

AN ACT
D.C. ACT 23-201

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 22, 2020

To amend, on an emergency basis, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, the Advisory Neighborhood Councils Act of 1975, the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, the Day Care Policy Act of 1979, the Neighborhood Engagement Achieves Results Amendment Act of 2016, Title 29 of the D.C. Official Code, the Lead Service Line Priority Replacement Assistance Act of 2004, the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, the Commission on the Arts and Humanities Act, Title 47 of the D.C. Official Code, and the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to clarify provisions supporting the Fiscal Year 2020 budget; and to provide for the award of a grant in the amount of \$100,000 from the Mayor to the Historical Society of Washington, D.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2020 Budget Support Clarification Second Emergency Amendment Act of 2019”.

Sec. 2. Section 108c(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 10, 2019 (D.C. Law 22-313; D.C. Official Code § 1-301.88f(a)), is amended by striking the phrase “grants not to exceed the total amount of \$360,000 for” and inserting the phrase “grants for” in its place.

Sec. 3. Section 16(j)(3) of the Advisory Neighborhood Councils Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(j)(3)), is amended to read as follows:

“(3)(A)(i) If a Commission has failed to timely file 2 or more quarterly reports approved by the OANC, the Commission shall forfeit the allotments associated with the most

recent untimely quarterly report and shall forfeit additional allotments until the Commission files the required reports.

“(ii) If a Commission had not received a quarterly allotment by the last day of the fiscal year because it failed to file a quarterly allotment approved by the OANC, the Commission shall forfeit the unclaimed allotment or allotments.

“(iii) All funds forfeited pursuant to this paragraph shall return to the District’s General Fund.

“(B) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not apply to the failure to file quarterly reports covering periods prior to the 2020 fiscal year.”.

Sec. 4. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding a new subsection (g) to read as follows:

“(g) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2020, the Deputy Mayor for Planning and Economic Development shall award a grant to assist with capital improvements and related facility maintenance, and general operating expenses for a theatre that is a National Center for Latino Performing Arts, located in the District-owned Tivoli Building, in an amount not to exceed \$1 million.”.

Sec. 5. The Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended by adding a new section 11d to read as follows:

“Sec. 11d. Early Childhood Development Fund.

“(a) There is established as a special fund the Early Childhood Development Fund (“Fund”), which shall be administered by the Office of the State Superintendent of Education in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall be used to support the cost of care and the teacher salary scale increases as set forth in section 11b.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 6. Section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413), is revived and amended to read as follows:

“Sec. 103. Neighborhood Safety and Engagement Fund.

“(a) There is established as a special fund the Neighborhood Safety and Engagement Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) Fifty percent of all net revenue collected pursuant to section 311(a)(3) of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)(3)), shall be deposited into the Fund.

“(c) Money in the Fund shall only be used to support the duties of the Office of Neighborhood Safety and Engagement as described in section 101(b).

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 7. Subchapter 2 of Chapter 1 of Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 29-102.01(a) is amended as follows:

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

“(6) For entity registration filings made on or after January 1, 2020, the filing shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the entity.”.

(2) New paragraphs (7), (8), and (9) are added to read as follows:

“(7) The entity registration filing shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

entity; or

“(ii) Has the ability to direct the day-to-day operations of the foreign entity.

“(8) If an entity submits an entity registration filing that does not include the information required by paragraphs (6) or (7) of this subsection, the entity shall not be allowed to register or do business in the District.

“(9) If information required by paragraphs (6) and (7) of this subsection changes at any time after the submission of the entity registration filing, articles of amendment shall be filed to reflect the changes.”.

(b) Section 29-102.11 is amended as follows:

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

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

“(6) For biennial reports made on or after January 1, 2020, the report shall state the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the entity; or

“(ii) Has the ability to direct the day-to-day operations of the entity.”.

(B) New paragraphs (7) and (8) are added to read as follows:

“(7) The biennial report shall state, for each foreign entity that is identified pursuant to paragraph (6) of this subsection, the names, residence and business addresses of each person whose aggregate share of direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the foreign entity:

“(A) Exceeds 10%; or

“(B) Does not exceed 10%; provided, that the person:

“(i) Controls the financial or operational decisions of the foreign entity; or

“(ii) Has the ability to direct the day-to-day operations of the foreign entity.

“(8) Submission of a biennial report that does not include the information required by paragraphs (6) and (7) of this subsection shall result in administrative dissolution of a domestic entity pursuant to the process specified under § 29-106.02 or termination of registration of a foreign entity pursuant to the process specified under § 29-105.11.”.

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

“(b) Information in the biennial report shall be current as of the date the report is signed on behalf of the entity. If information in the biennial report changes after the time of report filing, a statement of correction as specified under § 29-102.05 shall be filed to reflect the changes.”.

Sec. 8. Section 6019b(b)(1)(A)(i) of the Lead Service Line Priority Replacement Assistance Act of 2004, effective March 13, 2019 (D.C. Law 22-241; D.C. Official Code § 34-2159(b)(1)(A)(i)), is amended by striking the phrase “median income; and” and inserting the phrase “median income; or” in its place.

Sec. 9. Section 311(a) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective May 3, 2019 (D.C. Law 22-312; D.C. Official Code § 36-621.11(a)), is amended by adding a new paragraph (3) to read as follows:

“(3) Except for the revenue certified in the approved Fiscal Year 2020 budget for Fiscal Years 2020, 2021, 2022, and 2023, and \$200,000 annually thereafter, which shall be dedicated to the Department of Behavioral Health for prevention and treatment of gambling addiction, all net revenue from sports wagering, whether from taxing licensed retailers, from contracts with vendors operating Office of Lottery and Gaming mobile and web-based sports wagering, or from licensed sports wagering retailers, shall be divided equally between the Early Childhood Development Fund, established by section 11d of the Day Care Policy Act of 1979, passed on emergency basis on December 17, 2019 (Enrolled version of Bill 23-582), and the Neighborhood Safety and Engagement Fund, established by section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, passed on emergency basis on December 17, 2019 (Enrolled version of Bill 23-582).”.

Sec. 10. Title I of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.01 *et seq.*), is amended as follows:

(a) Section 104(b) (D.C. Official Code § 38-785.03(b)) is amended to read as follows:

“(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

“(2) If the Council does not approve the proposed Notice within this 45-day review period, the proposed resolution shall be deemed disapproved.

“(3) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

“(4) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council.”.

(b) Section 105(a)(3) (D.C. Official Code § 38-785.04(a)(3)) is amended as follows:

(1) Strike the phrase “educational improvement” and insert the phrase “school improvement” in its place.

(2) Strike the phrase “education improvement” and insert the phrase “school improvement” in its place.

(c) Section 106 (D.C. Official Code § 38-785.05) is amended as follows:

(1) Subsection (c)(2) is amended by striking the phrase “final research findings by the Partnership” and inserting the phrase “research findings by the Partnership” in its place.

(2) Subsection (d)(1)(A) is amended by striking the phrase “4 months of receiving Advisory Committee feedback” and inserting the phrase “4 months” in its place.

Sec. 11. Section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), is amended as follows:

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

“(2) The term subsequent to the term being served pursuant to:

“(A) Council resolution 21-678 shall begin on July 1, 2019, and expire on June 30, 2021;

“(B) Council resolution 22-73 shall begin on July 1, 2019, and expire on June 30, 2021; and

“(C) Council resolution 22-182 shall begin on July 1, 2020, and expire on June 30, 2021.”.

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

“(b-1) All official actions of the Commission taken by members appointed prior to the effective date of the Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), are considered to be taken by a properly constituted Commission, regardless of the date of the appointments and length of terms of its members.”.

Sec. 12. Title 47 of the D.C. Official Code is amended as follows:

(a) Section 47-392.02 is amended as follows:

(1) Subsection (j-2)(4) is repealed.

(2) A new subsection (j-5) is added to read as follows:

“(j-5) If at the close of a fiscal year, the District has fully funded the Emergency, Contingency, Fiscal Stabilization, and Cash Flow Reserves, all additional uncommitted amounts in the unrestricted fund balance of the General Fund of the District of Columbia as certified by the Comprehensive Annual Financial Report shall be used for the following purposes:

“(1) 50% shall be deposited in the Housing Production Trust Fund; and

“(2) 50% shall be committed in the General Fund balance for Pay-As-You-Go Capital, to be transferred to the General Capital Improvements Fund upon appropriation to specific capital projects.”.

(b) Section 47-1005.03(b)(3) is amended to read as follows:

“(3)(A) Rents charged to the tenants described in paragraph (1) of this subsection are not in excess of 30% of 80% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant, and rents charged to tenants described in paragraph (2) of this subsection are not in excess of 30% of 120% of the adjusted median income for a household consisting of the number of persons indicated by the occupancy standard for the unit occupied by such tenant; provided, that the total rent paid to the non-profit landlord for any individual unit shall not exceed the greater of the Housing Choice Voucher Program rent for the submarket in which the property is located or in any submarket immediately adjacent to the property, established annually by the District of Columbia Housing Authority;

“(B) For the purposes of this paragraph, the term “occupancy standard” means, for a:

“(i) Studio/efficiency unit, 1 person;

“(ii) One-bedroom unit, 1.5 persons;

“(iii) Two-bedroom unit, 3.0 persons;

“(iv) Three-bedroom unit, 4.5 persons; and

“(v) Four-bedroom unit, 6 persons.”.

(c) Section 47-4665.06 is amended as follows:

(1) Subsection (a)(13) is amended to read as follows:

“(13) “Property” means a portion of the real property located at 2445 M Street, N.W., known for tax and assessment purposes as Lot 871 in Square 0024, that is subject to real property taxation under Chapter 8 of this title.”.

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

“(2) The lease execution shall occur on or before August 1, 2019.”.

Sec. 13. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.

“This act shall apply as of July 22, 2019.”.

Sec. 14. (a) Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23,

Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Mayor, consistent with the approved Fiscal Year 2020 budget, shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.

(b) Section 6 of the Fiscal Year 2020 Budget Support Clarification Temporary Amendment Act of 2019, enacted on December 5, 2019 (D.C. Act 23-175; 66 DCR 16179), is amended to read as follows:

“Sec. 6. Notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and Rule 730 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), in Fiscal Year 2020, the Mayor, consistent with the approved Fiscal Year 2020 budget, shall award the Historical Society of Washington, D.C. a grant in the amount of \$100,000 to assist with the transition into new space and to facilitate the anticipated increase in visitors.”.

Sec. 15. Repealers.

(a) Section 4 of the Rental Housing Commission Independence Clarification Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-200; 65 DCR 12066), is repealed.

(b) Section 3 of the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-287; 66 DCR 1650), is repealed.

(c) Section 301 of the Short-Term Rental Regulation Act of 2019, effective April 25, 2019 (D.C. Law 22-307; 66 DCR 898), is repealed.

(d) The Short-Term Rental Zoning Analysis Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

Sec. 16. Applicability.

This act shall apply as of December 30, 2019.

Sec. 17. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Fiscal Year 2020 Budget Support Clarification Amendment Act of 2019, passed on 2nd reading on December 17, 2019 (Enrolled version of Bill 23-504), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 18. 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

ENROLLED ORIGINAL

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)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
January 16, 2020



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B23-0582**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

FINAL READING , Dec 17, 2019

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

☐ ROLL CALL VOTE - Result

| Council Member | Aye | Nay | NV | AB | Council Member | Aye | Nay | NV | AB | Council Member | Aye | Nay | NV | AB |
|-------------------|-----|-----|----|----|----------------|-----|-----|----|----|--------------------------|-----|-----|----|----|
| Chmn. Mendelson | X | | | | Gray | X | | | | Silverman | X | | | |
| Allen | X | | | | Grosso | X | | | | T. White | X | | | |
| Bonds | X | | | | McDuffie | X | | | | Todd | X | | | |
| Cheh | X | | | | Nadeau | X | | | | | | | | |
| Evans | X | | | | R. White | X | | | | | | | | |
| X - Indicate Vote | | | | | AB - Absent | | | | | NV - Present, Not Voting | | | | |

CERTIFICATION RECORD

Secretary to the Council

12.20.19

Date