase "refining;" and inserting the phrase "refining of tangible personal property for sale or resale;" in its place.

(b) This section shall apply as of August 1, 2013.

Sec. 16. Section 47-4701(b) of the District of Columbia Official Code is amended as follows:

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

(1) Sub-subparagraph (iii) is amended to read as follows:

"(iii) For exemptions or abatements related to a person or group of persons that can be readily identified, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement. If individual financial information is not available, the requirements of this sub-subparagraph may be met through an advisory opinion on whether the proposed exemption or abatement can reasonably be expected to meet the proposed public policy goal."

(2) Sub-subparagraph (iv) is amended by striking the phrase "or taxpayers" and inserting the phrase "or taxpayers that cannot be readily identified" in its place.

(b) Paragraph (2)(A) is amended by striking the phrase "for a bill that grants an exemption or abatement to a housing development" and inserting the phrase "where applicable" in its place.

ENROLLED ORIGINAL

Sec. 17. Section 6(c) of Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, effective August 25, 1994 (D.C. Law 10-159; D.C. Official Code § 38-207(c)), is amended to read as follows:

“(c) Within 2 business days of a minor student’s 10th unexcused absence during a school year, the educational institution shall send the minor’s parent:

“(1) Information from the Chief of Police about the compulsory attendance requirements and criminal penalties for violations of this act; and

“(2) A letter notifying the parent that he or she may be in violation of the school attendance requirements under this act and may be subject to prosecution.”.

Sec. 18. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2013.

Sec. 19. Fiscal impact statement.

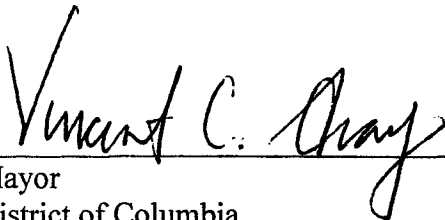
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 20. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 7, 2014