

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

DRAFT

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: July 7, 2020

SUBJECT: Report on Bill 23-760, the “Fiscal Year 2021 Budget Support Act of 2020”

The Committee of the Whole, to which Bill 23-760 was referred, reports favorably thereon with amendments and recommends approval by the Council.

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I. BACKGROUND AND NEED

The purpose of Bill 23-760, the Fiscal Year 2021 Budget Support Act of 2020 (“FY 2021 BSA”), is to amend or enact various provisions of law that support the implementation of a balanced Fiscal Year 2021 budget and financial plan.

Earlier this year, the COVID-19 virus rapidly spread worldwide, causing a global pandemic that has affected everyday life everywhere and continues to wreak havoc on the health and welfare of the world’s people and the economic health of cities, states, and countries. The District has not been immune to the extraordinary challenges created and exposed by the coronavirus. The Mayor declared a public health emergency on March 11, 2020, which led to a virtual shutdown of the District, with residents urged to stay at home, small businesses shuttered, and tourism nearly nonexistent. As a result, the Chief Financial Officer issued a revised revenue estimate on April 24, 2020 that adjusted FY 2020 revenues downward by \$722 million, and FY 2021 revenues down

\$774 million less than what was anticipated in February, 2020.¹ The public health emergency and revised revenue estimate required the Mayor to rework her FY 2021 budget proposal, delaying the budget transmittal until May 18, 2020. With the Council operating virtually for the first time and working on a shortened timeline, Council Committees held virtual hearings on proposed agency budgets.²

Bill 23-760 is a result of those hearings. It is a substantial and wide-ranging piece of legislation that will have a significant impact on existing law. The legislation includes nine titles and more than 70 individual subtitles, which are briefly summarized in section VIII below. In addition to the subtitle-by-subtitle analysis set forth below, further background on Bill 23-760 is available in the various committee budget reports. The Committee of the Whole recognizes the importance of the policy recommendations set forth by the various committees in their budget reports. These policy recommendations are an essential part of the performance and budget review process by the Council. The committee print attached to this report contains FY 2021 BSA subtitles based on recommendations and feedback from the various Council committees, as refined by the Committee of the Whole. The Committee of the Whole expects the executive branch to work with individual committees to address the policy recommendations as a part of the Council's continuing oversight activities.

II. LEGISLATIVE CHRONOLOGY

May 1, 2020	Notice of public hearings on the proposed Fiscal Year 2021 Budget and Financial Plan is published in the <i>District of Columbia Register</i> (updates to the schedule of budget oversight hearings published May 8, 15, 22, and 29, and June 8, 2020)
May 18, 2020	Bill 23-760, the “Fiscal Year 2021 Budget Support Act of 2020” is introduced by Chairman Mendelson at the request of the Mayor
May 19, 2020	Committee of the Whole holds a public briefing on the Mayor’s Fiscal Year 2021 Proposed Budget and Financial Plan
May 29, 2020	Notice of Intent to Act on Bill 23-760 is published in the <i>District of Columbia Register</i>
June 9, 2020	Bill 23-760 is “read” at the June 9, 2020 Regular Legislative Meeting and referred to the Committee of the Whole with comments on specific subtitles from the Council’s standing committees
May 20 – June 17, 2020	Committees hold public hearings on the budgets of the agencies under their purview and the subtitles of the Fiscal

¹ Office of the Chief Financial Officer, April 2020 Revenue Estimates, April 24, 2020 (Available online at <https://cfo.dc.gov/node/1474196>).

² Regardless of a public health emergency, section 446 of the Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), requires the Council enact the budget within 70 calendar days of receipt from the Mayor.

	Year 2021 Budget Support Act of 2020 that were referred to each for comments
June 17 – 18, 2020	Committee of the Whole holds a two-day public hearing on Bill 23-760, Bill 23-761, Bill 23-762, and Bill 23-763
June 23 – June 25, 2020	Committees mark up and approve their budget recommendations for Fiscal Year 2021
July 7, 2020	The Committee of the Whole marks up Bill 23-760

III. POSITION OF THE EXECUTIVE

Chairman Mendelson introduced Bill 23-760 on behalf of the Mayor. The Mayor and the City Administrator presented the budget at a public briefing on May 19, 2020. On June 2, 2020, the Mayor transmitted an errata letter requesting that the Council incorporate various changes to the introduced version of Bill 23-760 and related budget documents. The errata letter is included as an attachment to this report. Other Executive Branch testimony was presented to the various Council committees and is also included in the hearing record.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received the following resolutions from Advisory Neighborhood Commissions (ANCs) on the Fiscal Year 2021 budget. ANCs may also have commented separately to other Council committees.

1. **ANC 1A:** On June 3, 2020, ANC 1A unanimously approved a resolution that asks Council to provide more funding for out-of-school time programs such as Learn24, due to the impact of the COVID-19 pandemic. Additionally, the resolution asks the Mayor and Council to consider increasing funding for the Department of Parks and Recreation’s Roving Leaders program in future years.
2. **ANC 1D:** On June 23, 2020, ANC 1D unanimously approved a resolution that advises the Council and the Mayor to immediately pass permanent legislation based on the Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020 and calls on Council to reconsider the Mayor’s current budget proposal for the Metropolitan Police Department (MPD).
3. **ANC 2A:** On June 17, 2020, ANC 2A approved a resolution that urges the Council to reallocate money from MPD’s budget to services that address homelessness, mental health crises, affordable housing, and repairs to public housing. At the same meeting, ANC 2A approved another resolution that calls on the Council to use budget reserves to allocate \$30 million to excluded workers (i.e., undocumented workers who do not receive traditional government benefits).

2. Keshini Ladduwahetty Operations Director, DC for Democracy
3. Sultan Shakir Executive Director, SMYAL
4. Tazra Mitchell Policy Director, DC Fiscal Policy Institute
5. Damon King Legal Aid Society for the District of Columbia
6. Kimberly Perry Executive Director, DC Action for Children
7. David Schwartzman DC Statehood Green Party
8. Elizabeth Falcon Executive Director, DC Jobs with Justice
9. Syritha Robinson Advocacy Director, Educare DC
10. Kathy Hallowell-Makle Executive Director, District of Columbia Association for the Education of Young Children (DCAEYC)
11. Sia Barbara Kamara DC Early Learning Collaborative
12. Kirby Vining Chair, Committee of 100
13. Laura Hagood Executive Director, Historical Society of Washington, DC
14. Ericka Wadlington DC Chamber of Commerce
15. Alicia Rucker President, Friends of Deanwood Library
16. Lisa Mallory Chief Executive Officer, DCBIA
17. Grace Hu Digital Equity in Education
18. Dr. Carlene Reid Public Witness
19. Tara Brown Ward 8 Parent Leader
20. Scott Goldstein Executive Director, EmpowerEd
21. Tony Williams CEO and Executive Director, Federal City Council
22. Jamal Jones Teacher, Academy of Hope
23. Kent Withycombe Education Project Director, Washington Lawyers' Committee
24. Sameera Daniels Ward 3 Democrats Education Task Force

25. Emily Gasoi, Ed.D. DC State Board of Education, Ward 1
26. Jessica Sutter DC State Board of Education, Ward 6
27. Crystal Seaborn Teacher, Garfield Elementary School
28. Kymone Freeman We Act Radio
29. Armand Cuevas Teacher, Dunbar High School
30. Pam Sofola Owner, A Beautiful Closet Boutique
31. Shayna Tivona Teacher
32. Destiny Sharpe Economic Justice Organizer, SPACeS In Action
33. Berlette McMillan Public Witness
34. Peter Edelman Chair, DC Access to Justice Commission
35. Mukasichibweta 'Muka' Chisaka Public Witness
36. Nykia Braxton Parent Ambassador, Advocates for Justice and Education, Inc.
37. Katharine Landfield Public Witness
38. Valerie Graff Interim Executive Director, HumanitiesDC
39. Thomas Dominique Battle's Transportation
40. Almeta R. Keys, CEO Edward C. Mazique Parent Child Center, Inc.
41. Tyrone Hanley Coalition Liaison, GLAA
42. Arthur Slade Vice President, AFSCME Local 2743
43. Tahir Duckett Public Witness
44. Christina Bullock President, A-Always Enterprises
45. Yumica Thompson Ward 8 Parent
46. Andre Phillips Chairman, FOP DYRS Labor Committee
47. Jason Berry Founder, KNEAD Hospitality + Design

Recess

WITNESS LIST (JUNE 18)

1. Judith Sifontes Public Witness
2. Miguel Castro Public Witness
3. Ana Lemus Public Witness
4. Ralph Clark El Public Witness
5. Amber Harding Staff Attorney, Washington Legal Clinic for the Homeless
6. Jesse Lovell Public Witness
7. Maya Martin Cadogan Executive Director, PAVE
8. Diana Mayhew President, National Cherry Blossom Festival
9. Alex Baca Housing Program Organizer, Greater Greater Washington
10. Leicester Johnson CEO, Academy of Hope Adult PCS
11. Bethany Rubin Henderson CEO, DC SCORES
12. Kisha Bridges Budget Organizer, Fair Budget Coalition
13. Kirra L. Jarratt CEO, DC Bar Foundation
14. Monica Hopkins Executive Director, American Civil Liberties Union of the District of Columbia
15. Shanika Simmons Parent Ambassador, Ward 6
16. Caroline Philips National Cannabis Festival
17. Chris Naoum Listen Local First
18. Christopher Morgan Executive Artistic Director, Dance Place
19. James D. Knight President & CEO, Jubilee Housing
20. James Dickerson President, Manna Inc.
21. Kathryn Abell Resident Physician, Committee of Interns and Residents
22. Nzinga Tull Board Chair, Teaching for Change

23. Marni Barron President/CEO, Soul Tree, LLC
24. J. Sheffield Public Witness
25. Faith Oviedo Public Witness
26. Makia Green Working Families Party
27. Jessica Shotwell Public Witness
28. Nnennaya Amuchie Public Witness
29. Devon Genua Public Witness
30. Mahelet Kebede Public Witness
31. Christian Tabash Public Witness
32. Weston Gobar Public Witness
33. Ntebo Mokuena Public Witness
34. Lina Stolyar Public Witness
35. Jason Najjoun Public Witness
36. Carly Didden Government Affairs Manager, Crown Castle
37. Rehana Mohammed Chair, Board of Directors, The DC Center for the LGBT Community
38. Ryan Bos Executive Director, Capital Pride Alliance
39. Mahkah Wu DC Data Cycle
40. Elizabeth Sawyer Public Witness
41. Robyn Swirling Public Witness
42. Alfred Liu, President AEPA Architects and Engineers, PC.
43. Morgan Monroe Public Witness
44. Spencer Gopaul Public Witness
45. Mekdes Sisay Membership Chair, BYP100 DC
46. Nancy Shaffer DC Event Coalition
47. Eric Bunn National Secretary Treasurer, American Federation of Government Employees

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|-----|--------------------|---|
| 48. | Luc Brami | Principal, Gelberg Signs |
| 49. | Kristen Clardy | Public Witness |
| 50. | Timothy Ryan | Public Witness |
| 51. | Michael Livingston | Public Witness |
| 52. | Japer Bowles | Chair, ANC Rainbow Caucus |
| 53. | Dr. Antoine Kirby | Managing Partner, Kirby Educational Services |
| 54. | Angum Check | Public Witness |
| 55. | Betty Pair | DC Association of Realtors |
| 56. | Andrew Washington | Executive Director, AFSCME, District Council 20 |
| 57. | Lee Blackmon | Director, NAGE Federal Division |

VI. IMPACT ON EXISTING LAW

Bill 23-760 is a substantial and wide-ranging piece of legislation that would have a significant impact on existing law, as reviewed in the subtitle-by-subtitle analysis, *infra*.

VII. FISCAL IMPACT

Bill 23-760 will have a significant and complex fiscal impact on the District and is necessary to balance and implement the fiscal year 2021 budget. The Council's Budget Director has worked closely with the Office of the Chief Financial Officer to ensure that, as a companion to the Fiscal Year 2020 Revised Local Budget Emergency Adjustment Act (Bill 23-763) and the Fiscal Year 2021 Local Budget Act (Bill 23-761), this bill – Bill 23-760 – is fiscally balanced.⁵

VIII. SUBTITLE-BY-SUBTITLE ANALYSIS⁶

Section 1 States the short title of Bill 23-760.

⁵ The Chief Financial Officer will provide a fiscal impact statement to the Council before the second reading of the FY 2021 BSA.

⁶ Due to the size and complexity of the committee print of Bill 23-209, and in keeping with standard Council practice and Council Rule 803(j), this part of the report analyzes the legislation by subtitle, rather than by section.

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

Subtitle A. Archives Advisory Act of 2020: Establishes an Archives Advisory Group of between 5 and 11 members, appointed by the Council Chairman, to provide advice to the Council on how to move forward on a capital project to construct a new archives facility; and provides that the Group shall have access to all draft and final documents, requested through the Council Chairman, relevant to planning and costing a new facility.

Subtitle B. Audit Engagement Fund Act of 2020: Establishes a special non-lapsing fund to be administered by the DC Auditor for operating expenses related to performing audits; the fund will be comprised of any unspent local funds remaining at the end of the fiscal year in the Auditor's operating budget and any other funds received to perform audits.

Subtitle C. Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020: Freezes cost-of-living adjustments (COLAs) and changes in salary schedules during fiscal year 2021 and the remainder of the financial plan for employees of Executive agencies and the Council, but directs Fiscal Year 2021 revenues identified in revenue estimates issued prior to December 31, 2020 that exceed the April 24, 2020 estimate provided by the Chief Financial Officer be deposited in the Workforce Investments Account to satisfy collective bargaining agreements.

Subtitle D. ANC Technical Support and Assistance Amendment Act: Establishes a nonlapsing special fund to be administered by the Office of Advisory Neighborhood Commissions (OANC) to capture amounts forfeited by Advisory Neighborhood Commissions (ANCs) from their annual allocations; and the fund shall be used to provide services requested by ANCs, such as outreach, engagement, and remote meeting technologies, according to limitations and prioritization established by the OANC.

Subtitle E. Renewable Energy Future Amendment Act: Requires the Department of General Services (DGS) to produce and publish an analysis of the feasibility of initiating or expanding renewable energy generation at each District-owned property under the control of the Mayor on a rolling basis, every ten years. The subtitle also requires DGS to initiate or expand renewable generation where it is found to be feasible, subject to the availability of funding and includes enhanced certified business enterprise requirements to ensure that small businesses benefit from the implementation of the subtitle.

Subtitle F. DC Center for the LGBT Community Support: Requires DGS to award a grant to the DC Center for the LGBT Community in the amount of \$70,000 to sustain the operations of the Center while the organization anticipates an upcoming move.

Subtitle G. Access to Jobs Amendment Act: Establishes a pilot program to support the employment of 10 returning citizens through a two-year grant to eligible employers who have registered with the Office on Returning Citizen Affairs, demonstrate that participating returning citizens have opportunities for advancement, and agree to pay participating employees for a minimum of 20 hours per week for a minimum of 8 weeks. The subtitle sets the maximum grant as 40% of the minimum wage for the program's first year, increasing to 80% of the minimum

wage for the second year; and requires employees to have been previously incarcerated and unemployed for at least one month, have completed a workforce development and life skills program.

Subtitle H. Returning Citizen Paralegal Fellowship Initiative Pilot Program: Requires the Office on Returning Citizen Affairs to continue the Paralegal Fellowship Initiative pilot program in Fiscal Year 2021 by placing a cohort of returning citizen students in an accredited, university-based paralegal certification program located in the District of Columbia, while providing the students with support services necessary for their success.

Subtitle I. Non-Profit Reimbursement Fairness Analysis Amendment Act: Requires the Office on Contracting and Procurement to issue a report to the Mayor and the Council by April 1, 2021 that includes a review and analysis of the funding of indirect costs in the terms of grant agreements or contracts entered into between non-profit organizations, a table listing the federal funding associated with contracts or grants passed through to non-profit organizations by the District government in fiscal year 2020, including indirect cost funding retained or passed through, and any recommended amendments to law, regulations, policy, or training in order to ensure the legal, fair, and consistent funding of indirect costs to non-profit organizations by the District.

Subtitle J. Indigenous Peoples' Day Amendment Act of 2020: Renames the Columbus Day legal holiday Indigenous Peoples' Day.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

Subtitle A. Business Recovery Task Force Act of 2020: Establishes a Business Recovery Task Force (Task Force) that includes the Deputy Mayor for Planning and Economic Development, the Director of the Department of Small and Local Business Development, the Chairperson of the Business and Economic Development Committee, and eight small business owners to provide recommendations to the Mayor and Council regarding the recovery of the District's businesses following the end of the COVID-19 emergency.

Subtitle B. New York Avenue N.E. Retail Priority Area Expansion Amendment Act of 2020: Expands the New York Avenue N.E. Retail Priority Area to include the area beginning at the intersection of Montello Avenue, N.E., and Florida Avenue, N.E., continuing northeast along Montello Avenue, N.E., until Mt. Olivet Road, N.E..

Subtitle C. Aligning Opportunity Zone Tax Benefits with DC Community Priorities Act of 2020: Decouples the capital gains deferral for purposes of District income taxes unless the investment meets certain criteria, including that the Mayor certifies the Qualified Opportunity Fund (QOF); the QOF invests in a Qualified Opportunity Zone in the District; and the QOF submits documentation that it meets one of several criteria. The subtitle also requires the Office of Tax and Revenue collect related data and provide it in anonymized format to the Deputy Mayor for Planning and Economic Development.

Subtitle D. Streetscape Business Development Relief Expansion Amendment Act of 2020: Expands the use of the Streetscape Business Development Relief Fund, run by the

Department of Small and Local Business Development (DSLBD) to include Main Streets organizations as eligible recipients of loans and grants out of the Fund; and requires DSLBD to track and report annually certain data for all loans, grants, and sub-grants issued.

Subtitle E. Equitable Impact Enterprise Establishment Amendment Act of 2020: Establishes a program for equity impact enterprises, defined as a resident owned business and small business enterprise that can demonstrate that meets one of several criteria; provides preference points for an equity impact enterprise when an agency is evaluating bids or proposals; and requires the Mayor to establish a pilot program for equity impact enterprises, allowing them to receive preference under the Small Business Capital Access Fund. The subtitle also amends the Minority and Women-Owned Business Assessment Act of 2008 to require all agencies with procurement authority to collect, accurately track, and report spend data; and requires the Mayor to issue a competitive grant to undertake a disparity study.

Subtitle F. DMPED Limited Grant-Making Authority Amendment Act of 2020: Expands the grant-making authority of the Deputy Mayor for Planning and Economic Development (DMPED) to include issuing grants to equity impact enterprises operating in Ward 5, 7, or 8 for the purpose of increasing economic or community development in an underserved area of the District; and authorizes DMPED to issue Creative and Open Space Modernization tax rebates out of local funds, rather than special purpose revenue, provided that in Fiscal Year 2021, the total amount of rebates shall not exceed \$580,366. The subtitle also directs DMPED to issue, in Fiscal Year 2021, a grant of no less than \$1 million to a District-chartered bank to increase access to loans, grants, financial services, and banking products to District residents and entities.

Subtitle G. Tax Abatements for Affordable Housing in High-Need Affordable Housing Areas Act of 2020: Exempts from real property tax certain real property designated by the Mayor that meets certain eligibility requirements, including that the project is located in a high-need affordable housing area, deliver at least 1/3 units rented at 80% AMI for at least 30 years, meet certain certified business enterprise targets, and enter into a First Source agreement for operations. The subtitle also specifies that the tax abatements cannot exceed \$200,000 in FY24 and \$4 million annually thereafter.

Subtitle H. Healthcare Workforce Partnership Establishment Act of 2020: Establishes a healthcare sector partnership to provide guidance to the Workforce Investment Council about healthcare training in order to increase the number of District residents employed in the healthcare industry; and funds an organization to facilitate the partnership and fund training for District residents in healthcare occupations.

Subtitle I. DC Infrastructure Academy Employer Engagement Amendment Act of 2020: Establishes Industry Advisory Committees at the D.C. Infrastructure Academy to guide training to meet the needs of employers in the infrastructure and information technology sectors to help more District residents get living-wage jobs and stable careers in these fields.

Subtitle J. Workplace Leave Navigators Amendment Act of 2020: Establishes a new grant program at the Department of Employment Services (DOES) to fund worker advocacy

organizations and business or trade organizations to help workers and businesses navigate workplace leave laws.

Subtitle K. School Year Internship Pilot Program Amendment Act of 2020: Establishes the School Year Internships Pilot Program at DOES in Spring 2021 to provide school-year, paid internships for 250 high school students in a similar manner to the agency's Summer Youth Employment Program (SYEP). The subtitle also requires annual reporting of information on all DOES-run youth programs.

Subtitle L. Unemployment Insurance Modernization Requirements Amendment Act of 2020: Sets a deadline of September 30, 2020 for completion of the ongoing Unemployment Insurance modernization project, a \$45 million capital project being managed by DOES.

Subtitle M. District Government Transgender and Non-Binary Employment Study Amendment Act of 2020: Requires the Mayor to contract with an entity to study the employment of transgender and non-binary individuals in District agencies and District agencies' employment practices as they relate to individuals who identify as transgender or non-binary with the goal of hiring more transgender and non-binary individuals and serving as a model for other employers.

Subtitle N. Tipped Wage Reporting Clarification Amendment Act of 2020: Modifies the Tipped Wage Workers Fairness Amendment Act of 2018 by clarifying the content of public-facing materials and establishing clear timetables for implementation. The subtitle also amends the Minimum Wage Act Revision Act of 1992 to specify the contents of quarterly reports that third-party payroll businesses and hotel employers must file with DOES when these entities employ tipped workers.

Subtitle O. Universal Paid Leave Fund Amendment Act of 2020: Renames the Universal Paid Leave Implementation Fund the Universal Paid Leave Fund; restructures the mechanism by which the administration, enforcement, hearing of appeals, and education of and about Universal Paid Leave are budgeted and expended; and makes other technical and conforming changes.

Subtitle P. Shared Work Compensation Program Clarification Amendment Act of 2020: Reforms the District's Shared Work unemployment compensation program to conform to federal law and to follow model legislation from the U.S. Department of Labor.

Subtitle Q. Equitable Impact Assistance for Local Businesses Act of 2020: Establishes the Equity Impact Fund outside the General Fund to provide investments in eligible businesses that face barriers to accessing capital from traditional sources; provides the Fund shall be managed by a third-party manager selected by the Mayor based on certain criteria; and authorizes an initial investment of \$1.25 million into the Fund.

Subtitle R. Affordable Housing Loan Fund Authorization Amendment Act of 2020: Authorizes the Department of Housing and Community Development to submit an application for the section 108 program offered by the U.S. Department of Housing and Urban Development, to provide a gap subsidy resource source for qualified affordable housing acquisition and

rehabilitations projects in FY21. The subtitle defines “qualified affordable housing acquisition and rehabilitations projects” as those that meet the criteria for use of funds in the Housing Preservation Fund or the Housing Production Trust Fund.

Subtitle S. Rent Stabilization Extension Amendment Act of 2020: Amends the Rental Housing Act of 1985 to extend the December 31, 2020 sunset provision of rent stabilization in the District to December 31, 2030.

Subtitle T. Expenditures from the Public Housing and Structural Transformation Capital Account Act of 2020: Requires the District of Columbia Housing Authority (DCHA) to propose a detailed spending plan with certain information to the Mayor for approval, prior to obligating and expending any money from the capital project DHA00C, and submit the proposed spending plan to the Council for its information. The subtitle also requires DCHA, for each solicitation of a contract valued at \$100,000 or more funded from capital project DHA00C, to award preferences to certified business enterprises (CBEs) and exercise its contracting and procurement authority to as to meet an annual goal of 50% of the dollar volume of contract with CBEs and at least 50% of that amount with small business enterprises.

TITLE III. PUBLIC SAFETY AND JUSTICE

Subtitle A. Criminal Code Reform Commission Amendment Act of 2020: Eliminates the sunset provision for the Commission, making it a permanent agency, clarifies its ongoing duties, and requires annual reporting to the Council of its activities.

Subtitle B. Restorative Justice Collaborative Amendment Act of 2020: Establishes the Restorative Justice Collaborative within ONSE to serve as a centralized hub to coordinate and foster restorative justice programming and practices within the District govt and by and in partnership with District community-based organizations.

Subtitle C. Emergency Medical Services Transport Contract Authority Amendment Act of 2020: Amends the sunset date of the Mayor’s authority to enter into a third-party contract for ambulance services from September 30, 2021 to September 30, 2023.

Subtitle D. Senior Police Officers Retention Amendment Act of 2020: Changes the sunset date for rehiring a retired officer at the detective and sergeant pay levels from October 1, 2020 to October 1, 2023.

Subtitle E. Moving the Office on Returning Citizen Affairs Amendment Act of 2020: Amends the authority of the Deputy Mayor for Public Safety and Justice to include the returning citizen agencies, including the Office on Returning Citizen Affairs, within the Deputy Mayor’s responsibility for providing guidance and support, general oversight, and other duties.

Subtitle F. Concealed Pistol Licensing Review Board Membership Amendment Act of 2020: Expands the review board’s membership to 11 members by increasing the public members from three to seven members; requires all public members to be District residents and specifies that two shall have professional experience in the field of gun violence prevention; one

shall have professional experience in victim services or advocacy, and one shall be an attorney with the DC Bar with professional experience in criminal law.

Subtitle G. Litigation Support Fund and Grant-Making Authority Amendment Act of 2020: Amends the Office of the Attorney General’s Litigation Support Fund to increase staff funding ceiling from \$4 million to \$6 million; increases the amount for crime reduction, violence interruption and other public safety initiatives from \$3 million to \$7 million; and directs the first \$500,000 deposited into the fund in FY21 to go to OVSJG. The subtitle also increases the balance that can be retained in the fund from \$10 million to \$17 million, except that for FY21 that amount shall be \$19.1 million; and expands its grant-making authority to reach other vulnerable populations. The subtitle also directs certain amounts from the *District of Columbia v. Monsanto Co.* settlement be allocated to pay attorney’s fees and costs in that case and an additional amount for the uses of the Fund.

Subtitle H. Chief of Police Term of Office Amendment Act: Provides that effective May 2, 2017, the term of office for Chief of Police shall be 4 years, except that the Mayor may earlier terminate a Chief of Police with or without cause; and that in the event of early separation, a replacement Chief shall begin a new 4-year term.

Subtitle I. Monsanto Settlement Act of 2020: Provides that notwithstanding any other provision of law, the \$52 million to be received by the District in FY 21 in settlement of the *District of Columbia v. Monsanto Co.*, be recognized as revenue and allocated as set forth in the subtitle.

Subtitle J. Ethics Enforcement Amendment Act of 2020: Clarifies that the Office of the Attorney General has prosecutorial authority over violations of provisions of the Ethics Act; modifies the fine for certain violations of the Code of Conduct for legal interpretation purposes; defines violations of the Code of Conduct that substantially threaten the public trust; and makes other conforming changes.

TITLE IV. PUBLIC EDUCATION

Subtitle A. Funding for Public Schools and Public Charter Schools Increase Amendment Act of 2020: Establishes the per-student funding formula for the 2020 - 2021 school year, including the foundation level and weighting factors for per-student allocations. The Subtitle amends the formula to increase the foundation level of 3% from \$10,980 per student to \$11,310 per student.

Subtitle B. Education Facility Colocation Amendment Act of 2020: Allows existing public charter schools to occupy space in underutilized DC Public Schools (DCPS) facilities and provide payment to the DCPS school whose space the charter school will share. The subtitle directs these payments to a special fund to be used for additional school programming, supplemental staff, special initiatives, other programs and activities, and maintenance or improvements at the DCPS school in which the public charter school is located.

Subtitle C. Grantmaking Authority to Expand Access to Quality Child Care Amendment Act of 2020: Provides the Office of the State Superintendent of Education (OSSE)

the authority to issue grants to non-profit and community-based organizations to increase access to, the affordability of, and the quality of child care.

Subtitle D. University of the District of Columbia Matching Grant Act of 2020: Provides that for every dollar UDC raises from private donations by April 1, 2021, one dollar of non-departmental funds shall be transferred to the University.

Subtitle E. Adult and Residential Public Charter School Funding Stabilization Amendment Act of 2020: Authorizes for School Year 2020-2021 only, that the District's adult and residential public charter schools' annual UPSFF payment is based on the projected enrollment included for each in the Mayor's proposed Fiscal Year 2021 budget.

Subtitle F. School Financial Transparency Amendment Act of 2020: Requires the Deputy Mayor of Education to establish common financial reporting standards for public schools and public charter schools; the OSSE to annually publish the previous school year's expenditures for all public and public charter schools; and DCPS to review the school level funding model in conjunction with its strategic planning and goal setting. The subtitle also requires the Public Charter School Board to publish the detailed budget and end of year expenditures of each public charter school and requires the Board of Trustees of public charter school comply with Title IV of the District of Columbia Administrative Procedures Act. Finally, the subtitle makes amendments to the Open Meetings Amendment Act of 2010 to ensure the Board of Trustees of public charter schools are subject to this law.

Subtitle G. Healthy Schools Fund Restoration Amendment Act of 2020: Amends the Healthy Schools Act of 2010 to increase the annual amount of sales tax revenue dedicated to the Healthy Schools Fund from \$5,110,000 to \$5,590,000.

Subtitle H. Wilkinson School Disposition Process Amendment Act of 2020: Allows the Mayor to give the right of first offer to purchase, lease, or use the former Wilkinson Elementary School building to a charter school facility incubator or a public charter school that occupied the former Birney Elementary School, in whole or in part, as of May 12, 2020; and allows the Mayor to hold a single public hearing instead of the two normally required by the disposition process.

Subtitle I. Academic Middle Mentoring Initiative Act of 2020: Directs OSSE to issue a competitive grant of \$200,000 in Fiscal Year 2021 to support a mentoring program that mentors low-income high school students and low-income first-generation college students in the academic middle, to provide them with skills and experiences necessary to successfully complete college and excel in the workplace.

Subtitle J. Truancy Prevention and Literacy Grant Extension Amendment Act of 2020: Provides that grant funds for this pilot program that were awarded in FY 20 but not expended shall be available to the grant recipients until September 30, 2021.

TITLE V. HEALTH AND HUMAN SERVICES

Subtitle A. Medicaid Hospital Supplemental and Directed Payments Amendment Act of 2020: Changes the methodology for collecting the hospital outpatient fee to generate, on an ongoing basis, the same amount of revenue collected by the Department of Healthcare Finance in Fiscal Year 2020.

Subtitle B. Medical Marijuana Program Administration Amendment Act of 2020: Transfers all functions related to the Medical Marijuana and Integrative Therapy program at the Department of Health (DOH) to the Alcoholic Beverage Regulation Administration (ABRA); establishes a non-lapsing Medical Cannabis Administration Fund to collect all funds received from related licensing, permitting, and registration fees; and requires the Mayor to issue rules that allow registered dispensaries to provide medical marijuana to qualifying patients through delivery, curbside pickup, and at-the-door options. The subtitle also increases the preference awarded to a medical cannabis certified business enterprise from 20 points or 7.5% of the available points, whichever is more, to 50 points or 20% of the available points, whichever is more; and requires that a medical cannabis enterprise must maintain at least 80% of its assets in the District, that it must have an office located in the District where a chief executive officer or other high-level managerial employee performs their work, and that 60% of the ownership of a medical cannabis enterprise must belong to an economically disadvantaged District resident(s) whose income does not exceed \$349,999.

Subtitle C. Stevie Sellows Direct Support Professionals Quality Improvements Amendment Act of 2020: Increases the rate of the provider assessment paid by all intermediate-care facilities for the intellectually disabled from 5.5% to 6% of the gross revenues per annum.

Subtitle D. Medicaid Reserve Re-Establishment Amendment Act of 2020: Re-establishes the Medicaid Reserve as a paper agency of the Department of Health Care Finance to pay expenses associated with increased Medicaid enrollment or service utilization, increased costs of Medicaid services, and other purposes.

TITLE VI. OPERATIONS AND INFRASTRUCTURE

Subtitle A. Opportunity Accounts Expansion Amendment Act of 2020: Authorizes the DISB Commissioner to waive the private matching requirements for these savings accounts; to provide District matching funds of up to \$4 for every dollar deposited by the account holder; and to increase the District's aggregate matching funds limit from \$3,000 to \$6,000. The subtitle also expands allowable standard withdrawals to include paying for costs, expenses, or items authorized by rule; expands allowable emergency withdrawals to include making health insurance premium payments in the event of a sudden and unexpected loss of income; amends restrictions on withdrawal of matching funds to prohibit the withdrawal of matching funds when making emergency withdrawals to prevent eviction or foreclosure, to meet necessary living expenses following loss of employment, and to pay for medical costs but allows for the withdrawal of matching and deposited funds to when making emergency withdrawals to meet necessary living expenses following sudden, unexpected loss of income; and removes the requirement that an account holder repay funds withdrawn for emergency withdrawals, but does require the account holder to resume making deposits into the account within 90 days of the withdrawal.

Subtitle B. Green Building Fund Amendment Act of 2020: Amends the Green Building Act of 2006 to allow funds in the Green Building Fund to be used to cover costs incurred to make green building materials accessible to low-income residents.

Subtitle C. Game of Skill Machines Consumer Protection Act of 2020: Creates a regulatory structure, managed by the Office of Lottery and Gaming, for Game of Skill machines; creates license categories for manufacturers, distributors, suppliers, and retailers of Game of Skill machines; and establishes application procedures for each license category. The subtitle also defines minimum requirements for Game of Skill machines; directs license fees into the existing Lottery, Gambling, and Gaming Fund; and directs taxes on the retailers to the District's local fund.

Subtitle D. Pay-By-Phone Transaction Fee Fund Amendment Act of 2020: Renames the Parking Meter Pay-by-Phone Transaction Fee Fund as the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund and expands its potential receipts to include transaction fees associated with the purchase of transit fares, Bikeshare trips, and other shared mobility and transportation services paid for through a pay-by-phone system. The subtitle also authorizes the Fund to be used to pay a vendor that is providing these services.

Subtitle E. Environmental Special Purpose Funds Reestablishment Amendment Act of 2020: Re-establishes three non-lapsing special purpose revenue funds that were repealed in FY12: Lead Poisoning Prevention Fund, Underground Storage Tank Trust Fund, and Hazardous Waste and Toxic Chemical Source Reduction Fund.

Subtitle F. Alcoholic Beverage Sales and Delivery Amendment Act of 2020: Expands the hours for on-premises serving to start at 6 a.m., rather than 8 a.m.; expands the late hours and 24-hour holiday operations to include the weekends around Veterans Day, Christmas Day, and Emancipation Day. The subtitle also expands the hours around the 2021 inauguration by nine days; and expands off-premises consumption sales to begin at 6 a.m., rather than 7 a.m. and end at 1 a.m., rather than midnight. Finally, the subtitle makes permanent the COVID-19 authorization for on-premises retailers to deliver and offer for takeout alcohol in closed containers with the purchase of food.

Subtitle G. Third-Party Inspection Platform Amendment Act of 2020: Allows DCRA to establish an online platform that may serve as the exclusive mechanism by which a third-party inspector may be hired to perform an inspection; and authorizes DCRA to charge a fee for the platform's use.

Subtitle H. Reciprocity Parking Fee Update Amendment Act of 2020: Increases the price of parking reciprocity stickers for members of Congress, their staff, Presidential Appointees, and foreign diplomats from \$50 to \$100.

Subtitle I. Tag Transfer Fee Update Amendment Act of 2020: Raises the fee for transferring motor vehicle tags from one vehicle to another from \$7 to \$12.

Subtitle J. ATE Reporting Requirement Amendment Act of 2020: Requires the District Department of Transportation (DDOT), in consultation with the Department of Motor Vehicles,

to report semi-annually on the top Automated Traffic Enforcement (ATE) locations by value of citations issued, the breakdown of the jurisdictions where those receiving ATE citations have their vehicle registered, where new cameras have been added in the last six months and the reasons why those locations were chosen, and the amount of ATE citations issued in total.

Subtitle K. Capacity Market Withdrawal Feasibility Study Act of 2020: Requires that the Department of Energy and the Environment (DOEE) make publicly available a study that evaluates and makes recommendations regarding the District withdrawing from the PJM capacity market.

Subtitle L. Competitive Grant Act of 2020: Requires DOEE to award an annual grant on a competitive basis, in an amount not to exceed \$200,000, to provide wildlife rehabilitation services.

Subtitle M. Urban Agriculture Funding Amendment Act of 2020: Revises the limitation on expenditures for administration of the Urban Farming Land Lease Program and the real property tax abatement for certain urban farms established pursuant to D.C. Official Code § 47-868 and the tax-exempt status conferred by § 47-1005(c); and extends the length of an allowable base period under the land lease program from five years to a minimum of five years.

Subtitle N. Waste Disposal Fees Regulation Amendment Act of 2020: Increases the fee for disposal of each ton of solid waste at the District's waste-handling facilities from \$60.62 for each ton to \$70.62; and increases the minimum fee from \$30.31 to \$35.31.

Subtitle O. Fast Ferry Grant Act of 2020: Requires DDOT to award a grant in Fiscal Year 2021 of not less than \$250,000 to a regional transportation system supporting efforts to establish M-495 Commuter Fast Ferry Service on the Occoquan, Potomac, and Anacostia River system.

TITLE VII. FINANCE AND REVENUE

Subtitle A. Personal Property Tax Amendment Act of 2020: Amends the definition of "tangible personal property," which is subject to tax, to include the value of prewritten and canned software integrated into business equipment and not commonly available separately.

Subtitle B. Unincorporated Business Tax Amendment Act of 2020: Amends the unincorporated business tax to specifically include as taxable the gain from the sale of tangible or intangible property, including real property, even when the sale results in the termination of the unincorporated business.

Subtitle C. Ballpark Revenue Fund Excess Revenue Amendment Act of 2020: Amends the allowable uses of the Ballpark Revenue Fund to include in Fiscal Years 20, 21, and 22 transfers to the General Fund of those funds in excess of what is needed for debt service due on the revenue bonds.

Subtitle D. Events DC Authority Amendment Act of 2020: Authorizes Events DC to issue grants of not less than \$1M to support go-go music in the District of Columbia, provided that such funds are available; and extends the prohibition from Fiscal Year 2019 and Fiscal Year 2020 to Fiscal Year 2020 and Fiscal Year 2021 on obligating or expending funds to purchase the Robert F. Kennedy Memorial Stadium or to induce a National Football League Team to locate in the District.

Subtitle E. Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Amendment Act of 2020: Extends the date by which a certificate of occupancy must be obtained for two parcels that are part of the Parkside Planned Unit Development.

Subtitle F. Off Premises Alcohol Tax Rate Amendment Act of 2020: Lowers the off premises alcohol tax rate from 10.25% to 10% for to-go or delivery alcohol sales with food by ABC licensed retailers.

Subtitle G. Subject to Appropriations Amendment Act of 2020: Repeals or amends the subject-to-funding provisions for the following 14 measures to reflect that they are now funded, or that they will be fully or partially funded in the budget and financial plan adopted pursuant to Bill 23-761, the Fiscal Year 2021 Local Budget Act of 2020:

1. East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018, effective October 30, 2018, (D.C. Law 22-176; 65 DCR 9552).
2. Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; 65 DCR 12049).
3. Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; 66 DCR 1402).
4. Mypheduh Films DBA Sankofa Video and Books Real Property Tax Exemption Act of 2019, effective September 11, 2019 (D.C. Law 23-24; 66 DCR 9759).
5. Certificate of Need Fee Reduction Amendment Act of 2019, effective March 10, 2020, (D.C. Law 23-60; 67 DCR 568).
6. Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019, effective March 10, 2020, (D.C. Law 23-62; 67 DCR 574).
7. Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476).
8. Urban Farming Land Lease Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-80; 67 DCR 2494).
9. Strengthening Reproductive Health Protections Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-90; 67 DCR 3537).

10. Certified Professional Midwife Amendment Act of 2020, effective June 17, 2020, (D.C. Law 23-97; 67 DCR 3912).
11. Leave to Vote Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-110; 67 DCR 5057).
12. Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-113; 67 DCR 5069).
13. Professional Art Therapist Licensure Amendment Act of 2020, effective June 24, 2020, (D.C. Law 23-115; 67 DCR 5077).
14. Ivory and Horn Trafficking Prohibition Act of 2020, enacted on April 27, 2020 (D.C. Act 23-302; 67 DCR 5060).

In addition, four measures previously funded, in whole or in part, by the Council are reverting to unfunded status, or partially unfunded status, due to budget cuts made by the Mayor:

1. Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; 65 DCR 9569).⁷
2. Ensuring Community Access to Recreational Spaces Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-431 et seq.).⁸
3. Senior Strategic Plan Amendment Act of 2018, effective March 28, 2019 (D.C. Law 22-267; 66 DCR 1428).⁹
4. Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595).¹⁰

Subtitle H. Council Period 23 Rule 736 Repeals Act of 2020: Repeals the following laws, or provisions thereof, that had been approved subject to appropriation and have remained unfunded for two fiscal years, pursuant to Council Rule 736:

1. Section 202 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320;).
2. Sections 103 and 105(c) of the Employee Transportation Amendment Act of 2012, effective March 5, 2013 (D.C. Law 19-223; 60 DCR 8871).

⁷ Section 107(a), which was previously funded, was made subject to funding.

⁸ Section 4 was made subject to funding.

⁹ The law was made subject to funding.

¹⁰ Section 4 was made subject to funding.

3. Section 3602(d) of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; 47 DCR 6308).
4. Exhaust Emissions Inspection Amendment Act of 2017, effective January 25, 2018 (D.C. Law 22-47; 64 DCR 12403).
5. Mobile DMV Act of 2017, effective January 25, 2018 (D.C. Law 22-49; 65 DCR 803).
6. Public School Health Services Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-61; 65 DCR 127).
7. DC Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-62; 65 DCR 9).
8. Ballpark Fee Forgiveness Act of 2017, effective February 28, 2018 (D.C. Law 22-64; 65 DCR 328).
9. Sections 2(nn) and 2(oo) Homeless Services Reform Amendment Act of 2017, effective February 28, 2018 (D.C. Law 22-65; 65 DCR 331).
10. East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018, effective March 29, 2018 (D.C. Law 22-81; 65 DCR 1582).
11. Relieve High Unemployment Tax Incentives Act of 2018, effective April 25, 2018 (D.C. Law 22-85; 65 DCR 1805).
12. Section 1013(g) of the Innovation Fund Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; 61 DCR 962).
13. Health Care Provider Facility Expansion Program Establishment Act of 2018, effective May 5, 2018 (D.C. Law 22-97; 65 DCR 5751).
14. School Health Innovations Grant Program Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-98; 65 DCR 5752).
15. Telehealth Medicaid Expansion Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-126; 65 DCR 5110).
16. Expenditure Commission Establishment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621).

Subtitle I. District History Grant Act of 2020: Directs that \$100,000 from the Non-Departmental Account shall be transferred to Events DC to award a grant to a nonprofit organization occupying space in the Carnegie Library building that is engaged in collecting, interpreting, and sharing the history of the District.

Subtitle J. National Cherry Blossom Festival Fundraising Match Act of 2020: Establishes a matching grant program for a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival; provides that up to \$1,000,000 shall be awarded for every dollar above \$1,000,000 raised in corporate donations by the nonprofit organization; and directs the matching grants funds shall be transferred from the Non-Departmental Account to Events DC.

Subtitle K. Motor Vehicle Fuel Tax Amendment Act of 2020: Amends the motor vehicle fuel tax rate to make it equal to the combined state and regional gasoline tax rate in Northern Virginia.

Subtitle L. Advertising and Personal Information Tax Amendment Act of 2020: Establishes a 3% tax on the gross receipts from the sale of traditional and digital advertising services and the sale of personal information.

Subtitle M. QHTC Tax Incentives Amendment Act of 2020: Increases the tax rate from 0% to 3% on existing certified Qualified High Technology Companies (QHTC) for the first 5 years after the date the company has taxable income; increases the rate from 0% to 6% for any QHTC certified on or after January 1, 2020; and delays the favorable capital gains rate four years.

Subtitle N. Adams Morgan Business Improvement District Amendment Act of 2020: Authorizes the Adams Morgan BID to change the BID taxes from the current tax year rates, provided any such change is subject to the requirements of D.C. Official Code § 2-1215.08.

Subtitle O. Skyland Tax Exemption Amendment Act of 2020: Exempts certain lots and squares from deed recordation and transfer taxes to be paid in 2020, up to an aggregate amount of \$420,840.

TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

Subtitle A. Designated Fund Transfer Act of 2020: Directs the transfer of fund balance or revenue from certain special-purpose funds or dedicated taxes in Fiscal Year 2020 to be made available in the Fiscal Year 2021 Budget and Financial Plan.

TITLE IX. CAPITAL BUDGET

Subtitle A. Fiscal Year 2021 Capital Project Reallocation Approval Act of 2020: rescinds or adjusts capital project funding from existing allotments in the Capital Improvements Plan for the purpose of balancing the capital portion of the Fiscal Year 2021 budget and financial plan.

TITLE X. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE: Sets forth the applicability provision, fiscal impact, and effective date of the act. Except as specifically provided in the subtitles, this act shall apply as of October 1, 2020.

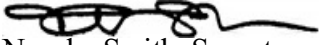
IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 23-760 as introduced.
2. Mayor's errata letter.
3. Fiscal Impact Statement for Bill 23-760 as introduced.
4. Legal Sufficiency Determination for Bill 23-760.
5. Committee Print for Bill 23-760.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Monday, June 8, 2020
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, May 18, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Fiscal Year 2021 Budget Support Act of 2020", B23-0760

INTRODUCED BY: Chairman Mendelson, at the request of Mayor


The Chairman is referring this legislation to Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

MEMORANDUM

To: Members of the Council

From: Nyasha Smith, Secretary to the Council 

Date: June 8, 2020

Subject: **REVISED** - Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, May 18, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Fiscal Year 2021 Budget Support Act of 2020", B23-760

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole with comments from standing committees on specific subtitles as indicated below:

COMMITTEE LEGEND

BED BUSINESS AND ECONOMIC DEVELOPMENT
COW COMMITTEE OF THE WHOLE
E EDUCATION
FP FACILITIES AND PROCUREMENT
GO GOVERNMENT OPERATIONS
H HEALTH
HNR HOUSING AND NEIGHBORHOOD REVITALIZATION
HS HUMAN SERVICES
JPS JUDICIARY AND PUBLIC SAFETY
LWD LABOR AND WORKFORCE DEVELOPMENT
RYA RECREATION AND YOUTH AFFAIRS
TE TRANSPORTATION AND THE ENVIRONMENT

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

- SUBTITLE A. FACILITY OPERATIONS REPROGRAMMINGS FP, COW
- SUBTITLE B. REVIEW OF OPTION YEAR CONTRACTS FP, COW
- SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS.....LWD

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

- SUBTITLE A. CREATIVE AND OPEN SPACE MODERNIZATION TAX REBATE BED
- SUBTITLE B. ECONOMIC OPPORTUNITY AND CREATIVITY GRANTS..... BED
- SUBTITLE C. OPPORTUNITY ZONE TAX BENEFITS BED
- SUBTITLE D. STREETScape BUSINESS DEVELOPMENT RELIEF BED
- SUBTITLE E. PUBLIC ACCESS CORPORATION BUDGET BED
- SUBTITLE F. ECONOMIC & COMMUNITY DEVELOPMENT GRANTS IN WARDS 5, 7, 8 BED
- SUBTITLE G. TAX ABATEMENTS FOR AFFORDABLE HOUSING IN HIGH-NEED AREAS... BED
- SUBTITLE H. TARGETED HISTORIC PRESERVATION ASSISTANCE PROGRAM.....COW
- SUBTITLE I. PROPERTY DISPOSITION AND DEVELOPMENT INCENTIVE ADMINISTRATIVE FEES BED
- SUBTITLE J. SPORTS WAGERING SMALL BUSINESS DEVELOPMENT PROGRAM BED
- SUBTITLE K. COMMUNITY RESTROOMSCOW

TITLE III. PUBLIC SAFETY AND JUSTICE

- SUBTITLE A. CRIMINAL CODE REFORM COMMISSION TERM EXTENSION JPS
- SUBTITLE B. INFORMATION SHARING FOR AT-RISK YOUTHRYA, JPS
- SUBTITLE C. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT JPS
- SUBTITLE D. SENIOR POLICE OFFICERS PROGRAM JPS
- SUBTITLE E. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION GO JPS
- SUBTITLE F. CONCEALED PISTOL LICENSING REVIEW BOARD JPS
- SUBTITLE G. REHIRING OF RETIRED POLICE OFFICERSJPS, COW

TITLE IV. PUBLIC EDUCATION SYSTEMS

- SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA INCREASE..... E, COW
- SUBTITLE B. EDUCATION FACILITY COLOCATION..... E, COW
- SUBTITLE C. CHILD CARE GRANTS E, COW
- SUBTITLE D. DEPARTMENT OF PARKS AND RECREATION SPONSORSHIP AND ADVERTIZING REVENUE.....RYA
- SUBTITLE E. DEPARTMENT OF PARKS AND RECREATION PROGRAMMING GRANTSRYA

SUBTITLE F. CHILD DEVELOPMENT FACILITY AND PRE-K REPORTS E, COW
 SUBTITLE G. SCHOOL MEAL COST REIMBURSEMENTS AND SUBSIDIES E, TE, COW
 SUBTITLE H. EARLY HEAD START HOME VISITING GRANTS E, COW
 SUBTITLE I. RECREATIONAL SPACE USE FEE WAIVERS..... RYA, COW
 SUBTITLE J. WILKINSON SCHOOL DISPOSITION PROCESS..... E, BED, COW
 SUBTITLE K. FORT DUPONT ICE ARENA GRANT.....RYA

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. MEDICAID HOSPITAL SUPPLEMENTAL AND DIRECTED PAYMENTS..... H
 SUBTITLE B. MEDICAL MARIJUANA PROGRAM ADMINISTRATION H, BED
 SUBTITLE C. STEVIE SELLOWS DIRECT SUPPORT PROFESSIONALS QUALITY
 IMPROVEMENTS H
 SUBTITLE D. SENIOR STRATEGIC PLANHNR

TITLE VI. OPERATIONS AND INFRASTRUCTURE

SUBTITLE A. OPPORTUNITY ACCOUNTS..... BED
 SUBTITLE B. SPECIAL PURPOSE REVENUE ACCOUNTS OF THE DEPARTMENT OF
 CONSUMER AND REGULATORY AFFAIRSCOW
 Section 6014 TE, COW
 SUBTITLE C. GAME OF SKILL MACHINES BED
 SUBTITLE D. PAY-BY-PHONE TRANSACTION FEES FUND TE
 SUBTITLE E. ENVIRONMENTAL SPECIAL PURPOSE REVENUE ACCOUNTS..... TE
 SUBTITLE F. ALCOHOLIC BEVERAGE SALES AND DELIVERY BED
 SUBTITLE G. THIRD PARTY INSPECTION PLATFORM.....COW

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. PERSONAL PROPERTY TAX..... BED
 SUBTITLE B. UNINCORPORATED BUSINESS FRANCHISE TAX BED
 SUBTITLE C. BALLPARK REVENUE FUND..... BED

TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

SUBTITLE A. DESIGNATED FUND TRANSFERSCOW

Attachment

cc: General Counsel
Budget Director
Legislative Services



MURIEL BOWSER
MAYOR

May 18, 2020

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

On behalf of the residents of the District of Columbia, I am pleased to submit to you the proposed District of Columbia Fiscal Year 2021 Proposed Budget and Financial Plan, *DC HOPE (Health Opportunity Prosperity Equity)*. Included in this submission, you will find the “Fiscal Year 2021 Local Budget Act of 2020,” the “Fiscal Year 2021 Federal Portion Budget Request Act of 2020,” the “Fiscal Year 2021 Budget Support Act of 2020,” the “Fiscal Year 2020 Revised Local Budget Emergency Act of 2020,” the “Fiscal Year 2020 Revised Local Budget Temporary Act of 2020,” and the “Fiscal Year 2020 Revised Local Budget Emergency Declaration Resolution of 2020”.

Despite a substantial loss of revenue due to the global coronavirus pandemic, the Fiscal Year 2021 budget proposal continues to make significant investments in District residents. This budget supports the priorities and values of our residents by making critical investments in our public health infrastructure, affordable housing, and public schools. With a focus on health, opportunity, prosperity, and equity, this budget provides a sense of hope that even in times of unprecedented crisis, we can live up to our DC values and provide every Washingtonian with a fair shot at pathways to the middle class.

In just a few short months, this pandemic has created many challenges for our community and has laid bare distressing health disparities that exist across our nation and within our community. We know that these disparities are the result of generations of discriminatory policies and systems that negatively affect the health and well-being of people of color. This budget recognizes that in order to build a healthier, more equitable, and more resilient city, we must improve our health care system while also addressing the social determinants that drive health outcomes.

The DC HOPE Budget includes \$306 million for a state-of-the-art community hospital at St. Elizabeths and \$69 million ambulatory complex to support a stronger network of care in Wards 7 and 8. The budget also includes \$4.8 million to support the recommendations of the Mayor’s Commission on Healthcare Systems Transformation, including investments to reduce reliance on emergency care and \$400,000 to improve pre-natal care. Through these investments, we can transform our health care system by promoting equity in care, access, and outcomes.

Despite the difficult circumstances we face, I remain steadfast in my commitment to affordable housing. Thus, this budget includes a \$100 million investment in the Housing Production Trust Fund and a \$1 million commitment to the Housing Preservation Fund which is leveraged with private investments to ensure we preserve critical affordable housing units.

We will also continue our robust investments in education, with a 3 percent increase in the Uniform Per Student Funding Formula and \$1.4 billion over the next six years for the continued modernization of our schools.

This budget also maintains critical investments in building a safer, stronger DC, including a \$1.7 million investment in our Cadet Program, which will provide 50 young District residents an opportunity to be a part of our Metropolitan Police Department.

Below are additional examples of important investments in the proposed FY 2021 Budget and Financial Plan that will help us build a more resilient and equitable DC.

Health and Human Services

The FY 2021 budget supports the health and well-being of District residents through the following investments:

- \$4.2 million in FY 2021 to support five Centers of Excellence at Howard University Hospital, which will strengthen the Howard University Hospital and improve the health outcomes of Washingtonians;
- \$12.8 million in Homeward DC to make homelessness rare, brief, and non-recurring, including 96 new units for singles, 54 new units for families, and operating costs for our new short-term family housing shelters;
- \$5 million to continue funding for the Safe at Home program to meet program demands and \$250 thousand in grants for senior hearing aids;
- \$26 million to complete the Therapeutic Recreation Center in Ward 7 and \$8.9 million for the Ward 8 Senior Wellness Center project; and
- \$86 million in the capital budget to improve and expand public parks and recreational facilities.

Affordable Housing

Producing, preserving, and protecting affordable housing remains a top priority. The FY 2021 budget makes the following investments in affordable housing:

- \$100 million contribution to the Housing Production Trust Fund;
- \$1 million for the Housing Preservation Fund;
- \$76 million in capital funding to rehabilitate and modernize public housing units; and
- \$35.5 million to expand and renovate the District's permanent and temporary supportive housing.

High-Quality Education

Our community continues to recognize the important role our public schools play in creating opportunity and helping us build a more equitable city. We know that investments in our public schools were the driving force behind the renaissance of our city, and our steadfast commitment to our students, families, and educators remains strong. In the DC HOPE Budget, we continue to make education a top priority through a range of investments, including:

- a \$113.5 million increase in funding for K-12 public education;
- 3.0 percent increase to the base amount of the Uniform Per Student Funding Formula;
- more than \$1.4 billion for DC Public Schools (DCPS) to fund school modernizations, small capital projects, and school expansions to address overcrowding;
- \$80.2 million for the opening of Bard High School Early College, \$22.7 million for a new expansion at Barnard Elementary School, \$56 million for the development of a new Foxhall School, and \$2 million to support Excel Academy;
- \$75 million in capital funding to support 17 schools in the creation of 540 new early childcare seats and 180 pre-kindergarten seats across the District;
- \$20 million in funding for the Parkland Turner Library in Ward 8;
- a continued investment of \$90.3 million for the University of the District of Columbia, including \$6.5 million in investments for IT upgrades and an additional \$108 million in capital investments for university improvements; and
- \$1 million to support the operations of the new Martin Luther King Library.

Public Safety and Justice

Our work to build safer, stronger neighborhoods across all eight wards continues, and the FY 2021 budget includes critical investments that support our collective commitment to public safety and justice:

- \$2 million for an additional 30 corrections officers and \$48 million to address critical building needs at the DC Jail.
- \$327 thousand to provide critical Public Health Emergency resources to the Department of Forensic Sciences;
- \$200 thousand to implement a consumer case management system to improve code violation enforcement, as was recommended by the independent review of the 708 Kennedy Street fire; and
- \$86 million to upgrade our Fire and Emergency Medical Services fleet vehicles.

Transportation and the Environment

The FY 2021 budget makes key investments in transportation and infrastructure that will make moving throughout our city safer and provide more convenient access to transit options in underserved areas. The budget also includes investments that over time will make the District greener and more sustainable. Key investments in the District's transportation and environment include:

- \$1.7 billion to support capital infrastructure upgrades for the Washington Metro Area Transit Authority;
- \$6.5 million to support the continued improvement of our Circulator services and fund key wage components of our Circulator contract;
- \$56 million in safety and mobility investments and \$146 million in streetscapes as well as \$250 thousand in operating enhancements for new Vision Zero improvements to improve safety and reduce serious injuries and traffic fatalities;
- \$117 million to build the K Street Transitway by 2023, providing protected bus and bike lanes across the District's downtown core;
- \$1 million to install new electric vehicle charging stations at District agencies to support growing the District's electric fleet; and

- \$40 million to conduct hazardous material remediation as part of ongoing efforts to make the Anacostia River fishable and swimmable.

Jobs and Economic Opportunity

While recovery efforts for residents and businesses will be ongoing and include the use of local and federal funds, the FY 2021 budget builds on efforts to spread prosperity and support local businesses and entrepreneurs with:

- \$3.7 million for Main Streets and \$4.5 million for Clean Teams;
- \$250 thousand to help returning citizens start new businesses and launch careers;
- \$7 million to support business development across the city with a focus on mixed-use development in high-unemployment areas;
- the creation of an online marketplace that will digitize, simplify, and improve accountability of the third-party construction inspection process; and
- expanded access to our Opportunity Accounts program, allowing residents enrolled in the District's Opportunity Accounts program to use matched savings for medical emergencies not covered by insurance, as well as health insurance premiums in the event of a sudden loss of income.

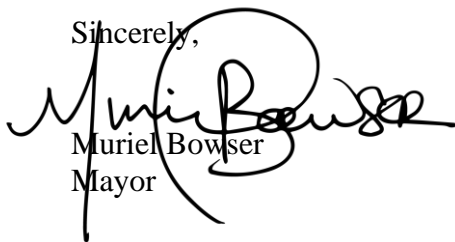
Government Operations

The FY 2021 budget reflects a focus on streamlined and efficient government services that support our DC values, including:

- \$2.5 million for the Immigrant Justice Legal Services grant program;
- \$4.3 million to fully fund the Fair Elections Program;
- \$3.3 million to build a new animal shelter; and
- \$72 million to complete the modernization of the District's financial systems.

The FY 2021 budget is unique in that when we started putting it together, the world and the District were in a much different place than we are today. While our challenges are still great, Washington, DC is fortunate that we went into this crisis in strong financial standing – a place we got to through years of being responsible stewards of taxpayer dollars. I am proud that the DC HOPE Budget, which was revised and updated in the midst of this crisis, continues to reflect our ongoing commitment to good government and fiscal responsibility without compromising our shared DC values.

Sincerely,



Muriel Bowser
Mayor

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact and amend provisions of law necessary to support the Fiscal Year 2021 budget.

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82 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

83 act may be cited as the “Fiscal Year 2021 Budget Support Act of 2020”.

84 **TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

85 **SUBTITLE A. FACILITY OPERATIONS REPROGRAMMINGS**

86 Sec. 1001. Short title.

87 This subtitle may be cited as the “Facility Operations Reprogrammings Amendment Act

88 of 2020”.

89 Sec. 1002. Section 47-363 of the District of Columbia Official Code is amended by

90 adding a new subsection (h) to read as follows:

91 “(h)(1) This subtitle shall not apply to a reprogramming from an activity within the

92 Facility Operations program of the Department of General Services to another activity within the

93 Facility Operations program of the Department of General Services, other than as provided in

94 this subsection.

95 “(2) The Chief Financial Officer of the District of Columbia (“CFO”) shall

96 reprogram funds from an activity within the Facility Operations program of the Department of

97 General Services to another activity within the Facility Operations program of the Department of

98 General Services upon the request of the director of the Department of General Services, unless

99 the CFO determines that the funds are not available for reprogramming.

100 “(3) After funds are reprogrammed pursuant to paragraph (2) of this subsection,
101 the director of the Department of General Services may obligate and expend the reprogrammed
102 funds.”.

103 **SUBTITLE B. REVIEW OF OPTION YEAR CONTRACTS**

104 Sec. 1011. Short title.

105 This subtitle may be cited as the “Streamlined Contract Review and Procurement
106 Efficiency Reform Amendment Act of 2020”.

107 Sec. 1012. Section 202 of the Procurement Practices Reform Act of 2010, effective April
108 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), is amended as follows:

109 (a) Subsection (a)(2) is amended by striking the phrase “For a contract” and inserting the
110 phrase “Except as provided in subsection (b)(3)(B) of this section, for a contract” in its place.

111 (b) Subsection (b)(3) is amended to read as follows:

112 “(3)(A) Council approval of a contract submitted pursuant to paragraph (2) of this
113 subsection shall expire 12 months after the award of the contract, except as provided in
114 subparagraph (B) of this paragraph.

115 “(B) Council approval of a multiyear contract or contract in excess of
116 \$1,000,000 during a 12-month period that contains a provision that grants to the District the
117 option to exercise one or more option periods each of a duration of 12 months or less shall
118 constitute the Council review and approval required by section 451(b) of the District of
119 Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-
120 204.51(b)) of the base period and of each exercise of an option period when, at the time of the
121 exercise of the option period, there has been no material change to the terms of the contract
122 approved by the Council (“underlying contract”) before the option period is exercised and the

123 exercise of the option period does not result in a material change in the terms of the underlying
124 contract.”.

125 **SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS**

126 Sec. 1031. Short title.

127 This subtitle may be cited as the “Balanced Budget and Financial Plan Freeze on Salary
128 Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020”.

129 Sec. 1032. Definitions.

130 For the purposes of this subtitle, the term:

131 (1) “CMPA” means the District of Columbia Government Comprehensive Merit
132 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01
133 *et seq.*).

134 (2) “Covered agency” means an agency, office, or instrumentality of the District
135 government, including independent agencies, as such term is defined in section 301(17) of the
136 CMPA, except for the District of Columbia Housing Authority, District of Columbia Housing
137 Finance Agency, District of Columbia Water and Sewer Authority, Not-for-Profit Hospital
138 Corporation, University of the District of Columbia; and Washington Convention and Sports
139 Authority.

140 (3) “Negotiated salary schedule” means a salary schedule specified in a collective
141 bargaining agreement.

142 (4) “Negotiated salary, wage, and benefits provision” means the salary and
143 benefits provided in a collective bargaining agreement.

144 (5) “Personnel authority” means an individual with the authority to administer all
145 or part of a personnel management program as provided in sections 301(14) and 406 of the
146 CMPA (D.C. Official Code §§ 1-601.01(14) and 1-604.06).

147 Sec. 1033. Freeze on cost-of-living adjustments.

148 Notwithstanding any other provision of law, rule, or collective bargaining agreement, an
149 employee of a covered agency shall not receive a cost-of-living adjustment during the period
150 from October 1, 2020, through September 30, 2024.

151 Sec. 1034. Maintenance of Fiscal Year 2020 salary schedules and benefits.

152 Notwithstanding any other provision of law, collective bargaining agreement,
153 memorandum of understanding, side letter, or settlement, whether specifically outlined or
154 incorporated by reference, all Fiscal Year 2020 salary schedules of covered agencies shall be
155 maintained during Fiscal Years 2021, 2022, 2023, and 2024 and no increase in salary or benefits,
156 including increases in negotiated salary, wage, and benefits provisions and negotiated salary
157 schedules, shall be provided in Fiscal Years 2021, 2022, 2023, or 2024 from the Fiscal Year
158 2020 salary and benefits levels of covered agencies.

159 Sec. 1035. Rules.

160 To the extent authorized by the CMPA or other applicable law to issue rules to administer
161 the salary or benefits program of a covered agency, the personnel authority for a covered agency
162 may, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved
163 October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules to implement
164 this subtitle.

165 **TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

166 **SUBTITLE A. CREATIVE AND OPEN SPACE MODERNIZATION TAX**

167 **REBATE**

168 Sec. 2001. Short title.

169 This subtitle may be cited as the “Creative and Open Space Modernization Tax Rebate
170 Amendment Act of 2020”.

171 Sec. 2002. Section 2032(d) of the Deputy Mayor for Planning and Economic
172 Development Limited Grant-Making Authority Act of 2012, effective September 12, 2012 (D.C.
173 Law 19-168; D.C. Official Code § 1-328.04(d)), is amended by adding a new paragraph (1A) to
174 read as follows:

175 “(1A) Funds to provide real property tax rebates under D.C. Official Code § 47-
176 4665, in an amount not to exceed \$3 million in a fiscal year.”.

177 **SUBTITLE B. ECONOMIC OPPORTUNITY AND CREATIVITY GRANTS**

178 Sec. 2011. Short title.

179 This subtitle may be cited as the “Economic Opportunity and Creativity Grants Authority
180 Amendment Act of 2020”.

181 Sec. 2012. Section 2032(a) of the Deputy Mayor for Planning and Economic
182 Development Limited Grant-Making Authority Act of 2012, effective September 12, 2012 (D.C.
183 Law 19-168; D.C. Official Code § 1-328.04(a)), is amended as follows:

184 (a) Paragraph (5) is amended by striking the period at the end and inserting a semicolon
185 in its place.

186 (b) Paragraph (6) is amended by striking the word “and”.

187 (c) Paragraph (7) is amended by striking the period at the end and inserting the phrase “;
188 and” in its place.

189 (d) A new paragraph (8) is added to read as follows:

190 “(8) Funds in support of programs, projects, and initiatives that are consistent with
191 and in furtherance of the economic development goals or activities of the District.”.

192 **SUBTITLE C. OPPORTUNITY ZONE TAX BENEFITS**

193 Sec. 2021. Short title.

194 This subtitle may be cited as the “Aligning Opportunity Zone Tax Benefits with DC
195 Community Priorities Act of 2020”.

196 Sec. 2022. Section 47-1803.03(a) of the District of Columbia Official Code is amended
197 by adding a new paragraph (20) to read as follows:

198 “(20) Capital Gains. --

199 “(A) Deferral of a capital gains tax payment for investing in a Qualified
200 Opportunity Fund (“QOF”) shall be realized only if the taxpayer invests in a QOF that meets the
201 criteria set forth in subparagraph (D) of this paragraph.

202 “(B) Reduction of capital gains tax liability through a 10% step-up in
203 basis, if invested in a QOF for 5 years prior to December 31, 2026, and an additional 5% step-up
204 in basis, if invested in a QOF for 7 years prior to December 31, 2026, shall be realized only if the
205 taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph.

206 “(C) Abatement of capital gains tax on an investment of capital gains in a
207 QOF for at least 10 years before December 31, 2047, shall be realized only if the taxpayer
208 invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph.

209 “(D) In order to receive the benefits described in subparagraphs (A), (B),
210 and (C) of this paragraph, the taxpayer must:

211 “(i) Invest in a QOF that:

212 “(I) Is certified by the Mayor as an eligible QOF pursuant
213 to subparagraph (E) of this paragraph;

214 “(II) Has invested at least the value of the taxpayer’s
215 investment in the QOF in a Qualified Opportunity Zone or Qualified Opportunity Zones in the
216 District; and

217 “(III) Has submitted its IRS Form 8996 to the Office of Tax
218 Revenue for the tax year in which the taxpayer is seeking the benefits described in subparagraphs
219 (A), (B), and (C) of this paragraph; and

220 “(ii) Submit an IRS Form 8997 to the Office of Tax Revenue for the tax
221 year in which the taxpayer is seeking the benefits described in subparagraphs (A), (B), and (C) of
222 this paragraph.

223 “(E) To be certified by the Mayor as an eligible QOF, a QOF must submit
224 to the Mayor documentation showing:

225 “(i) That some or all of its investments in Qualified Opportunity
226 Zone Businesses and Qualified Opportunity Zone Business Property are in businesses or
227 property that:

228 “(I) Have been selected by the District government for a
229 grant, loan, tax incentive, tax abatement, or other benefit or incentive intended to promote
230 economic or community development in the District;

231 “(II) Have been selected by the Office of the Deputy Mayor
232 for Planning and Economic Development to manage the redevelopment of a property, with
233 respect to a business, or that are owned or disposed of by the District government, with respect to
234 a property;

258 construction, capital infrastructure, or rehabilitation project. To obtain a loan or grant, a District
259 Main Streets Program organization or individual or entity operating a retail business shall submit
260 an application in the form, and with the information, that the Mayor shall require. The Mayor
261 shall determine the terms and conditions of each loan or grant based upon the application
262 submitted by the District Main Streets Program organization or individual or entity operating a
263 retail business; provided, that the term of a loan or grant issued pursuant to this section shall not
264 exceed 5 years after the termination of the streetscape construction, capital infrastructure, or
265 rehabilitation project.”.

266 **SUBTITLE E. PUBLIC ACCESS CORPORATION BUDGET**

267 Sec. 2041. Short title.

268 This subtitle may be cited as the “Budget of the Public Access Corporation Amendment
269 Act of 2020”.

270 Sec. 2042. Section 302(k) of the Cable Television Communications Act of 1981,
271 effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1253.02(k)), is repealed.

272 **SUBTITLE F. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS IN**
273 **WARDS 5, 7, AND 8**

274 Sec. 2051. Short title.

275 This subtitle may be cited as the “Deputy Mayor for Planning and Economic
276 Development Limited Grant Making Authority for Entities Operating in Wards 5, 7, or 8
277 Amendment Act of 2020”.

278 Sec. 2052. Section 2032(d) of the Deputy Mayor for Planning and Economic
279 Development Limited Grant-Making Authority Act of 2012, effective September 12, 2012 (D.C.
280 Law 19-168; D.C. Official Code § 1-328.04(d)), is amended as follows:

281 (a) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in
282 its place.

283 (b) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its
284 place.

285 (c) A new paragraph (4) is added to read as follows:

286 “(4) Funds to entities operating in Wards 5, 7, or 8 for the purpose of increasing
287 economic or community development in an underserved area of the District.”.

288 **SUBTITLE G. TAX ABATEMENTS FOR AFFORDABLE HOUSING IN HIGH-**
289 **NEED AREAS**

290 Sec. 2061. Short title.

291 This subtitle may be cited as the “Tax Abatements for Affordable Housing in High-Need
292 Affordable Housing Areas Act of 2020”.

293 Sec. 2062. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as
294 follows:

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

297 “47-860. Tax abatement for affordable housing in high-need affordable housing areas.”.

298 (b) A new section 47-860 is added to read as follows:

299 “§ 47-860. Tax abatement for affordable housing in high need affordable housing areas.

300 “(a) Real property shall be exempt from the tax imposed by § 47-811 for the period of
301 time set forth in subsection (c) of this section, if:

302 “(1) The real property is located in a high-need affordable housing area;

303 “(2) The real property is designated by the Mayor pursuant to subsection (b) of
304 this section;

305 “(3) The real property is developed or redeveloped with a project that includes at
306 least 350 housing units;

307 “(4) At least one third of the housing units developed or redeveloped on the real
308 property are affordable to households earning 80% or less of the area median income for a period
309 of at least 40 years;

310 “(5) The developer files a covenant in the land records of the District, binding on
311 the developer and all of its successors, covenanting to comply with the requirements of
312 paragraph (4) of this subsection;

313 “(6) The developer enters into an agreement with the District that requires the
314 developer to, at a minimum, contract with certified business enterprises for at least 35% of the
315 contract dollar volume of the operations of the project, in accordance with section 2349 of the
316 CBE Act;

317 “(7) The developer enters into a First Source Hiring Agreement for the operations
318 of the project; and

319 “(8) The developer enters into an agreement with the Mayor setting forth the
320 requirements of this subsection and such other terms and conditions as the Mayor deems
321 appropriate.

322 “(b) The Mayor may, through a competitive process, designate real property in high-need
323 affordable housing areas to be eligible to receive a tax abatement under this section; provided,
324 that the total amount of the tax abatements associated with real property designated by the Mayor

325 pursuant to this subsection shall not exceed \$200,000 in Fiscal Year 2024 and shall not exceed
326 \$4 million annually thereafter.

327 “(c) The tax exemption provided by this section shall begin in the tax year immediately
328 following the tax year during which a certificate of occupancy for a project meeting the
329 requirements of subsection (a) of this section is issued and shall continue until the end of the
330 40th tax year after the tax year during which the certificate of occupancy is issued; provided, that
331 the tax exemption provided by this section shall not begin before October 1, 2023.

332 “(d)(1) The Mayor shall certify to the Office of Tax and Revenue a real property’s
333 eligibility for the abatement provided by this section. The Mayor’s certification shall include:

334 “(A) A description of the real property by street address, square, suffix,
335 and lot;

336 “(B) The date a certificate of occupancy for the affordable housing
337 developed on the real property was issued;

338 “(C) The date the tax exemption begins and ends;

339 “(D) A statement that the conditions specified in subsection (a) of this
340 section have been satisfied; and

341 “(E) Any other information that the Mayor considers necessary or
342 appropriate

343 “(2) If at any time the Mayor determines that the real property has become
344 ineligible for the exemption provided by this section, the Mayor shall notify the Office of Tax
345 and Revenue and shall specify the date that the property became ineligible. The entire property
346 shall be ineligible for the exemption on the first day of the tax year following the date when the
347 ineligibility occurred.

348 “(e) The tax exemption provided by this section shall be in addition to, not in lieu of, any
349 other tax relief or assistance from any other source.

350 “(f) The requirements of the CBE Act and First Source Act shall not apply to the
351 construction or development of a project developed on real property designated by the Mayor
352 pursuant to subsection (b) of this section.

353 “(g) For the purposes of this section, the term:

354 “(1) “Area median income” has the meaning set forth in section 2(1) of the
355 Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C.
356 Official Code § 42-2801(1)).

357 “(2) “CBE Act” means the Small and Certified Business Enterprise Development
358 and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §
359 2-218.01 *et seq.*).

360 “(3) “Certified business enterprise” means a business enterprise or joint venture
361 certified pursuant to the CBE Act.

362 “(4) “Developer” means the developer of housing units on real property eligible
363 for a tax exemption under this section.

364 “(5) “First Source Act” means the First Source Employment Agreement Act of
365 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2- 219.03).

366 “(6) “First Source Agreement” means an agreement with the District governing
367 certain obligations of the Developer pursuant to section 4 of the First Source Act, and Mayor’s
368 Order 83-265, dated November 9, 1983, regarding job creation and employment.

369 “(7) “High-need affordable housing area” means the 4 planning areas identified in
370 the District’s Housing Equity Report, published in October 2019, with the highest dedicated

371 affordable housing production goals (Rock Creek West, Rock Creek East, Capitol Hill, and
372 Upper Northeast).”.

373 **SUBTITLE H. TARGETED HISTORIC PRESERVATION ASSISTANCE**
374 **PROGRAM**

375 Sec. 2071. Short title.

376 This subtitle may be cited as the “Targeted Historic Preservation Assistance Amendment
377 Act of 2020”.

378 Sec. 2072. Section 11b(b) of the Historic Landmark and Historic District Protection Act
379 of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(b)), is
380 amended as follows:

381 (a) Paragraph (14) is amended by striking the word “or”.

382 (b) Paragraph (15) is amended by striking the period and inserting the phrase “; or” in its
383 place.

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

385 “(16) Bloomingdale Historic District.”.

386 **SUBTITLE I. PROPERTY DISPOSITION AND DEVELOPMENT INCENTIVE**
387 **ADMINISTRATIVE FEES**

388 Sec. 2081. Short title.

389 This subtitle may be cited as the “Property Disposition and Development Incentive
390 Administrative Fees Act of 2020”.

391 Sec. 2082. Property disposition and development incentive fees.

392 (a) In connection with the proposed or actual disposition of District-owned real property,
393 the proposed or actual provision of an economic development incentive, and other actions taken

394 by the District government at the request of a third party related to District-owned real property,
395 such as the provision of a right of entry, license, or temporary easement, the Mayor may impose
396 fees to:

397 (1) Compensate the District government for costs incurred by the District
398 government, including staff time and resources;

399 (2) Recover the costs of third party services or goods provided to the District
400 government;

401 (3) Compensate the District government for the fair market value of the action
402 requested.

403 (b) The Mayor may, pursuant to Title I of the District of Columbia Administrative
404 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
405 issue rules, including a schedule of fees, to implement this section.

406 (c) All fees collected pursuant to this section shall be deposited into the Economic
407 Development Special Account, established by section 301 of the National Capital Revitalization
408 Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March
409 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21).

410 **SUBTITLE J. SPORTS WAGERING SMALL BUSINESS DEVELOPMENT**

411 **PROGRAM**

412 Sec. 2091. Short title.

413 This subtitle may be cited as the “Implementation of the Sports Wagering Small Business
414 Development Program Amendment Act of 2020”.

415 Sec. 2092. Section 5 of the Sports Wagering Lottery Amendment Act of 2018, effective
416 May 3, 2019 (D.C. Law 22-312; 66 DCR 1402), is repealed.

417 **SUBTITLE K. COMMUNITY RESTROOMS**

418 Sec. 2101. Short title.

419 This subtitle may be cited as the “Community Restroom Incentive Pilot Program
420 Applicability Amendment Act of 2020”.

421 Sec. 2102. Section 5 of the Public Restroom Facilities Installation and Promotion Act of
422 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595), is amended to read as follows:

423 “Sec. 5. Applicability.

424 “(a) Section 4 shall apply upon the date of the inclusion of its fiscal effect in an approved
425 budget and financial plan.

426 “(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect
427 in an approved budget and financial plan and provide notice to the Budget Director of the
428 Council of the certification.

429 “(c)(1) The Budget Director of the Council shall cause the notice of the certification to be
430 published in the District of Columbia Register.

431 “(2) The date of publication of the notice of the certification shall not affect the
432 applicability of section 4.”.

433 **TITLE III. PUBLIC SAFETY AND JUSTICE**

434 **SUBTITLE A. CRIMINAL CODE REFORM COMMISSION TERM**

435 **EXTENSION**

436 Sec. 3001. Short title.

437 This subtitle may be cited as the “Criminal Code Reform Commission Term Extension
438 Amendment Act of 2020”.

439 Sec. 3002. The Criminal Code Reform Commission Establishment Act of 2016, effective
440 October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

441 (a) Section 3123(a) (D.C. Official Code § 3-152(a)) is amended by striking the date
442 “September 30, 2020” and inserting the date “March 30, 2021” in its place.

443 (b) Section 3127 (D.C. Official Code § 3-156) is amended by striking the date “October
444 1, 2020” and inserting the date “April 1, 2021” in its place.

445 **SUBTITLE B. INFORMATION-SHARING FOR AT-RISK YOUTH**

446 Sec. 3011. Short title.

447 This subtitle may be cited as the “Information Sharing for At-Risk Youth Program
448 Evaluation and Improvement Act of 2020”.

449 Sec. 3012. Information sharing for the evaluation and improvement of programs.

450 (a) Subject to any privacy or confidentiality requirements applicable under federal law,
451 the records, data, and information set forth in subsection (b) of this section, including personally
452 identifiable information, may be shared with the Office of the City Administrator for the
453 purposes of conducting studies, performing evaluations and quality assessments, conducting
454 improvement and oversight activities, identifying service needs, improving instruction, and
455 evaluating and improving the juvenile justice system’s ability to effectively serve students of:

456 (2) The Department of Youth Rehabilitation Services’ Violence Prevention and
457 Intervention Program; and

458 (3) The Department of Human Services’ Parent and Adolescent Support Services
459 Program.

460 (b) The following records, data, and information may be shared with the Office of the
461 City Administrator pursuant to subsection (a) of this section:

462 (1) Records, data, and information in the control or possession of the Department
463 of Youth Rehabilitation Services, notwithstanding section 106 of the Department of Youth
464 Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335;
465 D.C. Official Code § 2-1515.06);

466 (2) Records, data, and information in the control or possession of the Child and
467 Family Services Agency, notwithstanding section 306 of the Prevention of Child Abuse and
468 Neglect Act of 1977, effective October 18, 1979 (D.C. Law 3-29; D.C. Official Code § 4-
469 1303.06);

470 (3) Mental health information, administrative information, and diagnostic
471 information in the control or possession of the Department of Behavioral Health or another
472 District agency, notwithstanding the provisions of the District of Columbia Mental Health
473 Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-
474 1201.01 *et seq.*);

475 (4) Records, data, and information in the control or possession of the Department
476 of Human Services, notwithstanding the provisions of section 12(a)(7) of the Homeless Services
477 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-
478 754.11(a)(7)), and section 904 of the District of Columbia Public Assistance Act of 1982,
479 effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04);

480 (5) Health and human services information, notwithstanding the provisions of the
481 Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4,
482 2010 (D.C. Law 18-273; D.C. Official Code § 7-241 *et seq.*);

483 (6) Juvenile case records, notwithstanding D.C. Official Code § 16-2331;

484 (7) Juvenile social records, notwithstanding D.C. Official Code § 16-2332;

485 (8) Law enforcement records and files concerning a child, notwithstanding D.C.
486 Official Code § 16-2333;

487 (9) Compilations, copies, extracts, and unexpurgated records described in Chapter
488 10 of Title 1 of the District of Columbia Municipal Regulations, notwithstanding the provisions
489 of Chapter 10 of Title 1 of the District of Columbia Municipal Regulations; and

490 (10) Such other records, information, and data, including health, social service,
491 educational, administrative, law enforcement, and programmatic records, information, and data,
492 as may be appropriate for the activities described in subsection (a) of this section;

493 (c) Before sharing any records, data, or information pursuant to this section, the Office of
494 the City Administrator and the agency sharing the data shall enter into a written agreement
495 describing the records, data, and information to be shared, the method of sharing the records,
496 data, and information, and the protections to be provided to the records, data, and information by
497 the Office of the City Administrator.

498 (d) The Office of the City Administrator shall maintain, transmit, and store data and
499 information shared pursuant to this section in a manner that protects the security and privacy of
500 any individuals identified and prevents the disclosure of the data or information to any person
501 not authorized to receive the data or information by the City Administrator in connection with
502 the activities described in subsection (a) of this section.

503 **SUBTITLE C. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT**

504 Sec. 3021. Short title.

505 This subtitle may be cited as the “Emergency Medical Services Transport Contract
506 Authority Amendment Act of 2020”.

507 Sec. 3022. Section 3073 of the Emergency Medical Services Transport Contract
508 Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR
509 10775), is repealed.

510 **SUBTITLE D. SENIOR POLICE OFFICERS PROGRAM**

511 Sec. 3031. Short title.

512 This subtitle may be cited as the “Senior Police Officers Retention Amendment Act of
513 2020”.

514 Sec. 3032. Section 2(h)(1) of the Retired Police Officer Redeployment Amendment Act
515 of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)(1)), is
516 amended by striking the date “October 1, 2020” and inserting the date “October 1, 2023” in its
517 place.

518 **SUBTITLE E. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION**

519 Sec. 3041. Short title.

520 This subtitle may be cited as the “Office of Administrative Hearings Jurisdiction
521 Amendment Act of 2020”.

522 Sec. 3042. Section 6(b-23) of the Office of Administrative Hearings Establishment Act of
523 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-23)), is
524 amended to read as follows:

525 “(b-23) This act shall apply to all adjudicated cases:

526 “(1) Involving the attachment and levy of personal injury and worker’s
527 compensation settlement funds from insurers participating in the Child Support Services
528 Network when the assets are owed by a child support obligor who owes overdue child support

529 pursuant to section 25 of the District of Columbia Child Support Enforcement Amendment Act
530 of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-224);

531 “(2) Involving the interception of lottery prize winnings of an individual who
532 owes delinquent support pursuant to section 25a of the District of Columbia Child Support
533 Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C.
534 Official Code § 46-224.01);

535 “(3) Occurring before any proposed denial, refusal to renew, or revocation of a
536 driver’s license and a car registration of a child support obligor by the Mayor, or the Mayor’s
537 designee, for the failure to comply with a subpoena or warrant relating to paternity or child
538 support proceedings, or the failure to pay child support pursuant to section 26a(b-2) of the
539 District of Columbia Child Support Enforcement Amendment Act of 1985, effective February
540 13, 1996 (D.C. Law 11-87; D.C. Official Code § 46-225.01(b-2));

541 “(4) Occurring before any proposed denial, refusal to renew, or suspension of a
542 professional, business, recreational, or sporting license of a child support obligor by the Mayor,
543 or the Mayor’s designee, for the failure to comply with a subpoena or warrant relating to
544 paternity or child support proceedings, or the failure to pay child support pursuant to section
545 26a(b-2) of the District of Columbia Child Support Enforcement Amendment Act of 1985,
546 effective February 13, 1996 (D.C. Law 11-87; D.C. Official Code § 46-225.01(b-2));

547 “(5) Occurring before a certification to the Secretary of Health and Human
548 Services, pursuant to sections 452(k) and 454(31)(A) of the Social Security Act, approved August
549 22, 1996 (110 Stat. 2252; 42 U.S.C. §§ 652(k) and 654(31)(A)), that an individual owes
550 arrearages in child support in an amount exceeding \$2,500; and

551 “(6) Arising pursuant to section 27c(c) of the District of Columbia Child Support
552 Enforcement Amendment Act of 1985, effective April 3, 2001 (D.C. Law 13-269; D.C. Official
553 Code § 46-226.03(c)), involving the attachment and seizure of:

554 “(A) Assets owned by a child support obligor held in a financial institution
555 or held in a financial institution by another on behalf of the support obligor by the Child Support
556 Services Division of the Office of the Attorney General, or its successor, in order to satisfy child
557 support arrearages; or

558 “(B) Any settlements, judgments, or other funds.”.

559 **SUBTITLE F. CONCEALED PISTOL LICENSING REVIEW BOARD**

560 Sec. 3051. Short title.

561 This subtitle may be cited as the “Concealed Pistol Licensing Review Board Membership
562 Amendment Act of 2020”.

563 Sec. 3052. Section 908(b)(1) of the Firearms Control Regulations Act of 1975, effective
564 June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(b)(1)), is amended as follows:

565 (a) The lead-in language is amended by striking the phrase “7 members” and inserting the
566 phrase “11 members” in its place”.

567 (b) Subparagraph (E) is amended to read as follows:

568 “(E) Seven public members appointed by the Mayor, as follows:

569 “(i) One mental health professional;

570 “(ii) Two District residents with experience in the operation, care,
571 and handling of firearms; and

572 “(iii) Four District residents with knowledge or experience in the
573 field of mental health, victim services or advocacy, violence prevention, law, or firearms.”.

574 **SUBTITLE G. REHIRING OF RETIRED POLICE OFFICERS**

575 Sec. 3061. Short title.

576 This subtitle may be cited as the “Rehiring of Retired Police Officers by the Department
577 of General Services and the Department of Parks and Recreation Amendment Act of 2020”.

578 Sec. 3062. Section 2 of the Retired Police Officer Redeployment Amendment Act of
579 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761), is amended
580 as follows:

581 (a) A new subsection (a-2) is added to read as follows:

582 “(a-2) Except for a disability annuitant, a police officer retired from the Metropolitan
583 Police Department shall be eligible for rehire, without jeopardy to his or her retirement benefits,
584 as a full-time or part-time employee of the:

585 “(1) Department of General Services (“DGS”) for positions within DGS’s
586 Protective Services Division; and

587 “(2) Department of Parks and Recreation (“DPR”) for a safety or security position
588 of DPR.”.

589 (b) Subsection (d-1) is amended by striking the phrase “under subsection (a-1)” and
590 inserting the phrase “under subsection (a-1) or (a-2)” in its place.

591 (c) Subsection (f) is amended by striking the phrase “Metropolitan Police Department and
592 the Department of Forensic Sciences” and inserting the phrase “Metropolitan Police Department,
593 the Department of Forensic Sciences, the Department of General Services, and the Department
594 of Parks and Recreation” in its place.

595 **TITLE IV. PUBLIC EDUCATION SYSTEMS**

596 **SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA INCREASE**

597 Sec. 4001. Short title.

598 This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools
599 Increase Amendment Act of 2020”.

600 Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public
601 Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code §
602 38-2903 *et seq.*), is amended as follows:

603 (a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase
604 “\$10,980 per student for fiscal year 2020” and inserting the phrase “\$11,310 per student for
605 Fiscal Year 2021” in its place.

606 (b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array
607 and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2021
“Pre-Kindergarten 3	1.34	\$15,155
“Pre-Kindergarten 4	1.30	\$14,703
“Kindergarten	1.30	\$14,703
“Grades 1-5	1.00	\$11,310
“Grades 6-8	1.08	\$12,215
“Grades 9-12	1.22	\$13,798
“Alternative program	1.445	\$16,343
“Special education school	1.17	\$13,233
“Adult	0.89	\$10,066

608 (c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:
609

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

612 “Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$10,971
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$13,572
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$22,281
“Level 4: Special Education	More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$39,472
“Special Education Compliance	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.099	\$1,120
“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees.	0.089	\$1,007
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$18,888

613
 614 “General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental
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			Allocation FY 2021
“ELL	Additional funding for English Language Learners.	0.49	\$5,542
“At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.225	\$2,545

615

616

“Residential Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.37	\$4,185
“Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.34	\$15,155
“Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$32,686
“Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$32,686
“LEP/NEP -	Additional funding to support the after-	0.668	\$7,555

Residential	hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
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617
618 “Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated
619 in Their Individualized Education Programs (“IEPs”):

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$713
“Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,567
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,553
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,553

620
621 (d) Section 115 (D.C. Official Code § 38-2913) is amended by striking the phrase “Fiscal
622 Year 2022” and inserting the phrase “Fiscal Year 2024” in its place.

623 **SUBTITLE B. EDUCATION FACILITY COLOCATION**

624 Sec. 4011. Short title.

625 This subtitle may be cited as the “Education Facility Colocation Amendment Act of
626 2020”.

627 Sec. 4012. Section 3422 of the Public School and Public Charter School Facilities
628 Sharing Act of 2002, effective October 1, 2002 (D.C. Law 14-190; DC Official Code § 38-
629 1831.01), is amended as follows:

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

631 “(a) The District of Columbia Public Schools (“DCPS”) system may allow existing
632 public charter schools that are chartered by the District of Columbia Board of Education or the
633 Public Charter School Board to utilize space in DCPS facilities, where such facilities are
634 currently or projected to be underutilized.”.

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

636 (1) Paragraphs (1) and (2) are amended to read as follows:

637 “(1) As payment for the space allocation, the public charter school shall pay to
638 DCPS an amount agreeable to the charter school and DCPS.

639 “(2) The amount of payment shall be agreed upon by DCPS and the public charter
640 school before relocation of any public charter school into a public school facility.”.

641 (2) Paragraph (3) is repealed.

642 (c) Subsection (c) is amended by striking the phrase “Board of Education shall” and
643 inserting the phrase “Mayor may” in its place.

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

645 “(d)(1) There is established as a special fund the DCPS School Facility Colocation Fund
646 (“Fund”), which shall be administered by DCPS in accordance with this paragraph (3) of this
647 subsection.

648 “(2) All payments received from public charter schools under this section shall be
649 deposited in the Fund.

650 “(3) Money in the Fund shall be used:

651 “(A) To fund additional school programming, supplemental staff, special
652 initiatives, and other activities and programs at DCPS schools in which charter schools are
653 collocated; and

654 “(B) For maintenance of, or improvements to, DCPS schools in which
655 charter schools are collocated.

656 “(4)(A) The money deposited into the Fund shall not revert to the unrestricted
657 fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any
658 other time.

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

662 **SUBTITLE C. CHILD CARE GRANTS**

663 Sec. 4021. Short title.

664 This subtitle may be cited as the “Grantmaking Authority to Expand Access to Quality
665 Child Care Amendment Act of 2020”.

666 Sec. 4022. Child care grantmaking authority.

667 Section 3(b) of the State Education Office Establishment Act of 2000, effective October
668 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

669 (a) Paragraph (30) is amended by striking the word “and”.

670 (b) Paragraph (31)(C) is amended by striking the period and inserting the phrase “; and”
671 in its place.

672 (c) A new paragraph (32) is added to read as follows:

673 “(32) Have the authority to issue grants, from funds under its administration, to
674 non-profit and community-based organizations to increase access to, the affordability of, and the
675 quality of child care in the District.”.

676 **SUBTITLE D. DEPARTMENT OF PARKS AND RECREATION SPONSORSHIP**
677 **AND ADVERTISING REVENUE**

678 Sec. 4031. Short title.

679 This subtitle may be cited as the “Parks and Recreation Sponsorship Amendment Act of
680 2020”.

681 Sec. 4032. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246;
682 D.C. Official Code § 10-301 *et seq.*), is amended as follows:

683 (a) Section 4 (D.C. Law 10-246; D.C. Official Code § 10-303) is amended as follows:

684 (1) Subsection (a) is amended by striking the phrase “Recreation Enterprise Fund
685 (“Fund”)” and inserting the phrase “Recreation Enterprise Fund (“Enterprise Fund”)” in its
686 place.

687 (2) Subsection (b)(1) is amended by striking the word “Fund” and inserting the
688 phrase “Enterprise Fund” in its place.

689 (3) Subsection (c) is amended as follows:

690 (A) Paragraph (1) is amended by striking the word “Fund” and inserting
691 the phrase “Enterprise Fund” in its place.

692 (B) Paragraph (2) is amended by striking the word “Fund” and inserting
693 the phrase “Enterprise Fund” in its place.

694 (4) Subsection (d) is amended by striking the word “Fund” and inserting the
695 phrase “Enterprise Fund” in its place.

696 (5) Paragraph (e) is repealed.

697 (6) Subsection (f) is amended by striking the word “Fund” and inserting the
698 phrase “Enterprise Fund” in its place.

699 (b) A new section 4a is added to read as follows:

700 “Sec. 4a. Department of Parks and Recreation Sponsorship Fund.

701 “(a)(1) Notwithstanding any other provision of law, the Department may enter into
702 agreements for advertisements and sponsorships for programs, events, activities, recreation
703 centers, fields, pools, play courts, and other facilities and assets of the Department.

704 “(2) The Department shall not delegate the authority to contract for
705 advertisements or sponsorships granted to it pursuant to paragraph (1) of this subsection to any
706 other party.

707 “(3) All proceeds received from advertisements and sponsorships shall be
708 deposited into the Department of Parks and Recreation Sponsorship Fund established by
709 subsection (b) of this section.

710 “(b) There is established as a special fund the Department of Parks and Recreation
711 Sponsorship and Advertisements Fund (“Sponsorship Fund”), which shall be administered by the
712 Department in accordance with subsection (d) of this section.

713 “(c) All proceeds received by the Department from advertisements and sponsorships shall
714 be deposited into the Sponsorship Fund.

715 “(d) Money in the Sponsorship Fund:

716 “(1) Shall be used to support the events, programs, activities, recreation centers,
717 fields, pools, play courts, and other assets and facilities of the Department, as provided in the
718 sponsorship or advertising agreement; and

719 “(2) May be used to support any other events, programs, activities, recreation
720 centers, fields, pools, play courts, and other assets and facilities of the Department.

721 “(e) Money in the Sponsorship Fund may be used to purchase food, snacks, and non-
722 alcoholic beverages for the general public, Department program participants, and District
723 government employees.

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

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

730 **SUBTITLE E. DEPARTMENT OF PARKS AND RECREATION**

731 **PROGRAMMING GRANTS**

732 Sec. 4041. Short title.

733 This subtitle may be cited as the “Parks and Recreation Grant-Making Authority
734 Amendment Act of 2020”.

735 Sec. 4042. Section 3 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law
736 10-246; D.C. Official Code § 10-302), is amended by adding a new paragraph (f) to read as
737 follows:

738 “(f) The Department may issue grants to qualified individuals and non-profit
739 organizations who directly provide programming on behalf of the Department; provided, that
740 such grants shall be issued and administered in accordance with the Grant Administration Act of
741 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).”

742 **SUBTITLE F. CHILD DEVELOPMENT FACILITY AND PRE-K REPORTS**

743 Sec. 4051. Short title.

744 This subtitle may be cited as the “Child Development Facilities and Pre-k Reports
745 Amendment Act of 2020”.

746 Sec. 4052. Section 4074(c) of the Healthy Tots Act of 2014, effective February 26, 2015
747 (D.C. Law 20-155; D.C. Official Code § 38-283(c)), is repealed.

748 Sec. 4053. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective
749 July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

750 (a) Section 103(e) (D.C. Official Code § 38-271.03(e)) is amended by striking the phrase
751 “by December 30 of each year, beginning in 2009” and inserting the phrase “by December 30,
752 2022, and triennially thereafter” in its place.

753 (b) The lead-in text of section 104 (D.C. Official Code § 38-271.04) is amended by
754 striking the phrase “by December 30 of each year, beginning in 2008” and inserting the phrase
755 “by December 30, 2022, and triennially thereafter” in its place.

756 (c) Section 105(a) (D.C. Official Code § 38-271.05(a)) is amended by striking the phrase
757 “by December 30 of each year, beginning in 2009” and inserting the phrase “by December 30,
758 2022, and triennially thereafter” in its place.

759 **SUBTITLE G. SCHOOL MEAL COST REIMBURSEMENTS AND SUBSIDIES**

760 Sec. 4061. Short title.

761 This subtitle may be cited as the “School Meal Cost Reimbursement and Subsidies
762 Amendment Act of 2020”.

763 Sec. 4062. Section 102 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C.
764 Law 18-209; D.C. Official Code § 38-821.02), is amended as follows:

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

766 (1) Paragraph (1)(A) is amended by striking the word “twenty” and inserting the
767 word “ten” in its place.

768 (2) Paragraph (4A) is repealed.

769 (b) Subsection (f) is amended by striking the phrase “Beginning on October 1, 2019, an
770 amount of \$5,110,000” and inserting the figure “Beginning on October 1, 2020, an amount of
771 \$4,266,000” in its place.

772 **SUBTITLE H. EARLY HEAD START HOME VISITING GRANTS**

773 Sec. 4071. Short title.

774 This subtitle may be cited as the “Early Head Start Home Visiting Grants Authority
775 Amendment Act of 2020”.

776 Sec. 4072. Section 107 of the Birth to Three for All Act of 2018, effective October 30,
777 2018 (D.C. Law 22-179; D.C. Official Code § 4-651.07), is amended as follows:

778 (a) Subsection (a) is amended by striking the phrase “Beginning October 1, 2019, and
779 annually thereafter, OSSE shall” and inserting the phrase “OSSE may” in its place.

780 (b) Subsection (b) is amended by striking the phrase “Beginning October 1, 2019, and
781 annually thereafter, OSSE shall” and inserting the phrase “OSSE may” in its place.

782 **SUBTITLE I. RECREATIONAL SPACE USE FEE WAIVERS**

783 Sec. 4081. Short title.

784 This subtitle may be cited as the “Recreational Space Use Fee Waivers Amendment Act
785 of 2020”.

786 Sec. 4082. Section 4 of the Ensuring Community Access to Recreational Spaces Act of
787 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-433), is amended
788 as follows:

789 (a) Subsection (b) is amended by striking the phrase “Within 180 days after February 22,
790 2019, the Mayor” and inserting the phrase “The Mayor” in its place.

791 (b) A new section 7a is added to read as follows:

792 “Sec. 7a. Applicability.

793 “(a) Section 4 shall apply upon the date of the inclusion of its fiscal effect in an approved
794 budget and financial plan.

795 “(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect
796 of this Act in an approved budget and financial plan, and provide notice to the Budget Director
797 of the Council of the certification.

798 “(c)(1) The Budget Director of the Council shall cause the notice of the
799 certification to be published in the District of Columbia Register.

800 “(2) The date of publication of the notice of the certification shall not affect the
801 applicability of this act.”.

802 **SUBTITLE J. WILKINSON SCHOOL DISPOSITION PROCESS**

803 Sec. 4091. Short title.

804 This subtitle may be cited as the “Wilkinson School Disposition Process Amendment Act
805 of 2020”.

806 Sec. 4092. Section 2209(b)(1) of the District of Columbia School Reform Act of 1995,
807 approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)), is amended by
808 adding a new subparagraph (B-ii) to read as follows:

809 “(B-ii) Notwithstanding subparagraph (A) of this paragraph, the Mayor
810 may give the right of first offer to purchase, lease, or otherwise use the former Wilkinson
811 Elementary School building to a charter school facility incubator that leased, or a public charter
812 school that occupied, all or a portion of the former Birney Elementary School building as of
813 October 1, 2020.”.

814 Sec. 4093. Section 1 of An Act Authorizing the sale of certain real estate in the District of
815 Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C.
816 Official Code § D.C. Code § 10-801), is amended by adding a new subsection (b-6) to read as
817 follows:

818 “(b-6)(1) The public hearings required by subsections (a-1)(4) and (b-2) of this section
819 shall not be required for the disposition of the former Wilkinson Elementary School . Instead,
820 for such real property, the Mayor shall hold at least one public hearing on the finding that the
821 real property is no longer required for public purposes and to obtain community input on the
822 proposed disposition of the real property before submitting the proposed surplus resolution and
823 proposed disposition resolution to the Council under this section.

824 “(2) The hearing required by paragraph (1) of this subsection shall be held at an
825 accessible evening or weekend time and in an accessible location in the vicinity of the former
826 Wilkinson Elementary School. The Mayor shall provide at least 30 days written notice of the
827 public hearing to the affected Advisory Neighborhood Commission and publish notice of the
828 hearing in the District of Columbia Register at least 15 days before the hearing.”.

829 **SUBTITLE K. FORT DUPONT ICE ARENA GRANT**

830 Sec. 4101. Short title.

831 This subtitle may be cited as the “Fort Dupont Ice Arena Grant Amendment Act of
832 2020”.

833 Sec. 4102. Section 3(e) of the Recreation Act of 1994, effective March 23, 1995 (D.C.
834 Law 10-246; D.C. Official Code § 10-302(e)), is amended by striking the phrase “Beginning in
835 Fiscal Year 2017, and on an annual basis thereafter, the Department shall” and inserting the
836 phrase “The Department may issue a grant of up to \$250,000 annually” in its place.

837 **TITLE V. HUMAN SUPPORT SERVICES**

838 **SUBTITLE A. MEDICAID HOSPITAL SUPPLEMENTAL AND DIRECTED** 839 **PAYMENTS**

840 Sec. 5001. Short title.

841 This subtitle may be cited as the “Medicaid Hospital Supplemental and Directed
842 Payments Amendment Act of 2020”.

843 Sec. 5002. The Medicaid Hospital Outpatient Supplemental Payment Act of 2017,
844 effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.01 *et seq.*), is
845 amended as follows:

846 (a) Section 5062(5) (D.C. Official Code § 44-664.01(5)) is amended by striking the
847 phrase “September 30 of the period 3 fiscal years prior to the fiscal year the fee is assessed” and
848 inserting the phrase “September 30, 2018” in its place.

849 (b) Section 5063(c)(1) (D.C. Official Code § 44-664.02(c)(1)) is amended by striking the
850 semicolon and inserting the phrase “, either directly or through payments to managed care
851 organizations;” in its place.

852 (c) Section 5064(a)(1) and (2) (D.C. Official Code § 44-664.03(a)(1) and (2)) is amended
853 to read as follows

854 “(1) An amount equal to the non-federal share of the total available spending
855 room under the outpatient Medicaid upper payment limit for private hospitals applicable to
856 District Fiscal Year 2020, consistent with requirements and approvals from the United States
857 Department of Health and Human Services, Center for Medicaid or Medicare Services; plus

858 “(2) An amount equal to the non-federal share of the total available spending
859 room under the outpatient Medicaid upper payment limit for District operated hospitals
860 applicable to District Fiscal Year 2020, consistent with the federal approval of the authorizing
861 Medicaid State Plan amendment or associated templates and other authorities; plus”.

862 (d) Section 5065(a) (D.C. Official Code § 44-664.04(a)) is amended by striking the
863 phrase “the Centers for Medicare and Medicaid Services approves the Medicaid State Plan
864 amendment” and inserting the phrase “the District obtains approvals required by the Centers for
865 Medicare and Medicaid Services for” in its place.

866 (e) Section 5066 (D.C. Official Code § 44-664.05) is amended to read as follows:

867 “Sec. 5066. Medicaid outpatient hospital access payments; payments to MCOs.

868 “(a) For visits and services beginning October 1, 2020, the District shall pay MCOs at a
869 rate sufficient to support payments to hospitals located in the District for outpatient services at a
870 rate that is not less than 130% of the District Fiscal Year 2020 fee-for-service base rate and shall
871 direct MCOs to pay such rate to their participating hospitals located in the District for such
872 services.

873 “(b) No payment shall be made under this section until such time that the Centers for
874 Medicare and Medicaid Services approves the Medicaid State Plan amendment, associated
875 template, and other authorities authorizing the Medicaid payments described in this section.

876 “(c) The Medicaid payment methodologies authorized under this section shall not be
877 altered unless such alteration is necessary to gain approval from the Centers for Medicare and
878 Medicaid Services.”.

879 Sec. 5003. Section 5013(a) of the Medicaid Hospital Inpatient Rate Supplement Act of
880 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.13(a)), is
881 amended to read as follows:

882 “(a)(1) Beginning October 1, 2020, and except as provided in subsection (b) of this
883 section and section 5087, the District, through the Office of Tax and Revenue, may charge each
884 hospital a fee based on its inpatient net patient revenue.

885 “(2) The fee shall be charged at a uniform rate necessary to generate no more than
886 \$8,454,038 to support inpatient Medicaid Fee-for-Service and managed care rates at the District
887 Fiscal Year 2015 level of not less than 98% of cost to non-specialty hospitals.

888 “(3) The fee collected pursuant to this section shall be deposited in the Hospital
889 Fund, established by section 5083.”.

890 **SUBTITLE B. MEDICAL MARIJUANA PROGRAM ADMINISTRATION**

891 Sec. 5011. Short title.

892 This subtitle may be cited as the “Medical Marijuana Program Administration
893 Amendment Act of 2020”.

894 Sec. 5012. The Legalization of Marijuana for Medical Treatment Initiative of 1998,
895 effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is
896 amended as follows:

897 (a) Section 2 (D.C. Official Code § 7-1761.01), is amended as follows:

898 (1) Paragraphs (1), (1A), and (1B) are redesignated as paragraphs (1B), (1C), and

899 (1D), respectively.

900 (2) New paragraphs (1) and (1A) are added to read as follows:

901 “(1) “ABRA” means the Alcoholic Beverage Regulation Administration.

902 “(1A) “ABC Board” means the Alcoholic Beverage Control Board.”.

903 (3) Paragraph (3)(B) is amended by striking the phrase “with the Department” and
904 inserting the phrase “with ABRA” in its place.

905 (4) Paragraph (5) is amended by striking the phrase “with the Mayor” and
906 inserting the phrase “with ABRA” in its place.

907 (5) Paragraph (6) is repealed.

908 (6) Paragraph (7) is amended by striking the phrase “with the Mayor” and
909 inserting the phrase “with ABRA” in its place.

910 (7) Paragraph (19) is amended by striking the phrase “if the Department” and
911 inserting the phrase “if ABRA” in its place.

912 (8) Paragraph (21) is amended by striking the phrase “by the Department” and
913 inserting the phrase “by ABRA” in its place.

914 (b) Section 3 (D.C. Official Code § 7-1671.02) is amended as follows:

915 (1) Subsection (c)(1)(B) is amended by striking the phrase “with the Mayor” and
916 inserting the phrase “with ABRA” in its place.

917 (2) Subsection (d) is amended by striking the phrase “with the Mayor” and
918 inserting the phrase “with ABRA” in its place.

919 (c) Section 5(b)(2) (D.C. Official Code § 7-1671.04(b)(2)) is amended by striking the
920 phrase “by the Mayor” and inserting the phrase “by ABRA” in its place.

921 (d) Section 6 (D.C. Official Code §7-1671.05) is amended as follows:

922 (1) The lead-in text is amended by striking the phrase “be administered by the
923 Mayor and shall”.

924 (2) Paragraph (1)(A) is amended by striking the phrase “with the Department” and
925 inserting the phrase “with ABRA” in its place.

926 (3) Paragraph (4)(A) is amended as follows:

927 (A) Subparagraph (iv) is amended by striking the phrase “by the
928 Department” and inserting the phrase “by the ABC Board” in its place.

929 (B) Subparagraph (v) is amended by striking the phrase “by the Mayor”
930 and inserting the phrase “by ABRA” in its place.

931 (4) Paragraph (5A) is amended as follows:

932 (A) The lead-in text is amended by striking the phrase “by the
933 Department” and inserting the phrase “by the ABC Board” in its place.

934 (B) Paragraph (D) is amended by striking the phrase “by the Department”
935 and inserting the phrase “by the ABC Board” in its place.

936 (5) Paragraph (5B)(D) is amended by striking the phrase “that the Department”
937 and inserting the phrase “that ABRA” in its place.

938 (6) Paragraph (7) is amended by striking the phrase “if the Mayor determines”
939 and inserting the phrase “if the ABC Board determines” in its place.

940 (7) Paragraph (10)(A) is amended by striking the phrase “apply to the Mayor” and
941 inserting the phrase “apply to the ABC Board” in its place.

942 (8) Paragraph (14) is amended by striking the phrase “notify the Department” and
943 inserting the phrase “notify ABRA” in its place.

944 (e) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

945 (1) Subsection (d) is amended as follows:

946 (A) Paragraph (1) is amended by striking the phrase “with the Mayor” and
947 inserting the phrase “with ABRA” in its place.

948 (B) Paragraph (3)(A) is amended by striking the phrase “determined by
949 rulemaking” and inserting the phrase “determined by the Mayor by rules issued in accordance
950 with section 14” in its place.

951 (C) Paragraph (4) is amended by striking the phrase “the Mayor” and
952 inserting the phrase “the ABC Board” in its place.

953 (2) Subsection (e)(3) is amended by striking the phrase “that the Mayor may
954 allow” and inserting the phrase “that the ABC Board may allow” in its place.

955 (3) Subsection (g-2) is amended by striking the phrase “the Mayor” and inserting
956 the phrase “the ABC Board” in its place.

957 (4) Subsection (g-3) is amended by striking the phrase “the Mayor” and inserting
958 the phrase “the ABC Board” in its place.

959 (5) Subsection (j) is amended by striking the phrase “the Mayor” and inserting the
960 phrase “the ABC Board” in its place.

961 (f) Section 8(a) (D.C. Official Code § 7-1671.07) is amended by striking the phrase “to
962 the Department” and inserting the phrase “to ABRA” in its place.

963 (g) A new section 9 is added to read as follows:

964 “Sec. 9. Medical Cannabis Administration Fund.

965 “(a) There is established as a special fund the Medical Cannabis Administration Fund
966 (“Fund”), which shall be administered by ABRA in accordance with subsection (c) of this
967 section.

968 “(b) All funds received from medical cannabis licensing, permitting, and registration fees
969 shall be deposited into the Fund.

970 “(c) Money deposited in the Fund shall be used by ABRA for the purpose of
971 administering the medical marijuana program.

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

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

977 “(e) Funds received from penalties and fines imposed under section 9 shall be credited to
978 the unrestricted fund balance of the General Fund of the District of Columbia.”.

979 Sec. 5013. Title 25 of the District of Columbia Official Code is amended by adding a new
980 section 25-204a to read as follows:

981 “§ 25-204a. Medical marijuana program; transfer of functions of the Department of
982 Health.

983 “(a) The Alcoholic Beverage Control Board and ABRA shall be responsible for carrying
984 out the responsibilities assigned to them by the Legalization of Marijuana for Medical Treatment
985 Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-
986 1671.01 *et seq.*) (“Medical Marijuana Act”), and for any responsibilities of the Mayor under the
987 Medical Marijuana Act that are delegated to the Alcoholic Beverage Control Board or ABRA by
988 the Mayor.

989 “(b)(1) Except as provided in paragraph (2) of this subsection, all personal property,
990 assets, records, including both electronic and physical files, licensing agreements, and contracts,

991 equipment, computer software, obligations, and unexpended balances of appropriations,
992 allocations, assets, and liabilities, and other funds available or to be made available relating to
993 the powers, duties, functions, operations, and administration by the Department of Health of the
994 medical marijuana program pursuant to the Legalization of Marijuana for Medical Treatment
995 Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-
996 1671.01 *et seq.*), as of September 30, 2020, are hereby transferred to ABRA.

997 “(2) This subsection shall not apply to the personal property, assets, records,
998 including both electronic and physical files, licensing agreements, and contracts, equipment,
999 computer software, obligations, and unexpended balances of appropriations, allocations, assets,
1000 and liabilities, and other funds available or to be made available relating to the powers, duties,
1001 functions, operations, and administration by the Department of Health of the medical marijuana
1002 program which are within the purview of the Board of Medicine, Board of Nursing, or Board of
1003 Dentistry.

1004 “(c) All rules, orders, obligations, determinations, contracts, agreements, and
1005 understandings of the Department of Health pertaining to the medical marijuana program shall
1006 remain in effect until such time as they may be lawfully amended, modified, or repealed.

1007 “(d) ABRA shall coordinate with the Department of Health regarding the transition of the
1008 administration of the medical marijuana program to ABRA.

1009 “(e)(1) The directors of ABRA and the Department of Health shall jointly determine
1010 which personnel, if any, of the Department of Health associated with the administration of the
1011 medical marijuana program shall be transferred from the Department of Health to ABRA.

1012 “(2) Personnel who are transferred to ABRA pursuant to this subsection shall be
1013 subject to the ABRA Director’s personnel authority, pursuant to section 406(b)(21) of the

1014 District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March
1015 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(21)), including as it relates to
1016 employment classifications and pay scales.”.

1017 **SUBTITLE C. STEVIE SELLOWS DIRECT SUPPORT PROFESSIONALS**
1018 **QUALITY IMPROVEMENTS**

1019 Sec. 5021. Short title.

1020 This subtitle may be cited as the “Stevie Sellows Direct Support Professionals Quality
1021 Improvements Amendment Act of 2020”.

1022 Sec. 5022. Section 47-1273 of the District of Columbia Official Code is amended by
1023 striking the figure “5.5%” and inserting the figure “6.0%” in its place.

1024 **SUBTITLE D. SENIOR STRATEGIC PLAN**

1025 Sec. 5031. Short title.

1026 This subtitle may be cited as the “Senior Strategic Plan Amendment Act of 2020”.

1027 Sec. 5032. Section 307(e) of the District of Columbia Act on the Aging, effective March
1028 28, 2019 (D.C. Law 22-267; D.C. Official Code § 7-503.07(e)), is amended as follows:

1029 (a) Paragraph (1) is amended by striking the date “December 31, 2019” and inserting the
1030 phrase “on the last day of the second fiscal year for which funding for this act is included in an
1031 approved budget and financial plan”.

1032 (b) Paragraph (3) is amended by striking the date “December 31, 2019” and inserting the
1033 phrase “the date on which the initial Plan is filed in accordance with paragraph (1) of this
1034 subsection” in its place.

1035 **TITLE VI. OPERATIONS AND INFRASTRUCTURE**

1036 **SUBTITLE A. OPPORTUNITY ACCOUNTS**

1037 Sec. 6001. Short title.

1038 This subtitle may be cited as the “Opportunity Accounts Expansion Amendment Act of
1039 2020”.

1040 Sec. 6002. The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-
1041 266; D.C. Official Code § 1-307.61 *et seq.*), is amended as follows:

1042 (a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph
1043 (2A) to read as follows:

1044 “(2A) “Commissioner” means the Commissioner of the Department of Insurance,
1045 Securities, and Banking.”.

1046 (b) Section 8(b) (D.C. Official Code § 1-307.67(b)) is amended as follows:

1047 (1) Paragraph (2) is amended by striking the phrase “per account.” and inserting
1048 the phrase “per account, except as provided in paragraph (3) of this subsection.” in its place.

1049 (2) A new paragraph (3) is added to read as follows:

1050 “(3) The Commissioner may waive the requirement in subsection (a) of this
1051 section and may provide matching funds of up to \$4 for every dollar the account holder deposits
1052 into the opportunity account when adequate federal or private matching funds are not available.
1053 For each additional dollar of matching funds that the District provides to an opportunity account
1054 pursuant to such a waiver, the aggregate matching funds limit set forth in paragraph (2) of this
1055 subsection for that account shall be increased by \$1.”.

1056 (c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

1057 (1) Paragraph (6) is repealed.

1058 (2) Paragraph (8) is amended by striking the period at the end and inserting the
1059 phrase “; and” in its place.

1060 (3) A new paragraph (9) is added to read as follows:

1061 “(9) To pay for any cost, expense, or item authorized by a rule issued pursuant to
1062 section 14.”.

1063 (d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

1064 (1) Subsection (b) is amended as follows:

1065 (i) Paragraph (2) is amended by striking the phrase “; or” and inserting a
1066 semicolon in its place.

1067 (ii) Paragraph (3) is amended by striking the period and inserting the
1068 phrase “; and” in its place.

1069 (iii) A new paragraph (4) is added to read as follows:

1070 “(4) Making health insurance premium payments in the event of a sudden,
1071 unexpected loss of income.”.

1072 (2) Subsection (c) is repealed.

1073 (3) New paragraphs (c-1), (c-2), and (c-3) are added to read as follows:

1074 “(c-1) If an account holder makes an emergency withdrawal for the purposes of
1075 subsection (b)(2) or (3) of this section, the account holder shall only withdraw funds deposited
1076 by the account holder and shall not withdraw matching funds.

1077 “(c-2) If an account holder makes an emergency withdrawal for the purposes of
1078 subsection (b)(1) of this section, the account holder shall only withdraw funds deposited by the
1079 account holder and shall not withdraw matching funds, unless the withdrawal is for a medical
1080 emergency.

1081 “(c-3) If an account holder makes an emergency withdrawal for the purposes of
1082 subsection (b)(4) of this section, the account holder may withdraw funds deposited by the
1083 account holder and matching funds.”.

1084 (4) The lead-in language of subsection (e) is amended to read as follows:

1085 “(e) An account holder shall not be required to repay funds withdrawn from the
1086 opportunity account for an emergency withdrawal but must resume making deposits into the
1087 opportunity account within 90 days after the emergency withdrawal. If the account holder fails to
1088 make a deposit within 90 days after the emergency withdrawal:”.

1089 **SUBTITLE B. SPECIAL PURPOSE REVENUE ACCOUNTS OF THE**
1090 **DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

1091 Sec. 6011. Short title.

1092 This subtitle may be cited as the “Department of Consumer and Regulatory Affairs
1093 Special Purpose Revenue Fund Flexibility Amendment Act of 2020”.

1094 Sec. 6012. Section 1 of An Act To provide for the abatement of nuisances in the District
1095 of Columbia by the Commissioners of said District, and for other purposes, approved April 14,
1096 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01), is amended as follows:

1097 (a) Subsection (b) is amended to read as follows:

1098 “(b)(1) There is established as a special fund the Nuisance Abatement Fund (“Fund”),
1099 which shall be administered by the Mayor in accordance with paragraph (3) of this subsection.

1100 “(2) Revenue from the following sources shall be deposited in the Fund:

1101 “(A) Amounts assessed pursuant to subsections (a) and (c) of this section;

1102 “(B) Liens imposed pursuant to section 14(a);

1103 “(C) All fees, fines, and penalties imposed under this act, as provided in

1104 section 14(b), including:

1105 “(i) The fees imposed pursuant to subsection (d) of this section;

1106 “(ii) The vacant property registration fees collected pursuant to

1107 sections 6 and 9; and

1108 “(iii) Civil fines, penalties, and fees imposed under section 10;

1109 “(D) The proactive inspection program fees collected pursuant to

1110 subsection 207.1(d) of Title 14 of the District of Columbia Municipal Regulations (14 D.C.M.R.

1111 § 207.1(d));

1112 “(E) The portion of the rental unit fee set aside for the Fund pursuant to

1113 section 401(a)(2)(A) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10;

1114 D.C. Official Code § 42-3504.01(a)(2)(A));

1115 “(F) Amounts collected by the District under Subtitle B of Title IV-A of

1116 the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000,

1117 effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3173.01 *et seq.*), as

1118 provided in section 451 of that subtitle (D.C. Official Code § 42-3173.11);

1119 “(G) All fees and penalties collected under An Act To create a board for

1120 the condemnation of insanitary buildings in the District of Columbia, and for other purposes,

1121 approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-901 *et seq.*), as provided in section

1122 16(b) of that act (D.C. Official Code § 6-916(b));

1123 “(H) If an accounting is made in accordance with, and subject to, D.C.

1124 Official Code § 47-1340(f), amounts assessed and collected as a tax against real property under

1125 subsection (a) of this section including any interest and any penalties thereon, or otherwise

1126 received to recoup any amounts, incidental expenses or costs incurred, obligated, or expended for

1127 the purposes of the fund;

1128 “(I) Recoveries from enforcement actions brought by the Office of the
1129 Attorney General on behalf of the District of Columbia or District of Columbia agencies for the
1130 abatement of violations of Chapters 1 through 16 of Title 14 of the District of Columbia Code of
1131 Municipal Regulations, excluding funds obtained through administrative proceedings; and

1132 “(J) Restitutions from any source to the Fund or to the District for the
1133 purposes of the Fund.

1134 “(3) Money in the Fund shall be used for the following purposes:

1135 “(A) Paying the costs of ensuring property maintenance and housing
1136 inspections are timely and accurate;

1137 “(B) Paying the costs of inspecting or correcting any condition, and all
1138 costs incident thereto, that the Mayor may order or cause pursuant to subsection (a) of this
1139 section;

1140 “(C) Paying the costs of demolishing or enclosing a structure under
1141 Subtitle B of Title IV-A of the Abatement and Condemnation Nuisance Properties Omnibus
1142 Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-
1143 3171.01 *et seq.*);

1144 “(D) Paying the costs of the administration of the Board for the
1145 Condemnation of Insanitary Buildings, established by section 2 of An Act To create a board for
1146 the condemnation of insanitary buildings in the District of Columbia, and for other purposes,
1147 approved May 1, 1906 (34 Stat. 157; D.C. Official Code § 6-902); and

1148 “(E) Paying costs related to the abatement of nuisance properties and
1149 housing code violations and improving the operations of the Department of Consumer and

1150 Regulatory Affairs.

1151 “(4)(A) The money deposited into the Fund shall not revert to the unrestricted
1152 fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any
1153 other time.

1154 “(B) Subject to authorization in an approved budget and financial plan,
1155 any funds appropriated in the Fund shall be continually available without regard to fiscal year
1156 limitation.”.

1157 (b) Subsection (c)(1)(F)(ii)(II) is amended as follows:

1158 (A) Sub-sub-subparagraph (bb) is amended by striking the phrase “; or”
1159 and inserting a semicolon in its place.

1160 (B) Sub-sub-subparagraph (cc) is amended by striking the period and
1161 inserting the phrase “; or” in its place.

1162 (C) A new sub-sub-subparagraph (dd) is added to read as follows:

1163 “(dd) Any building, property maintenance, or
1164 housing code violation that threatens the health or safety of District residents or visitors as
1165 determined by the Mayor.”.

1166 Sec. 6013. Section 47-2851.13(c) of the District of Columbia Official Code is amended to
1167 read as follows:

1168 “(c) Revenue credited to the Fund shall be expended by the Department for the purposes
1169 of:

1170 “(1) Maintaining and upgrading the basic business licensing system, including
1171 copying fees, automation upgrades, personnel costs, and supplies; and

1172 “(2) Otherwise supporting the business service functions of the Department.”.

1173 Sec. 6014. Section 8(c)(2) of the Green Building Act of 2006, effective March 8, 2007
1174 (D.C. Law 16-234; D.C. Official Code § 6-1451.07(c)(2)), is amended as follows:

1175 (a) Subparagraph (D) is amended by striking the phrase “; and” and inserting a semicolon
1176 in its place.

1177 (b) Subparagraph (E) is amended by striking the period and inserting a semicolon in its
1178 place.

1179 (c) New subparagraphs (F) and (G) are added to read as follows:

1180 “(F) Costs of abating nuisance properties and housing code violations,
1181 including the use of green building materials for abatements; and

1182 “(G) Costs incurred to make green building materials accessible to low-
1183 income residents.”

1184 Sec. 6015. Section 29-102.13 of the District of Columbia Official Code is amended as
1185 follows:

1186 (a) Subsection (b) is amended to read as follows:

1187 “(b) Revenue credited to the Fund shall be expended by the Department of Consumer and
1188 Regulatory Affairs for the purposes of maintaining and upgrading the corporate filing system and
1189 supporting the other functions of the Department.”.

1190 (b) A new subsection (g) is added to read as follows:

1191 “(g)(1) The money deposited in the Fund shall not revert to the unrestricted fund balance
1192 of the General Fund of the District of Columbia at the end of a fiscal year or at any other time.

1193 “(2) Subject to authorization in an approved budget and financial plan, any funds
1194 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1195 Sec. 6016. Section 8(b)(4) of the Vending Regulation Act of 2009, effective October 22,
1196 2009 (D.C. Law 18-71, D.C. Official Code § 37-131.07(b)(4)), is amended by striking the phrase
1197 “under this act” and inserting the phrase “by the Department of Consumer and Regulatory
1198 Affairs under this act and any other act administered by the Department of Consumer and
1199 Regulatory Affairs” in its place.

1200 Sec. 6017. Section 63(c) of the Construction Codes Approval and Amendments Act of
1201 1986, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 6-1405.05(c)), is
1202 amended as follows:

1203 (a) Subsection (c) is amended to read as follows:

1204 “(c) Money in the Fund shall be used to operate and administer the building permit
1205 review programs of the Department and to support the other functions of the Department.”.

1206 (b) A new subsections (d) is added to read as follows:

1207 “(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund
1208 balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other
1209 time.

1210 “(2) Subject to authorization in an approved budget and financial plan, any funds
1211 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1212 Sec. 6018. Conforming amendments.

1213 (a) Section 451(b) of the Abatement and Condemnation of Nuisance Properties Omnibus
1214 Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114; D.C. Official § 42-
1215 3173.11(b)), is repealed.

1216 (b) Section 14(b) of An Act to provide for the abatement of nuisances in the District of
1217 Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001

1218 (D.C. Law 13-281; D.C. Official Code § 42-3131.14(b)), is amended by striking the phrase “and
1219 shall be expended for the general administration, inspection, and abatement costs incurred in the
1220 correction of wrongful conditions in vacant buildings and other nuisance properties” and
1221 inserting the phrase “and shall be expended for the purposes authorized under section (1)(b)” in
1222 its place

1223 (c) Section 16(b) of An Act to create a board for the condemnation of insanitary buildings
1224 in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C.
1225 Official Code § 6-916(b)), is amended by striking the phrase “and shall be expended for the
1226 general administration of the Board”.

1227 **SUBTITLE C. GAME OF SKILL MACHINES**

1228 Sec. 6021. Short title.

1229 This subtitle may be cited as the “Game of Skill Machines Consumer Protection Act of
1230 2020”.

1231 Sec. 6022. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles
1232 for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172;
1233 D.C. Official Code §§ 22-1716–22-1718 and 36.601.01 *et seq.*), is amended as follows:

1234 (a) The portion of section 3 currently codified as D.C. Official Code § 22-1716 is
1235 amended by striking the phrase “Monte Carlo night parties,” and inserting the phrase “Monte
1236 Carlo night parties, game of skill machines,” in its place.

1237 (b) The portion of section 3 currently codified as D.C. Official Code § 22-1717 is
1238 amended by striking the period at the end and inserting the phrase “, or game of skill machines
1239 licensed and regulated by the Office of Lottery and Gaming.” in its place.

1240 (c) The portion of section 3 currently codified as D.C. Official Code § 22-1718 is
1241 amended by striking the period at the end and inserting the “, or the manufacture, distribution,
1242 servicing, retailing, sale, lease, purchase, or possession of machines, tickets, slips, certificates, or
1243 cards for game of skill machines excepted and permissible pursuant to this act.” in its place.

1244 (d) The portion of section 4 currently codified as D.C. Official Code § 36-601.12 is
1245 amended as follows:

1246 (1) The section heading is amended by striking the phrase “Lottery, Charitable
1247 Games, and Sports Wagering” and inserting the phrase “Gambling and Gaming” in its place.

1248 (2) Subsection (a) is amended to read as follows:

1249 “(a) There is hereby established as an enterprise fund the Lottery, Gambling, and Gaming
1250 Fund (“Fund”), under the administration of the Chief Financial Officer.”

1251 (3) A new subsection (a-1) is added to read as follows:

1252 “(a-1) Revenue from the following sources shall be deposited into the Fund or a division
1253 of the Fund established by the Chief Financial Officer:

1254 “(1) All funds generated by gambling activities operated or licensed by the Chief
1255 Financial Officer; and

1256 “(2) All fees collected under sections 406 through 409.”.

1257 (4) Subsection (c) is amended by striking the word “gambling” and inserting the
1258 phrase “gambling and gaming” in its place.

1259 (d) A new Title IV is added to read as follows:

1260 “TITLE IV. GAME OF SKILL MACHINES.

1261 “Sec. 401. Definitions

1262 “For purposes of this title, the term:

1263 “(1) “ABC Board” means the Alcoholic Beverage Control Board.

1264 “(2) “ABRA” means the Alcoholic Beverage Regulation Administration.

1265 “(3) “CFO” means the Chief Financial Officer of the District of Columbia.

1266 “(4) “Distributor” means a person licensed under this title to buy, sell, lease,
1267 maintain, or service game of skill machines, or any major components or parts of a game of skill
1268 machine, for distribution to retailers.

1269 “(5) “Game of skill machine” means a mechanical or electronic gaming device
1270 that rewards the winning player or players with cash, a gift card, or a voucher that can be
1271 redeemed for cash. The mechanical or electronic gaming device shall not be considered a game
1272 of skill if:

1273 “(A) The ability of a player to succeed at the game is impacted by the
1274 number or ratio of prior wins to prior losses of players playing the game;

1275 “(B) The outcome of the game can be controlled by a source other than a
1276 player playing the game;

1277 “(C) The success of a player is or may be determined by a chance event
1278 that cannot be altered by the player’s actions;

1279 “(D) The ability of a player to succeed at the game is impacted by game
1280 features not visible or known to a reasonable player; or

1281 “(E) The ability of a player to succeed at the game is impacted by the
1282 exercise of skill that no reasonable player could exercise.

1283 “(6) “Gross game of skill machine revenue” means the total of cash or cash
1284 equivalents received from a game of skill machine minus the total of:

1285 “(A) Cash or cash equivalents paid to players as a result of a game of skill
1286 machine;

1287 “(B) Cash or cash equivalents paid to purchase annuities to fund prizes
1288 payable to players over a period of time as a result of a game of skill machine; and

1289 “(C) The actual cost paid by the license holder for personal property
1290 distributed to a player as a result of a game of skill machine, excluding travel expenses, food,
1291 refreshments, lodging, and services.

1292 “(7) “Licensed establishment” means an on-premises retail establishment licensed
1293 by the ABC Board to sell, serve, and allow for the consumption of alcoholic beverages.

1294 “(8) “Licensed premises” means the physical location of a licensed establishment
1295 that is authorized by the Office to offer game of skill machines.

1296 “(9) “Licensee” means a person who possesses a game of skill manufacturer,
1297 distributor, supplier, or retailer license issued by the Office.

1298 “(10) “Manufacturer” means a person that is licensed under this title and that
1299 manufactures or assembles game of skill machines for sale or lease to distributors.

1300 “(11) “Office” means the Office of Lottery and Gaming.

1301 “(12) “Retailer” means a person that is licensed under this title to offer game of
1302 skill machines on its licensed premises.

1303 “(13) “Supplier” means a person that is licensed under this title to supply major
1304 components or parts of game of skill machines to licensed manufacturers or distributors.

1305 “Sec. 402. Authorization of game of skill machines.

1306 “The operation of game of skill machines shall be lawful in the District if conducted in
1307 accordance with this title and the rules issued pursuant to this title.

1308 “Sec. 403. Rules and regulations governing game of skill machines.

1309 “(a) The CFO, pursuant to Title I of the District of Columbia Administrative Procedure

1310 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue

1311 rules governing game of skill machines to implement the provisions of this title and protect the

1312 public interest.

1313 “(b) The rules issued by the CFO pursuant to subsection (a) of this section shall include:

1314 “(1) Standards for conducting inspections of game of skill machines for

1315 compliance with industry standards;

1316 “(2) Standards for inspecting licensed establishments for compliance with this

1317 title;

1318 “(3) Minimum and maximum payment amounts for playing game of skill

1319 machines;

1320 “(4) The maximum amount of allowable winnings per game;

1321 “(5) Requirements relating to how fees and taxes are to be remitted;

1322 “(6) The method of accounting to be used by a licensed establishment where a

1323 game of skill machine is authorized;

1324 “(7) Methods of age verification;

1325 “(8) Types of records that shall be required to be maintained by a licensee;

1326 “(9) Posting requirements;

1327 “(10) Advertising guidelines, including specific language concerning individuals

1328 under the age of 18;

1329 “(11) Penalties for violating this title or rules issued pursuant to this title; and

1330 “(12) Internal control standards for game of skill machines.

1331 “Sec. 404. Game of skill machine license requirements; prohibition.

1332 “(a)(1) Except as provided in subsection (f) of this section, no person may offer or allow
1333 a game of skill machine in the District unless all the licenses required by this title, or by a rule
1334 issued pursuant to this title, have been duly obtained.

1335 “(b)(1) The Office shall issue the following categories of game of skill machine licenses:

1336 “(A) Manufacturer;

1337 “(B) Distributor;

1338 “(C) Supplier; and

1339 “(D) Retailer.

1340 “(2) The Office shall not grant a license listed in paragraph (1) of this subsection
1341 until it has determined that each person that possesses 10% or greater beneficial or proprietary
1342 interest in the applicant has been approved for licensure in accordance with this title and the rules
1343 issued pursuant to this title.

1344 “(c)(1) An applicant for an initial manufacturer, distributor, or supplier license shall be
1345 subject to District and national criminal history background checks. The applicant shall submit
1346 an application to the Office, in a form determined by the Office, for fingerprints for a national
1347 criminal records check by the Metropolitan Police Department and the Federal Bureau of
1348 Investigation of all individuals required to be named in the application and a signed authorization
1349 of each individual submitting fingerprints for the release of information by the Metropolitan
1350 Police Department and the Federal Bureau of Investigation.

1351 “(2) In the case of an application for license renewal, the Office may require
1352 additional background checks.

1353 “(d) The Office shall require proof of good standing pursuant to D.C. Official Code § 29-
1354 102.08 of an applicant for a license pursuant to this title and may, in addition, require
1355 certification that the Citywide Clean Hands Database indicates that the proposed licensee is
1356 current with its District taxes.”.

1357 “(e) Proprietary information, trade secrets, financial information, and personal
1358 information about a person in an application submitted to the Office pursuant to this title shall
1359 not be a public record and shall not be made available under the Freedom of Information Act of
1360 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), or any
1361 other law.

1362 “(f)(1) A retailer shall display its license as required by section 412(d) and shall make the
1363 license immediately available for inspection upon request by an employee of the Office, the
1364 Metropolitan Police Department, or ABRA.

1365 “(2) When present at a licensed establishment, an employee of a distributor shall
1366 carry a copy of its license and make it readily available for inspection by an employee of the
1367 Office, the Metropolitan Police Department, or ABRA.

1368 “(g) A licensed establishment that applied for and obtained a game of skill machine
1369 endorsement from the ABC Board pursuant to D.C. Official Code § 25-113a(e) prior to the
1370 effective date of this act shall have 180 calendar days after the effective date of this act to come
1371 into compliance with this title and the rules issued pursuant to this title. Failure to do so may
1372 result in the Office taking action against the licensed establishment in accordance with section
1373 417 of this title.”

1374 “Sec. 405. License prohibitions; suspensions and revocation of licenses.

1375 “(a) An applicant convicted of a disqualifying offense shall not be licensed. The Office
1376 shall define disqualifying offenses by a rule issued pursuant to this title.

1377 “(b) No Office or ABRA employee, or immediate family member of an Office or ABRA
1378 employee, may be an applicant for, have an interest in, or obtain a license issued pursuant to this
1379 title.

1380 “(c) Failure of an applicant or licensee to notify the Office of a change to the information
1381 provided in its application for license or renewal within 10 days after the change may result in
1382 the Office suspending or revoking the licensee’s license, denying the applicant’s license, and
1383 issuing a fine.

1384 “(d)(1) The Office shall not grant a license pursuant to this title, and shall revoke a
1385 license previously granted, if evidence satisfactory to the Office exists that the applicant or
1386 licensee has:

1387 “(A) Knowingly made a false statement of a material fact to the Office;

1388 “(B) Had a license revoked by a governmental authority responsible for
1389 regulation of games of skill;

1390 “(C) Been convicted of a felony and has not received a pardon or been
1391 released from parole or probation for at least 5 years; or

1392 “(D) Been convicted of a gambling-related offense or a theft or fraud
1393 offense.

1394 “(2) The Office may deny a license to an applicant or suspend or revoke a license
1395 of a licensee if the applicant or licensee:

1396 “(A) Has not demonstrated, to the satisfaction of the Office, financial
1397 responsibility sufficient to adequately meet the requirement of the proposed activity;

1398 “(B) Is not the true owner of the licensed business or has not disclosed the
1399 existence or identity of another individual or entity that has an ownership interest in the business;
1400 or

1401 “(C) Is a corporation that sells more than 5% of a licensee’s voting stock,
1402 more than 5% of the voting stock of a corporation that controls the licensee, or sells a licensee’s
1403 assets, to an individual or entity not already determined by the Office to have met the
1404 qualifications of a licensee pursuant to this title, or is a non-corporate entity where a person not
1405 already determined by the Office to have met the qualifications of a licensee pursuant to this title
1406 holds more than 10% interest in the non-corporate entity.”.

1407 “Sec. 406. Conflicts of interest.

1408 “(a) Before issuing, authorizing the transfer to a new owner of, or renewing a license, the
1409 Office shall determine that the applicant is not disqualified because of a conflicting interest in
1410 another license. In making this determination, the following standards shall apply:

1411 “(1) No licensee under a supplier’s license shall hold a license in another license
1412 issued under this title.

1413 “(2) No licensee under a distributor’s license shall hold a license in another
1414 license issued under this title; provided that the holder of a distributor’s license may also hold a
1415 manufacturer’s license.

1416 “(3) No licensee under a manufacturer’s license shall hold another license issued
1417 under this title; provided that the holder of a manufacturer’s license may also hold a distributor’s
1418 license.

1419 “Sec. 407. Manufacturer licensure.

1420 “(a) A person may not manufacture a game of skill machine in the District unless the
1421 person has a valid manufacturer’s license issued under this title. A manufacturer may only sell
1422 game of skill machines for use in the District to persons having a valid distributor’s license.

1423 “(b) A person applying for a manufacturer’s license shall do so on a form proscribed by
1424 the Office. The form shall require:

1425 “(1) The name of the applicant;

1426 “(2) The mailing address of the applicant and, if the applicant is a corporation, the
1427 name of the state in which it is incorporated, the location of its principal place of business, and
1428 the names and addresses of its directors;

1429 “(3) A report of the applicant’s financial activities, including evidence of financial
1430 stability, such as bank statements, business and personal income and disbursement schedules,
1431 and tax returns; and

1432 “(4) Any other information the Office considers necessary.

1433 “(c) In considering whether to approve an application for a distributor’s license, the
1434 Office may consider evidence the distributor submitted to the Office of an existing license as a
1435 distributor from another jurisdiction that the Office has determined has licensing requirements
1436 similar to those required by the District.

1437 “(d) An applicant for a manufacturer’s license shall pay a nonrefundable application fee
1438 of \$10,000 with the application.

1439 “(e) A manufacturer’s license shall be renewed annually; provided that the licensee has
1440 continued to comply with all statutory and regulatory requirements and pays upon submission of
1441 its renewal application a \$5,000 renewal fee.

1442 “Sec. 408. Distributor licensure.

1443 “(a) A person may not buy, sell, distribute, lease, maintain, market, or service a game of
1444 skill machine or a major component or part of a game of skill machine for distribution in the
1445 District unless the person has a valid distributor’s license issued by the Office.

1446 “(b) A licensed distributor may buy, sell, distribute, lease, maintain, market, or service a
1447 game of skill machine or any major component or part of a game of skill machine for distribution
1448 in the District to a licensed establishment that possesses a retailer’s license from the Office and a
1449 game of skill machine endorsement from the ABC Board pursuant to D.C. Official Code § 25-
1450 113a(e). No distributor may give anything of value, including a loan or financing agreement, to
1451 a licensed establishment as an incentive or inducement to locate a game of skill machine in the
1452 establishment.

1453 “(c) A person applying for a distributor’s license shall do so on a form proscribed by the
1454 Office. The form shall require:

1455 “(1) The name of the applicant;

1456 “(2) The mailing address of the applicant and, if the applicant is a corporation, the
1457 name of the state in which it is incorporated, the location of its principal place of business, and
1458 the names and addresses of its directors;

1459 “(3) A report of the applicant’s financial activities, including evidence of financial
1460 stability, such as bank statements, business and personal income and disbursement schedules,
1461 and tax returns; and

1462 “(4) Any other information the Office considers necessary.

1463 “(d) In considering whether to approve an application for a distributor’s license, the
1464 Office may consider evidence the distributor submitted to the Office of an existing license as a

1465 distributor from another jurisdiction that the Office has determined has licensing requirements
1466 similar to those required by the District.

1467 “(e) An applicant for a distributor’s license shall demonstrate that the equipment, system,
1468 or device that the applicant plans to offer to retailers conform to standards established pursuant
1469 to this title, the rules issued pursuant to this title, and other applicable law.

1470 “(f) An applicant for a distributor’s license shall pay a nonrefundable application fee of
1471 \$10,000 with the application.

1472 “(g) A distributor’s license shall be renewed annually; provided that the licensee has
1473 continued to comply with all statutory and regulatory requirements and pays upon submission of
1474 its renewal application a \$5,000 renewal fee.

1475 “(h) A distributor shall submit to the Office, at such times as are established by the Office
1476 by rule, a list of all game of skill machines sold, delivered to, or offered to a retailer. All such
1477 equipment shall be tested and approved by an independent testing laboratory approved by the
1478 Office.

1479 “Sec. 409. Supplier licensure.

1480 “(a) A person shall not sell parts or components for a game of skill machine, or provide
1481 services related to a game of skill machine, unless the person has a valid supplier’s license. A
1482 supplier may only provide parts and components for a game of skill machine, or provide services
1483 related to a game of skill machine, for use in the District to a person having a valid
1484 manufacturer’s or distributor’s license.

1485 “(b) A person applying for a supplier’s license shall do so on a form proscribed by the
1486 Office. The form shall require:

1487 “(1) The name of the applicant;

1488 “(2) The mailing address of the applicant and, if the applicant is a corporation, the
1489 name of the state in which it is incorporated, the location of its principal place of business, and
1490 the names and addresses of its directors;

1491 “(3) A report of the applicant’s financial activities, including evidence of financial
1492 stability, such as bank statements, business and personal income and disbursement schedules,
1493 and tax returns; and

1494 “(4) Any other information the Office considers necessary.”.

1495 “(c) In considering whether to approve an application for a supplier’s license, the Office
1496 may consider evidence the supplier submitted to the Office of an existing license as a supplier
1497 from another jurisdiction that the Office has determined has licensing requirements similar to
1498 those required by the District.

1499 “(d) An applicant for a supplier’s license shall demonstrate that the equipment,
1500 components, or parts that the applicant plans to offer to manufacturers or distributors conform to
1501 standards established pursuant to this title, rules issued pursuant to this title, and other applicable
1502 law.

1503 “(e) An applicant for a supplier’s license shall pay a nonrefundable application fee of
1504 \$2,000 with the application.

1505 “(f) A supplier’s license shall be renewed annually; provided that the licensee has
1506 continued to comply with all statutory and regulatory requirements and pays upon submission of
1507 its renewal application a \$1,000 renewal fee.

1508 “(g) A supplier shall submit to the Office, at such times as are established by the Office
1509 by rule, a list of all components or parts for game of skill machines sold, delivered to, or offered

1510 to a manufacturer or operator. All such equipment shall be tested and approved by an
1511 independent testing laboratory approved by the Office.

1512 “Sec. 410. Retailer licensure; registration of game of skill machines.

1513 “(a) A person may not own, lease, maintain, install, make available, or offer or allow
1514 another to play a game of skill machine in the District unless the person:

1515 “(1) Is a licensed establishment;

1516 “(2) Possesses a retailer’s license from the Office and a game of skill machine
1517 endorsement from ABRA in accordance with D.C. Official Code § 25-113a(e); and

1518 “(3) Has entered into a written use agreement with a licensed distributor for the
1519 placement or installation of a game of skill machine or machines on the licensed premises.

1520 “(b) Each game of skill machine located on a retailer’s licensed premises shall be
1521 registered with the Office by the retailer before the game of skill machine is installed on the
1522 licensed premises. A retailer may register and operate up to 5 game of skill machines on the
1523 licensed premises at any time. The registration fee for each game of skill machine shall be \$100.
1524 The Office shall issue to the retailer a registration sticker for placement on each registered game
1525 of skill machine.

1526 “(c) A person shall apply for a retailer’s license on a form proscribed by the Office. The
1527 form shall require:

1528 “(1) The name of the applicant;

1529 “(2) The mailing address of the applicant and, if the applicant is a corporation, the
1530 name of the state in which it is incorporated, the location of its principal place of business, and
1531 the names and addresses of its directors;

1532 “(3) A report of the applicant’s financial activities, including evidence of financial
1533 stability, such as bank statements, business and personal income and disbursement schedules,
1534 and tax returns; and

1535 “(4) Any other information the Office considers necessary.

1536 “(d) An applicant for a retailer’s license shall pay a nonrefundable application fee of \$300
1537 with the application.

1538 “(e) A retailer’s license shall be renewed annually; provided that the licensee continued
1539 to comply with the statutory and regulatory requirements and pays upon submission of its
1540 renewal application a \$300 renewal fee.

1541 “(f) The Office shall require a retailer to be bonded, in such amounts and in such manner
1542 as determined by the Office, and to agree, in writing, to indemnify and hold harmless the District
1543 government against any and all actions, claims, and demands of whatever kind or nature that the
1544 District may incur by reason of or in consequence of issuing the retailer’s license to the retailer.

1545 “(g)(1) Game of skill machines shall not be offered or allowed to be played in the District
1546 other than at an establishment licensed as a retailer.

1547 “(2) A person convicted of violating this subsection shall be subject to a fine not
1548 to exceed \$5,000 or imprisonment not to exceed 6 months, or revocation of the retailer’s license,
1549 or all of the foregoing.

1550 “Sec. 411. Minimum requirements of game of skill machines.

1551 “(a)(1) Every game of skill machine offered for play shall first be tested and approved
1552 pursuant to this title and the rules issued pursuant to this title.

1553 “(2) The Office shall utilize the services of an accredited independent outside
1554 testing laboratory to test and assess each game of skill machine.

1555 “(3) The applicant shall be responsible for paying the fees associated with testing
1556 the game of skill machines.

1557 “(b) Every game of skill machine offered in the District shall meet the minimum
1558 standards approved by the Office, including the following:

1559 “(1) The game of skill machine must conform to all requirements of federal law
1560 and regulations, including the Federal Communications Commission’s Class A Emissions
1561 Standards;

1562 “(2) The game of skill machine shall pay out a mathematically demonstrable
1563 percentage during the expected lifetime of the machine of all amounts played, which shall not be
1564 less than 80%;

1565 “(3) The game of skill machine shall display an accurate representation of the
1566 game outcome;

1567 “(4) The game of skill machine shall not automatically alter pay tables or any
1568 function of the game of skill machine based on an internal computation of a hold percentage or
1569 have a means of manipulation that affects the random selection process or probabilities of
1570 winning a game;

1571 “(5) The game of skill machine shall not be negatively affected by static discharge
1572 or other electromagnetic inference;

1573 “(6) The game of skill machine shall be capable of displaying the following
1574 during idle status: “power reset”; “door open”; or “door closed”;

1575 “(7) The game of skill machine shall be able to detect and display the game’s
1576 complete play history and winnings for the previous 10 games;

1577 “(8) The theoretical payback percentage of a game of skill machine shall not be
1578 capable of being changed without making a hardware or software change in the machine itself;

1579 “(9) The game of skill machine shall be designed so that the replacement of parts
1580 or modules required for normal maintenance does not necessitate replacement of the
1581 electromechanical meters;

1582 “(10) The game of skill machine shall contain a non-resettable meter which shall
1583 be located in a locked area of the machine that is accessible only by a key;

1584 “(11) The game of skill machine shall be capable of storing the meter information
1585 required by paragraph (10) of this subsection for a minimum of 180 days after a power loss to the
1586 machine;

1587 “(12) The game of skill machine shall have accounting software that keeps an
1588 electronic record that includes:

1589 “(A) Total cash inserted into the game of skill machine;

1590 “(B) The value of winning tickets awarded to players by the game of skill
1591 machine;

1592 “(C) The total credits played on the game of skill machine;

1593 “(D) The total credits awarded by the game of skill machine; and

1594 “(E) The payback percentage credited to players of the game of skill
1595 machine;

1596 “(13) The game of skill machine shall be linked to a centralized accounting
1597 system which will allow the Office to activate or deactivate the game of skill machine from the
1598 centralized system remotely; and

1599 “(14)(A) The game of skill machine shall be linked to a centralized accounting
1600 system in accordance with section 415 by which all approved game of skill machines shall be
1601 connected for purposes of accounting and reporting to the Office.

1602 “(B) A manufacturer of a game of skill machine that has been approved to
1603 distribute and install a game of skill machine in the District shall be allowed one year from the
1604 effective date of this title to come into compliance with this paragraph.

1605 “(c) The Office may issue rules to establish additional licensing and registration
1606 requirements for purposes of preserving the integrity and security of game of skill machines in
1607 the District.

1608 “Sec. 412. Registration; display of registration sticker, license, and warning sign;
1609 locations of game of skill machines.

1610 “(a) A retailer shall register each of its game of skill machines in the District with the
1611 Office before the game of skill machine may be installed at the licensed establishment.

1612 “(b) A retailer shall locate its game of skill machines for play only in specific locations
1613 approved by the ABRA within the retailer’s licensed establishment.

1614 “(c) A retailer shall affix and maintain a registration sticker issued by the Office to the
1615 game of skill machine at all times the game of skill machine is located at the establishment. If
1616 the registration sticker is damaged, destroyed, lost, or removed, the retailer shall pay the Office
1617 \$75 for a replacement registration sticker.

1618 “(d) A retailer shall post both its retailer’s license and a warning sign, maintained in good
1619 repair and in a place clearly visible at the point of entry to the designated areas where the game
1620 of skill machines are located. The warning sign shall include:

1621 “(1) The minimum age required to play a game of skill machine;

1622 “(2) The contact information for the District’s gambling hotline; and
1623 “(3) The contact information for the Office of Lottery and Gaming for purposes of
1624 filing a complaint against the manufacturer, supplier, distributor, or retailer.

1625 “(e) Failure to display the registration sticker, license, or warning sign may result in the
1626 Office revoking or suspending the license or issuing a fine against the licensed establishment
1627 pursuant to section 417.

1628 “Sec. 413. Cash award.

1629 “(a) A game of skill machine shall not directly dispense cash awards or payments to a
1630 player. If, at the conclusion of the game, a player is entitled to a cash award, the game of skill
1631 machine shall dispense a ticket or voucher to the player. The ticket or voucher shall indicate:

1632 “(1) The total amount of the cash award;

1633 “(2) The time of day that the cash award was issued in a 24-hour format showing
1634 hours and minutes, the date, the terminal serial number, and the sequential number of the ticket
1635 or voucher; and

1636 “(3) An encrypted validation number from which the validity of the cash award
1637 may be determined.

1638 “(b) A retailer must allow a player to take the ticket or voucher to the owner of the
1639 licensed establishment or the owner’s designee, who must be located at the licensed
1640 establishment, for payment of the cash award.

1641 “Sec. 414. Game of skill machine use by minors prohibited.

1642 “(a) A licensee shall not permit a person under the age of 18 to use or play a game of skill
1643 machine.

1644 “(b) The Office may suspend or revoke a license and issue a fine, in accordance with
1645 section 417, against a licensee that knowingly allows a person under the age of 18 to use or play
1646 a game of skill machine.

1647 “Sec. 415. Centralized accounting system.

1648 “(a) Within 365 days after the effective date of this title, the Office shall procure a
1649 centralized accounting system linked by a communications network through which all licensed
1650 game of skill machines shall connect for the purpose of accounting and reporting to the District.

1651 “(b) By such date as shall be designated by the Office, all game of skill machines
1652 registered in the District shall be linked by a communications network to the centralized
1653 accounting system for purposes of monitoring and reading machine activities as provided for in
1654 this title or rules issued pursuant to this title. When the Office is satisfied with the operation of
1655 the centralized accounting system, it shall certify the effective status of the system and notify all
1656 retailers of the date by which the retailer’s game of skill machines must be linked to the
1657 centralized accounting system.

1658 “(c) The centralized accounting system shall be designed and operated to allow the
1659 monitoring and reading of all game of skill machines for the purpose of compliance with this title
1660 and rules issued pursuant to this title. The centralized accounting system shall be administered
1661 by the Office.

1662 “(d) The centralized accounting system shall not provide for the monitoring or reading of
1663 personal or financial information concerning patrons of game of skill machines.

1664 “(e) Employees and agents of a contractor or subcontractor of the Office that is engaged
1665 in building, operating, maintaining, or contracting to build, operate, or maintain the centralized

1666 accounting system, and the immediate family members of such employees and agents, shall be
1667 prohibited from obtaining a license under this title.

1668 “(f) Unless a retailer’s license is cancelled, suspended, or revoked, nothing in this section
1669 shall authorize the Office to limit or eliminate a registered game of skill from the centralized
1670 accounting system.

1671 “Sec. 416. Insurance.

1672 “Each distributor shall maintain liability insurance on all game of skill machines that it
1673 places in a licensed establishment in an amount set by the Office by rule issued pursuant to this
1674 title.

1675 “Sec. 417. Penalties.

1676 “(a) In the event of a violation of this title or a rule issued pursuant to this title, the Office
1677 may:

1678 “(1) Impose a fine of not more than \$50,000;

1679 “(2) Revoke a licensee’s license; and

1680 “(3) Suspend the licensee’s license for up to one year.

1681 “(b) A person that has been fined or whose application has been denied, revoked, or
1682 suspended pursuant to this section shall have a right to a hearing before the Office and, in the
1683 event of the Office’s affirmation of the fine, denial, revocation, or suspension, the right to appeal
1684 the decision of the Office to the Superior Court of the District of Columbia.

1685 “(c) The Office shall notify ABRA within 48 hours after the Office suspends or revokes a
1686 retailers license.

1687 “Sec. 418. Authority of the Office.

1688 “(a) The Office may enforce the provisions of this title with respect to licensees and with
1689 respect to any individual or entity not holding a license and offering a game of skill machine in
1690 violation of the provisions of this title or rules issued pursuant to this title.

1691 “(b) Subject to subsection (c) of this section, the Office and the Metropolitan Police
1692 Department may issue citations for civil violations of this title as set forth in rules issued
1693 pursuant to this title.

1694 “(c) A citation for a violation for which the penalty includes the suspension or revocation
1695 of a license shall be issued by the Office as a result of an investigation carried out by the Office.

1696 “(d) The Office may request and check the identification of a person who has played, is
1697 playing, or is attempting to play a game of skill machine. The Office may seize evidence that
1698 substantiates a violation under this title, which shall include seizing the tickets, vouchers, or cash
1699 awards issued to a person under the age of 18 and fake identification documents used by a person
1700 under the age of 18.

1701 “(e) The Office may seize a game of skill machine license from an establishment if:

1702 “(1) The game of skill machine license has been suspended, revoked, or cancelled
1703 by the Office;

1704 “(2) The business is no longer in existence; or

1705 “(3) The business has been closed by another District government agency.

1706 “Sec. 419. Investigations and inspections.

1707 “(a) The Office may conduct investigations, searches, seizures, and other duties
1708 authorized by this title and rules issued pursuant to this title.

1709 “(b) An applicant for a license, and each licensee, shall allow any member of the Office,
1710 any ABRA investigator, or any member of the Metropolitan Police Department full opportunity
1711 to examine, at any time during business hours:

1712 “(1) The location on the premises where game of skill machines are available to
1713 play; and

1714 “(2) The books and records of the licensee or applicant.

1715 “Sec. 420. Unlawful acts; action by the Attorney General.

1716 “(a)(1) No manufacturer, distributor, supplier, licensed establishment, or employee or
1717 agent of a manufacturer, distributor, supplier, or licensed establishment shall intentionally make
1718 a false or misleading representation concerning an individual’s chances, likelihood, or
1719 probability of winning at playing a game of skill machine.

1720 “(2) An individual or entity claiming to be aggrieved by a fraudulent act or a false
1721 or misleading statement by a licensee shall have a cause of action in a court of competent
1722 jurisdiction for damages and any legal or equitable relief as may be appropriate.

1723 “(b) The Attorney General for the District of Columbia, in the name of the District of
1724 Columbia, may bring an action in the Superior Court of the District of Columbia to enjoin an
1725 individual or entity or to seek a civil penalty of up to \$50,000 for a violation of this title or a rule
1726 issued pursuant to this title.

1727 “Sec. 421. Taxation of game of skill machines.

1728 “(a)(1) On or before the 20th calendar day of each month, each retailer shall:

1729 “(A) File a return, on forms and in the manner prescribed by the CFO,
1730 with the CFO indicating the amount of gross game of skill machine revenue for the retailer’s
1731 game of skill machines for the preceding calendar month; and

1732 “(B) Pay to the District of Columbia Treasurer 10% of the gross game of
1733 skill machine revenue for the preceding month.

1734 “(b) All funds owed to the District under this section shall be held in trust within the
1735 boundaries of the District for the District by the retailer until the funds are paid the District of
1736 Columbia Treasurer.

1737 “(c) A retailer that falsely reports or fails to report the amount due as required by this
1738 section may be fined or imprisoned in accordance with title 22 of the District of Columbia Code
1739 and shall have its retailer’s license revoked.

1740 “(d) Each retailer shall keep a record of the gross game of skill machine revenue, awards,
1741 and net income of each game of skill machine in such form as the Office may require.

1742 “(e) A payment required by this section that is not remitted when due shall be assessed a
1743 late payment penalty in amount set forth in § 47-4213.

1744 “(f) In the case of an underpayment of the tax set forth in this section, there shall be
1745 added to the tax an amount of interest determined by applying the underpayment rate set forth in
1746 § 47-4201 to the amount of the underpayment for the period of the underpayment.

1747 “Sec. 422. Deposit of license fees.

1748 ““All fees collected under sections 406 through 409 shall be deposited in the Lottery,
1749 Gambling, and Gaming Fund, established by section 4 of the Law to Legalize Lotteries, Daily
1750 Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia,
1751 effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 36-601.12).”.

1752 Sec. 6022. Title 25 of the District of Columbia Official Code is amended as follows:

1753 (a) Section 25-101 is amended as follows:

1754 (1) A new paragraph (22B) is added to read as follows:

1755 “(22B) “Game of skill machine” has the meaning set forth in section
1756 401(5) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for
1757 Charitable Purposes in the District of Columbia.”.

1758 (2) A new paragraph (53A) is added to read as follows:

1759 “(53A) “Voucher” means a ticket issued by a game of skill machine that is
1760 redeemable for cash winnings.”.

1761 (b) Section 25-113a is amended by adding a new subsection (e) to read as follows:

1762 “(e)(1) A licensee under a manufacturer’s license class A or B holding an on-site sales
1763 and consumption permit, or an on-premises retailer’s license, class C/R, D/R, C/H, D/H, C/T,
1764 D/T, C/N, D/N, C/X, or DX, shall obtain a game of skill machine endorsement from the Board in
1765 order to offer a game of skill machine on the licensed premises.

1766 “(2)(A) A game of skill machine shall not be placed on outdoor public or private
1767 space; provided, that the Board, in its discretion, may allow for the placement of a game of skill
1768 on outdoor public or private space if, in the Board’s determination, activity associated with the
1769 game of skill machine is:

1770 “(i) Not visible from a public street or sidewalk;

1771 “(ii) Adequately secured against unauthorized entrance; and

1772 “(iii) Accessible only by patrons from within the establishment.

1773 “(B) Subparagraph (A) of this paragraph shall not apply to a licensee
1774 operating a passenger-carrying marine vessel in accordance with D.C. Official Code § 25-
1775 113(h).”.

1776 (c) Section 25-401 is amended by adding a new subsection (e) to read as follows:

1777 “(e) An applicant for a game of skill machine endorsement shall submit to the Board with
1778 its application:

1779 “(1) A diagram of where the game of skill machines will be placed on the licensed
1780 premises; and

1781 “(2) The name of the manufacturer and distributor of the game of skill machines
1782 and documentation reflecting that the manufacturer and distributor are licensed to do business
1783 and pays taxes in the District of Columbia.”.

1784 (d) Section 25-508 is amended to read as follows:

1785 “25-508. Minimum fee for permits, and manager’s license, and endorsement.

1786 “The minimum fees for permits, manager’s license, and endorsement shall be as follows:

1787 “Tasting permit for class A licensees \$100/year

1788 “Importation permit \$5

1789 “Manager’s license \$100/year

1790 “On-site sales and consumption permit \$1,000/year

1791 “Game of skill machine endorsement \$200”.

1792 (e) The table of contents of Chapter 7 is amended by adding a new section designation to
1793 read as follows:

1794 “25-786. Game of skill machine operating requirements.”.

1795 (f) Section 25-763 is amended by adding a new subsection (g) to read as follows:

1796 “(g) Exterior signs advertising game of skill machines shall be prohibited on the licensed
1797 establishment.”.

1798 (g) Section 25-765 is amended by adding a new subsection (c) to read as follows:

1799 “(c) Advertisements related to game of skill machines shall not be placed on the interior
1800 or exterior of a window or on the exterior of a door that is used to enter or exit the licensed
1801 establishment.”.

1802 (h) A new section 25-786 is added to read as follows:

1803 “§ 25-786. Game of skill machine operating requirements

1804 “A licensee with a game of skill machine endorsement shall:

1805 “(a) Not allow or permit a person under 18 years of age to play a game of skill machine
1806 and shall designate an employee to regularly monitor the designated area where game of skill
1807 machines are played to ensure that no person under 18 years of age is playing or attempting to
1808 play a game of skill machine;

1809 “(b) Verify that each person playing a game of skill machine is lawfully permitted to do
1810 so by checking the person’s government-issued identification document upon entry into either
1811 the licensed establishment or the designated area where the game of skill machines are located
1812 and where the person seeks to cash out his or her winnings, if any; except, that the failure of a
1813 licensee to verify a person’s identification shall not be a violation of this paragraph if the person
1814 whose identification was not checked is 18 years of age or older;

1815 “(c) Not allow or permit a person that appears intoxicated or under the influence of a
1816 narcotic or other substance to play a game of skill machine;

1817 “(d) Not share revenue from the licensee’s sale of alcohol with a manufacturer or
1818 distributor of a game of skill machine, unless approved by the Board as an owner of the license;

1819 “(e) Not allow or permit the placement of a game of skill machine on an outdoor public
1820 or private space that has not been approved by the Board;

1821 “(f) Not allow or permit the placement of a game of skill machine outside of the
1822 designated areas contained on the applicant’s diagram provided as part of the license application
1823 or outside the areas approved by the Board;

1824 “(g) Not have more than 5 game of skill machines on the licensed premises; and

1825 “(h) Install security cameras that are operational and record for 30 days, in the areas
1826 designated for game of skill machines, near the cash register or terminal where cash winnings of
1827 game of skill machines are processed, and where the licensee’s money is stored.”.

1828 (i) Section 25-801 is amended by adding a new subsection (h) to read as follows:

1829 “(h) An ABRA investigator may request and check the identification of a person who has
1830 played, is playing, or is attempting to play a game of skill machine. An ABRA investigator may
1831 seize fake identification used by a person under 18 years of age and may seize such records
1832 related to a game of skill machine as the investigator deems appropriate to investigate the
1833 playing of a game of skill machine by a person under 18 years of age.”.

1834 Sec. 6023. Section 865 of An Act To establish a code of law for the District of Columbia,
1835 approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1704), is amended as follows:

1836 (a) The existing text is designated as subsection (a).

1837 (b) A new subsection (b) is added to read as follows:

1838 “(b) It shall be unlawful to install or operate a game of skill machine in the District
1839 except as permitted by D.C. Official Code § 25-113a(e). Whoever shall install or operate a game
1840 of skill machine at a location not licensed under Title 25 of the D.C. Official Code shall be
1841 punished by imprisonment for a term of 180 days or fined not more than the amount set forth in
1842 § 22-3571.01, or both.”.

1843 **SUBTITLE D. PAY-BY-PHONE TRANSACTION FEES FUND**

1844 Sec. 6031. Short title.

1845 This subtitle may be cited as the “Pay-By-Phone Transaction Fee Fund Amendment Act
1846 of 2020”.

1847 Sec. 6032. Section 9f of the Department of Transportation Establishment Act, effective
1848 September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), is amended to read as
1849 follows:

1850 “Sec. 9f. Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund.

1851 “(a) There is established the Parking Meter and Transit Services Pay-by-Phone
1852 Transaction Fee Fund (“Fund”), which shall be administered by the director of the District
1853 Department of Transportation in accordance with subsection (c) of this section.

1854 “(b) The following revenue shall be deposited in the Fund:

1855 “(1) Notwithstanding section 3(h) of the District of Columbia Motor Vehicle
1856 Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50–
1857 2603(8)), all transaction fees imposed upon users who pay for parking, transit fares, Capital
1858 Bikeshare trips, and other forms of shared mobility and transportation services with the pay-by-
1859 phone system; and

1860 “(2) All money remaining in the District Department of Transportation Parking
1861 Meter Pay-by-Phone Transaction Fee Fund at the end of Fiscal Year 2020.

1862 “(c) Money in the Fund shall be used to pay vendors responsible for administering pay-
1863 by-phone payment systems for parking, transit fares, Capital Bikeshare trips, and other forms of
1864 shared mobility and transportation services.

1865 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
1866 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
1867 of a fiscal year, or at any other time.

1868 “(2) Subject to authorization in an approved budget and financial plan, any funds
1869 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1870 Sec. 6033. Section 3(h)(1)(A) of the District of Columbia Motor Vehicle Parking Facility
1871 Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(A)), is
1872 amended by striking the phrase “to be transferred to the District Department of Transportation
1873 Parking Meter Pay-by-phone Transaction Fee Fund and the DC Circulator Fund, in accordance
1874 with section 9f of the Department of Transportation Establishment Act of 2002, effective
1875 September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14)” and inserting the
1876 phrase “to be transferred to the Parking Meter and Transit Services Pay-by-Phone Transaction
1877 Fee Fund, in accordance with section 9f of the Department of Transportation Establishment Act
1878 of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), and
1879 the DC Circulator Fund, in accordance with section 11c of the Department of Transportation
1880 Establishment Act of 2002, effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-
1881 921.33)” in its place.

1882 **SUBTITLE E. ENVIRONMENTAL SPECIAL PURPOSE REVENUE**
1883 **ACCOUNTS**

1884 Sec. 6041. Short title.

1885 This subtitle may be cited as the “Environmental Special Purpose Funds Reestablishment
1886 Amendment Act of 2020”.

1887 Sec. 6042. The Lead-Hazard Prevention and Elimination Act of 2008, effective March
1888 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01 *et seq.*), is amended by adding a new
1889 section 10a to read as follows:

1890 “Sec. 10a. Lead Poisoning Prevention Fund.

1891 “(a) There is established as a special fund the Lead Poisoning Prevention Fund (“Fund”),
1892 which shall be administered by the Department of Energy and Environment in accordance with
1893 subsection (c) of this section.

1894 “(b) All fees, fines, and penalties received from compliance with and enforcement of this
1895 act, and all interest earned on those monies, shall be deposited into the Fund.

1896 “(c) Money in the Fund shall be used to pay for the costs of implementing this act and
1897 may be used to provide low-income residents of the District with assistance to comply with the
1898 requirements of section 4, in accordance with rules issued by the Mayor.

1899 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
1900 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
1901 of a fiscal year, or at any other time.

1902 “(2) Subject to authorization in an approved budget and financial plan, any funds
1903 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1904 Sec. 6043. The District of Columbia Underground Storage Tank Management Act of
1905 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.01 *et seq.*), is
1906 amended by adding a new section 6a to read as follows:

1907 “Sec. 6a. Underground Storage Tank Regulation Fund.

1908 “(a) There is established as a special fund the Underground Storage Tank Regulation
1909 Fund (“Fund”), which shall be administered by the Department of Energy and Environment in
1910 accordance with subsection (c) of this section.

1911 “(b) All fees, fines, and penalties received from compliance with and enforcement of this
1912 act, and contributions and monies received as reimbursement, and all interest earned on those
1913 monies, shall be deposited into the Fund.

1914 “(c) Money in the Fund shall be used to pay for the costs of implementing this act and
1915 may be used for assessment, clean up, and housing and relocation assistance.

1916 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
1917 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
1918 of a fiscal year, or at any other time.

1919 “(2) Subject to authorization in an approved budget and financial plan, any funds
1920 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1921 Sec. 6044. The District of Columbia Hazardous Waste Management Act of 1977,
1922 effective March 8, 1991 (D.C. Law 8-229; D.C. Official Code § 8-1301 *et seq.*), is amended by
1923 adding a new section 21a to read as follows:

1924 “Sec. 21a. Hazardous Waste and Toxic Chemical Source Reduction Fund.

1925 “(a) There is established as a special fund the Hazardous Waste and Toxic Chemical
1926 Source Reduction Fund (“Fund”), which shall be administered by the Department of Energy and
1927 Environment in accordance with subsection (c) of this section.

1928 “(b) All fees, fines, and penalties received from compliance with and enforcement of this
1929 act, and all interest earned on those monies, shall be deposited into the Fund.

1930 “(c) Money in the Fund shall be used to pay for the costs of implementing this act.

1931 “(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not
1932 revert to the unassigned fund balance of the General Fund of the District of Columbia at the end
1933 of a fiscal year, or at any other time.

1934 “(2) Subject to authorization in an approved budget and financial plan, any funds
1935 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

1936 **SUBTITLE F. ALCOHOLIC BEVERAGE SALES AND DELIVERY**

1937 Sec. 6051. Short title.

1938 This subtitle may be cited as the “Alcoholic Beverage Sales and Delivery Amendment
1939 Act of 2020”.

1940 Sec. 6052. Chapter 7 of Title 25 of the District of Columbia Official Code is amended as
1941 follows:

1942 (a) Section 25-112 is amended by adding a new subsection (h) to read as follows:

1943 “(h)(1) A retailer with commercial street frontage at the Walter E. Washington
1944 Convention Center that sells food and is approved by the Washington Convention and Sports
1945 Authority to sell alcoholic beverages for on-premises consumption (“Convention Center food
1946 and alcohol business”) that registers as a Convention Center food and alcohol business with the
1947 Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed
1948 containers to individuals for carry out and may deliver beer, wine, or spirits in closed containers
1949 to consumers in the District, pursuant to §§ 25-113(a)(3)(C) and 25-113a(h); provided, that such
1950 carry out and delivery orders are accompanied by one or more prepared food items.

1951 “(2) Board approval shall not be required for a registration under this subsection
1952 that occurs before April 1, 2021.

1953 “(3) After March 31, 2021, a Convention Center food and alcohol business that
1954 does not hold a valid registration under this subparagraph shall be required to obtain a carry out
1955 and delivery license as set forth in § 25-113a(h) in order to sell beer, wine, or spirits in closed
1956 containers to customers to carry out and to sell and deliver to the homes of District residents
1957 beer, wine, or spirits in closed containers for delivery .

1958 “(4) A Convention Center food and alcohol business that has been
1959 authorized to offer alcoholic beverages for carry out and delivery in accordance with paragraph
1960 (1) of this subsection may only offer alcoholic beverages for carry out and delivery between the
1961 hours of 6:00 a.m. and 1:00 a.m., 7 days a week.”.

1962 (b) Section 25-113(a)(3)(C) is amended to read as follows:

1963 “(C) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
1964 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with
1965 the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed
1966 containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to
1967 consumers in the District between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week; provided,
1968 that each such carry out or delivery order is accompanied by one or more prepared food items.
1969 Board approval shall not be required for a registration under this subparagraph that occurs prior
1970 to April 1, 2021. After March 31, 2021, an on-premises retailer that does not hold a valid
1971 registration under this subparagraph shall be required to obtain a carry out and delivery
1972 endorsement as set forth in § 25-113a(g) in order to sell for carry out and deliver alcoholic
1973 beverages.”.

1974 (c) Section 25-113a is amended by adding new subsections (g) and (h) to read as follows:

1975 “(g)(1) Effective April 1, 2021, a licensee under an on-premises retailer’s license, class
1976 C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or
1977 private club, shall obtain a carry out and delivery endorsement from the Board to be eligible to
1978 sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine,
1979 or spirits in closed containers to consumers in the District.

1980 “(2) Carry out sales and delivery shall be authorized under paragraph (1) of this
1981 subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

1982 “(3) Each carry out or delivery order of an alcoholic beverage pursuant to
1983 paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

1984 “(4) The annual fee for a carry out and delivery endorsement shall be established
1985 by the Board in an amount not less than \$200.

1986 “(5) An on-premises retailer’s licensee that has registered with the Board under §
1987 25-113(a)(3)(C) before April 1, 2021 (a “registered licensee”), shall not be required to apply with
1988 the Board for an endorsement under this subsection, and the registered licensee shall be granted
1989 the carry out and delivery endorsement upon request to the Board, if the registered licensee
1990 makes the request and pays the annual fee required by paragraph (4) of this subsection by March
1991 31, 2021.

1992 “(h)(1) Effective April 1, 2021, a Convention Center food and alcohol business that has
1993 registered with the Board under § 25-112(h), shall obtain a carry out and delivery license from
1994 the Board to be eligible to sell beer, wine, or spirits in closed containers to individuals for carry
1995 out, or deliver beer, wine, or spirits in closed containers to consumers in the District.

1996 “(2) Carry out sales and delivery shall be authorized under paragraph (1) of this
1997 subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

1998 “(3) Each carry out or delivery order of an alcoholic beverage pursuant to
1999 paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

2000 “(4) The annual fee for a carry out and delivery license shall be established by the
2001 Board in an amount not less than \$200.

2002 “(5) A Convention Center food and alcohol business that has registered with the
2003 Board under § 25-112(h) before April 1, 2021 (a “registered Convention Center food and alcohol
2004 business”), shall not be required to apply with the Board for a license under this subsection, and
2005 the registered Convention Center food and alcohol business shall be granted a carry out and
2006 delivery license upon request to the Board, if the registered Convention Center food and alcohol
2007 business makes the request and pays the annual fee required by paragraph (4) of this subsection
2008 by March 31, 2021.”.

2009 (a) Section 25-721 is amended as follows:

2010 (1) Subsection (a-1) is amended by striking the phrase “7:00 a.m. and 12:00 a.m.”
2011 and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

2012 (2) Subsection (c) is amended as follows:

2013 (A) Paragraph (1) is amended by striking the phrase “2:00 a.m. and 8:00
2014 a.m.” and inserting the phrase “2:00 a.m. and 6:00 a.m.” in its place.

2015 (B) Paragraph (2) is amended by striking the phrase “3:00 a.m. and 8:00
2016 a.m.” and inserting the phrase “3:00 a.m. 6:00 a.m.” in its place.

2017 (3) Subsection (d) is amended by striking the phrase “7:00 a.m. and midnight”
2018 and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

2019 (b) Section 25-722 is amended as follows:

2020 (1) Subsection (a) is amended by striking the phrase “7:00 a.m. and midnight” and
2021 inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

2022 (2) Subsection (b) is amended by striking the phrase “7:00 a.m. and midnight”
2023 and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

2024 (b) Section 25-723 is amended as follows:

2025 (1) Subsection (b) is amended as follows:

2026 (A) Paragraph (1) is amended by striking the phrase “2:00 a.m. and 8:00
2027 a.m.” and inserting the phrase “2:00 a.m. and 6:00 a.m.” in its place.

2028 (B) Paragraph (2) is amended by striking the phrase “3:00 a.m. and 8:00
2029 a.m.” and inserting the phrase “3:00 a.m. and 6:00 a.m.” in its place.

2030 (2) Subsection (c)(1) is amended as follows:

2031 (A) Subparagraph (C) is amended by striking the word “and”.

2032 (B) Subparagraph (D) is amended by striking the period and inserting the
2033 phrase “; and” in its place.

2034 (C) A new subparagraph (E) is added to read as follows:

2035 “(E) The Saturday and Sunday adjacent to Veterans Day, Christmas Day,
2036 and District of Columbia Emancipation Day as set forth in § 1-612.02(a); except, that if the
2037 holiday under this subparagraph occurs on a Tuesday, the extended hours shall occur on the
2038 preceding Saturday and Sunday and if a holiday under this subparagraph occurs on a Wednesday
2039 or Thursday, the extended hours shall occur on the following Saturday and Sunday.”.

2040 (3) Subsection (e)(1) is amended by striking the phrase “2017, January 14 through
2041 January 22” and inserting the phrase “2021, January 9 through January 24” in its place.

2042 **SUBTITLE G. THIRD PARTY INSPECTION PLATFORM**

2043 Sec. 6061. Short title.

2044 This subtitle may be cited as the “Third Party Inspection Platform Amendment Act of
2045 2020”.

2046 Sec. 6062. Section 6d of the Construction Codes Approval and Amendments Act of 1986,
2047 effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code § 6-1405.04), is amended by
2048 adding a new subsections (f) to read as follows:

2049 “(f) The Department may establish an online platform that may, at the Director’s
2050 discretion, serve as the exclusive mechanism by which an individual or entity may hire a third
2051 party inspector to perform an inspection authorized by this section. The Department may charge
2052 a fee for the use of the online platform by an individual or entity and by the third party
2053 inspectors.”.

2054 **TITLE VII. FINANCE AND REVENUE**

2055 **SUBTITLE A. PERSONAL PROPERTY TAX**

2056 Sec. 7001. Short title.

2057 This subtitle may be cited as the “Personal Property Tax Amendment Act of 2020”.

2058 Sec. 7002. Title 47 of the District of Columbia Official Code is amended as follows:

2059 (a) Section 47-1508 is amended by adding a new paragraph (13) to read as follows:

2060 “(13)(A) Computer software, unless:

2061 “(i) The software is incorporated as a permanent component of a
2062 computer, machine, piece of equipment, or device, or of real property, and the software is not
2063 commonly available separately; or

2064 “(ii) The cost of the software is included as part of the cost of a
2065 computer, machine, piece of equipment, or device, or of the cost of real property on the books or
2066 records of the taxpayer.

2067 “(B) This paragraph shall not be construed to affect the value of a
2068 machine, device, piece of equipment, or computer, or the value of real property, or to affect the
2069 taxable status of any other property subject to tax under this title.”.

2070 (b) Section 47-1521 is amended as follows:

2071 (1) Paragraph (1) is redesignated as paragraph (1A).

2072 (2) A new paragraph (1) is added to read as follows:

2073 “(1) “Computer software” means a set of statements or instructions that when
2074 incorporated in a machine-usable medium is capable of causing a machine or device having
2075 information processing capabilities to indicate, perform, or achieve a particular function, task, or
2076 result.”.

2077 (3) Paragraph (4) is amended by striking the phrase “goods and chattels” and
2078 inserting the phrase “goods and chattels, including computer software,” in its place.

2079 Sec. 7003. Applicability.

2080 This subtitle shall apply as of July 1, 2021.

2081 **SUBTITLE B. UNINCORPORATED BUSINESS FRANCHISE TAX**

2082 Sec. 7011. Short title.

2083 This subtitle may be cited as the “Unincorporated Business Tax Amendment Act of
2084 2020”.

2085 Sec. 7012. Section 47-1808.02(1) of the District of Columbia Official Code is amended
2086 by inserting the sentence “Taxable income shall include gain from the sale or other disposition of

2087 any assets, including tangible assets and intangible assets, including real property and interests in
2088 real property, in the District, even when such a sale or other disposition results in the termination
2089 of an unincorporated business.” at the end.

2090 Sec. 7013. Applicability.

2091 This subtitle shall apply as of January 1, 2021.

2092 **SUBTITLE C. BALLPARK REVENUE FUND**

2093 Sec. 7021. Short title.

2094 This subtitle may be cited as the “Ballpark Revenue Fund Excess Revenue Amendment
2095 Act of 2020”.

2096 Sec. 7022. Section 102(d) of the Ballpark Omnibus Financing and Revenue Act of 2004,
2097 effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.02(d)), is amended by
2098 striking the phrase “due on the bonds.” and inserting the phrase “due on the bonds; provided, that
2099 any excess that accrues during Fiscal Year 2020, Fiscal Year 2021, or Fiscal Year 2022 shall be
2100 deposited in the unrestricted fund balance of the General Fund during the fiscal year in which it
2101 accrues.” in its place.

2102 Sec. 7023. Applicability.

2103 This subtitle shall apply as of August 1, 2020.

2104 **TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS**

2105 Sec. 8001. Short title.

2106 This subtitle may be cited as the “Designated Fund Transfer Act of 2020”.

2107 Sec. 8002. (a) Notwithstanding any provision of law limiting the use of funds in the
2108 accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year

2109 2020 the following amounts from certified fund balances and other revenue in the identified
 2110 accounts to the unassigned fund balance of the General Fund of the District of Columbia:

Agency Code	Fund Detail	Fund Name	Amount (\$)
AG0	0601	Accountability Fund	60,000
AT0	0606	Recorder of Deeds Surcharge	700,000
BD0	2001	Historic Landmark and Historic District Filing Fees	127,039
BX0	0600	Arts and Humanities Enterprise Fund	222,753
BX0	0110	Commission on Arts and Humanities	1,245,000
CB0	0616	Litigation Support Fund	1,024,373
CI0	0600	Special Purpose Revenue	700,000
CQ0	6000	Rental Unit Fee Fund	462,101
CR0	6040	Corporate Recordation Fund	5,895,623
FB0	0601	FEMS Reform Fund	189,064
GD0	0620	Child Development Facilities Fund	86,737
GD0	6007	Site Evaluation	40,000
GL0	0619	State Athletic Acts Programming and Office Fund	49,801
HT0	0631	Medicaid Collections Third Party Liability	384,592
HT0	0632	Bill of Rights (Grievances and Appeals)	1,596,337
KG0	0645	Pesticide Product Registration	361,081
KT0	6052	Solid Waste Diversion Fund	113,762
KT0	6082	Solid Waste Disposal Fee Fund	37,889
KT0	6591	Clean City Fund	205,723

KV0	6258	Motor Vehicle Inspection Station	1,200,000
LQ0	6017	ABC Import and Class License Fees	249,202
LQ0	0110	Dedicated Taxes	568,715
RJ0	0640	Subrogation Fund	4,321,489
RM0	0640	DMH Medicare and Third Party Reimbursement	188,400
SR0	2350	Securities and Banking Fund	1,100,000
TO0	0602	DC Net Services Support	3,295,975
UC0	1630	911 and 311 Assessments	1,455,501
UP0		Workforce Investments Fund	57,202,000

2111
2112 (b) Notwithstanding any provision of law limiting the use of funds in the accounts listed
2113 in D.C. Official Code § 47-392.02(j-5)(1) and (2), the amounts deposited and committed to those
2114 accounts pursuant to D.C. Official Code § 47-392.02(j-5) in Fiscal Year 2020, based on the
2115 Comprehensive Annual Financial Report for Fiscal Year 2019, shall, after such deposits and
2116 commitments have been made, be transferred by the Chief Financial Officer before the end of
2117 Fiscal Year 2020 to the unassigned balance of the General Fund of the District of Columbia.

2118 (c) The amounts identified in subsections (a) and (b) of this section shall be made
2119 available as set forth in the approved Fiscal Year 2021 Budget and Financial Plan.

2120 Sec. 8003. Applicability.

2121 This subtitle shall apply as of August 1, 2020.

2122 **TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE**

2123 Sec. 9001. Applicability.

2124 Except as otherwise provided, this act shall apply as of October 1, 2020.

2125 Sec. 9002. Fiscal impact statement.

2126 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
2127 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
2128 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

2129 Sec. 9003. Effective date.

2130 This act shall take effect following approval by the Mayor (or in the event of veto by the
2131 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
2132 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
2133 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
2134 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Ronan Gulstone
Executive Director
Office of Policy and Legislative Support

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: May 18, 2020

SUBJECT: Legal Sufficiency Review of Proposed Bill, the “Fiscal Year 2021 Budget Support Act of 2020”
(AE-20-415)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5565.

Bkf/A.Parker

Brian K. Flowers

Bkf/ajp, lae, cpe, dah, arh, rka, kvk, jat, mj, kr, zm



MURIEL BOWSER
MAYOR

June 2, 2020

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

The purpose of this letter is to request that the Council of the District of Columbia (“Council”) make the following corrections and amendments to the proposed FY 2021 Budget and Financial Plan and the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, both of which were submitted to the Council on May 18, 2020.

Government Direction and Support

1. Office of the Attorney General

(a) Reduce the fund balance within the Litigation Support Fund by \$225,627.

The reduction above was not included due to a drafting error when submitting the budget.

2. Office of the Chief Financial Officer

(a) Remove \$5,673,332 from the MP-New Financial System capital project in FY 2020 (IFSMP)

The funding above was included due to a drafting error when submitting the budget.

Economic Development and Regulation

1. Recognizing Revenue due to Parcel Sales

(a) Recognize approximately \$2,000,000 in new revenue due to the sale of a District-owned parcel at Fort Totten. This funding will be deposited in June.

The revenue generated by the item above was unable to be included in the original submission of the Mayor's budget.

(b) Recognize \$3,204,936 in new revenue due to the sale of Parcel 17 on the St. Elizabeths campus. This funding was deposited into an escrow account on May 18, 2020.

The revenue generated by the item above was unable to be included in the original submission of the Mayor's proposed budget.

2. Office of Cable Television, Film, Music, and Entertainment

(a) Remove \$93,301 in personal funding (PS), including \$77,428.22 in CSG 11, Regular Pay and \$15,872.78 in CSG 14, Fringe Benefits for the salary and benefits and 1 FTE for an Operations Specialist Position within Activity 4010.

The funding above was included due to a drafting error when submitting the budget.

Public Safety and Justice

1. Office of Victim Services and Justice Grants

(a) Add \$500,000 to Justice Grants program (Activity 2010, CSG 0050).

The funding above was not included due to a drafting error when submitting the budget.

Public Education System

1. Office of the State Superintendent of Education

(a) Add a one-time enhancement of \$5,000,000 to continue the District's Childcare Subsidy at FY 2020 levels.

The enacted FY 2020 budget includes \$5 million in a one-time enhancement for the Childcare Subsidy provider payments. This enhancement was intended to continue as a one-time enhancement in the FY 2021 proposed Budget, but due to a drafting error when submitting the budget, this item was omitted.

(b) Restore \$844,400 in one-time funding for Healthy Tots within the Office of Nutrition Programs Activity – E504.

The funding above was not included due to a drafting error when submitting the budget.

2. District of Columbia Public Library

(a) Remove \$3,724,233 in Paygo funding from the Chevy Chase Library capital project (CCL37C) in FY 2024 and add \$1,100,000 in Paygo funding to Fiscal Year 2023 to the same project.

The funding above was included due to a drafting error when submitting the budget.

3. Department of Parks and Recreation

(a) Restore \$1,200,000 in one-time funding within the Department of Parks and Recreation within the Planning and Capital Projects Activity – 3825 for the Capitol Riverfront Business Improvement District.

The funding above was not included due to a drafting error when submitting the budget.

4. District of Columbia Public Charter Schools (DCPCS)

(a) Reduce total funding for the DCPCS by \$5,788,028 due to the closure of Achievement Prep Middle School.

The funding above was included due to a drafting error when submitting the budget and reflects a redistribution between DCPCS and District of Columbia Public Schools.

5. District of Columbia Public Schools (DCPS)

(a) Increase total funding for the DCPS by \$2,452,246 due to the closure of Achievement Prep Middle School.

The funding above was not included due to a drafting error when submitting the budget and reflects a redistribution between DCPCS and DCPS and the absorption of a portion of those students into DCPS schools.

Human Support Services

1. Department of Health

(a) Remove the one-time enhancement for the Commission on Health recommendations totaling \$2,150,000.

The item above and the activities that it funds are redundant to activities already included in a one-time enhancement of \$3,125,000. This redundancy was due to a drafting error when submitting the budget.

2. Department of Behavioral Health

(a) Remove the reduction of \$586,000 to eliminate 4.5 vacant positions that would be assigned to schools within activity Prevention/Early Intervention-School Mental Health - 6912.

The item above was reduced due to a drafting error when submitting the budget.

(b) Remove the reduction of \$1,143,160 to eliminate 11 vacant positions within activity Support Staff Services

The item above was reduced due to a drafting error when submitting the budget.

3. Department of Human Services

(a) Add \$2,100,000 in one-time funding to the Department of Human Services to support the Temporary Assistance for Needy Families (TANF) cost of living allowance in Fiscal Year 2021.

The item above was not included due to a drafting error when submitting the budget.

(b) Add \$1,100,000 in one-time funding to the Department of Human Services to support the Emergency Rental Assistance Program (ERAP).

The item above was not included due to a drafting error when submitting the budget.

(c) Add \$5,673,332 to the PSH Units for Senior Women capital project (PSH01) in FY 2020.

The item above was reduced due to a drafting error when submitting the budget.

4. Department of Health Care Finance

(a) Add \$5,000,000 of funding in Fiscal Year 2024 for the operating reserve requirement of the new GW Health hospital and ambulatory center at St. Elizabeths.

The item above was not included due to a drafting error when submitting the budget.

5. Child and Family Services Agency

(a) Add \$530,486 of one-time funding to Activity 8040, Object: 0501, CSG 0050 to support the Families First initiative.

The item above was not included due to a drafting error when submitting the budget.

Operations and Infrastructure

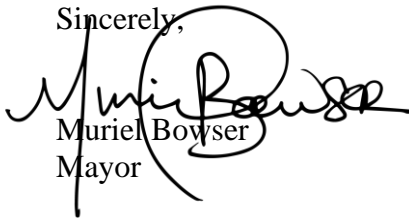
1. Department of Consumer and Regulatory Affairs

(a) Reduce the budget for the expedited building permit review special purpose revenue fund by \$1,150,000.

The reduction above was not included due to a drafting error when submitting the budget.

Thank you for your consideration of these changes.

Sincerely,



Muriel Bowser
Mayor


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: May 18, 2020

SUBJECT: Fiscal Impact Statement – “Fiscal Year 2021 Budget Support Act of 2020”

REFERENCE: Draft bill provided to the Office of Revenue Analysis on May 18, 2020

Conclusion

Funds are sufficient in the proposed fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the Fiscal Year 2021 Budget Support Act of 2020.

The District’s proposed fiscal year 2021 budget includes \$8.54 billion in Local fund spending supported by \$8.54 billion of local resources, with an operating margin of \$0.5 million. The estimated expenditures for the proposed General Fund budget, which includes dedicated taxes and special purpose fund revenue in addition to Local funds, are \$9.82 billion.

The proposed budget and financial plan accounts for the expenditure and revenue implications of the bill.

The bill, the “Fiscal Year 2021 Budget Support Act of 2020,” is the legislative vehicle for adopting statutory changes needed to implement the District’s proposed budget and financial plan for the fiscal years 2021 through 2024. The following pages summarize the purpose and the impact of each subtitle.

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The Honorable Phil Mendelson

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TITLE I - GOVERNMENT DIRECTION AND SUPPORT

Subtitle (I)(A) – Facility Operations Reprogrammings Act of 2020

Background

The subtitle authorizes the Mayor to reprogram funds among activities in the Facilities Operations budget of the Department of General Services without Council authorization, provided the Chief Financial Officer certifies funds are available for the reprogramming. Currently reprogrammings from one activity to another are subject to Council approval.¹ The Facilities Operations budget consists of seven activities related to the maintenance and operations of District-owned properties. The seven activities are: postal services, facilities/occupancy, parking, RFK/Armory, janitorial services, facilities - public education, facilities - parks and recreation.

Financial Plan Impact

There is no cost to the subtitle. The Office of the Chief Financial Officer must still certify sufficient funds are available prior to any reprogramming.

Subtitle (I)(B) – Review of Option Year Contracts Act of 2020

Background

The subtitle eliminates the requirement that Council approve the exercise of individual option years (greater than \$1 million) of a Council-approved multiyear contract. Currently, Council must approve the exercise of all option years regardless of whether it has approved the base year. The subtitle requires that no material change has occurred to the terms of the contract that Council originally approved.

Financial Plan Impact

There is no cost to the subtitle. The Office of the Chief Financial Officer must certify that funds are available prior to the exercise of an option.

Subtitle (I)(C) – Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020

Background

The subtitle prevents employees, both unionized and non-unionized, from receiving a cost-of-living salary adjustment from fiscal year 2021 through fiscal year 2024. Fiscal year 2020 salary schedules and benefits shall be maintained in fiscal years 2021 – 2024, regardless of any collective bargaining agreement or other agreement. Employees will still be eligible for within-grade salary increases (step increases). The subtitle applies to covered agencies.²

¹ D.C. Official Code § 47-363.

² as defined in section 301(17) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*)

The Honorable Phil Mendelson

Fiscal Impact Statement for "Fiscal Year 2021 Budget Support Act of 2020," based on the draft bill provided to the Office of Revenue Analysis on May 18, 2020

Financial Plan Impact

The proposed fiscal year 2021 budget includes \$3.063 billion in local fund personal services costs. The Workforce Investments agency, which funds collective bargaining agreements, has not been funded in the proposed budget and financial plan, and no increases in personal services costs (other than fringe) have been included in the financial plan. While cost-of-living adjustments and negotiated salary schedules vary from year to year, the fiscal year 2020 approved budget included \$89 million for Workforce Investments.

TITLE II - ECONOMIC DEVELOPMENT AND REGULATION

Subtitle (II)(A) – Creative and Open Space Modernization Tax Rebate Amendment Act of 2020

Background

The Deputy Mayor for Planning and Economic Development (DMPED) authorizes real property or possessory interest tax rebates for Qualified High Technology Companies (QHTC)³ that make qualified improvements to a workspace that is leased, subleased, or subject to a purchase and sale agreement. The District limits the tax rebates to \$1 million for any individual entity and an aggregate amount of \$3 million for all qualified entities.⁴

The subtitle expands DMPED’s Local Funds grant-making authority to include paying up to \$3 million in tax rebates for QHTCs that make qualified improvements.

Financial Plan Impact

DMPED paid out annual rebates ranging from approximately \$630,000 to \$1.6 million over fiscal years 2016 through 2019 from DMPED’s Economic Development Special Account.⁵ DMPED will use this new grant-making authority to pay the rebates out of Local Fund resources. The fiscal year 2021 budget contains \$1.9 million in Local Funds to support these rebates.

Subtitle (II)(B) – Economic Opportunity and Creativity Grants Authority Amendment Act of 2020

Background

The subtitle expands the Deputy Mayor for Planning and Economic Development’s (DMPED) grant-making authority to include issuing grants to support programs, projects, and initiatives that support the District’s economic development goals and activities.

Financial Plan Impact

The subtitle authorizes DMPED to issue grants to support the District’s economic development goals and activities and there are no costs associated with giving DMPED this grant-making authority. However, the fiscal year 2021 through fiscal year 2024 budget and financial plan does not include funding for these grants.

³ Companies that are ineligible to be a QHTC because they are located within the Ballpark TIF area or because they sell or produce original media content in the District are also eligible for rebates.

⁴ Creative and Open Space Modernization Amendment Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 47-4665).

⁵ National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21).

Subtitle (II)(C) – Aligning Opportunity Zone Tax Benefits with DC Community Priorities Act of 2020

Background

The Federal 2017 Tax Cuts and Jobs Act established a deferral of capital gains for income tax purposes for taxpayers who invest in a Qualified Opportunity Fund and meet other requirements. Qualified Opportunity Funds (QOF) make investments across the country in one of over 8,000 Qualified Opportunity Zones (QOZ).

The subtitle decouples the capital gains deferral for purposes of District income taxes unless the investment meets certain criteria. These criteria include a requirement that the QOF is certified by the Mayor; that the QOF has invested at least the value of the taxpayer’s QOF investment in a QOZ located in the District; and that the QOF submits IRS forms 8996 and 8997 to the Office of Tax and Revenue. In order to be certified by the Mayor, the QOF must submit documentation showing the QOF has invested in a business or property that has received a grant, loan, or tax incentive from the District; has invested in an economic development project managed, owned, or disposed of by the District; has received support of the Advisory Neighborhood Commission where the investment is located; or that has received at least a score of 75 on the Urban Institute Opportunity Zone Community Impact Assessment Tool. The subtitle also requires that the Office of Tax and Revenue collect data related to taxpayers claiming Opportunity Zone tax benefits and provide it in anonymized format to DMPED.

Financial Plan Impact

By decoupling from the federal capital gains tax deferral for QOF investments that are not located in the District or are not expected to meet the subtitle’s criteria, fewer capital gains tax deferrals are estimated for District income tax returns. The subtitle is estimated to result in \$2 million of increased District income taxes in Fiscal Year 2021, and a total of \$19.9 million over the financial plan.

Revenue Gained from Aligning Opportunity Zone Tax Benefits with District Community Priorities Act of 2020					
(\$ thousands)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Increased Income Tax Revenue	\$2,000	\$6,181	\$5,925	\$5,756	\$19,862

Subtitle (II)(D) – Streetscape Business Development Relief Expansion Amendment Act of 2020

Background

The Streetscape Business Development Relief Fund (Fund)⁶ is managed by the Department of Small and Local Business Development (DSLBD). DSLBD is authorized to issue loans and grants out of the Fund to businesses whose operations are disrupted by District streetscape construction, rehabilitation projects, and other capital infrastructure projects and who are located adjacent to, or within, the project area.

⁶ Streetscape Fund Amendment Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 1-325.191).

The Honorable Phil Mendelson

Fiscal Impact Statement for “Fiscal Year 2021 Budget Support Act of 2020,” based on the draft bill provided to the Office of Revenue Analysis on May 18, 2020

The subtitle expands the eligible recipients of loans and grants to include District Main Streets organizations.⁷

Financial Plan Impact

Including District Main Streets organizations as eligible recipients of grants and loans does not have a cost. Total grants and loans that can be made will be limited to resources available in the Fund. The fiscal year 2021 budget does not include any funding for grants, but the Fund will receive loan repayments that DSLBD could request budget authority to spend as those repayments are realized.

Subtitle (II)(E) – Budget of the Public Access Corporation Amendment Act of 2020

Background

The subtitle eliminates the need for the Public Access Corporation to submit its annual budget to the Mayor for inclusion in the Mayor’s budget submission to Council.

Financial Impact

The subtitle does not have a financial impact. The Public Access Corporation budget is independent from the District of Columbia Government and is not included in the fiscal year 2021 budget.

Subtitle (II)(F) – Deputy Mayor for Planning and Economic Development Limited Grant Making Authority for Entities Operating in Wards 5, 7, or 8 Amendment Act of 2020

Background

The subtitle expands the Deputy Mayor for Planning and Economic Development’s (DMPED) grant-making authority to include issuing grants to organizations that operate in the District’s Wards 5, 7, or 8 and support increasing economic or community development in underserved areas. DMPED exempts any grants issued under this subtitle’s authority from competitive award requirements.⁸

Financial Plan Impact

The bill authorizes DMPED to issue grants to economic development organizations that operate in Wards 5, 7, or 8. There are no costs associated with giving DMPED this grant-making authority, but the fiscal year 2021 through fiscal year 2024 budget and financial plan does not include funding for these grants.

Subtitle (II)(G) – Tax Abatements for Affordable Housing in High-Need Affordable Housing Areas Act of 2020

Background

The subtitle exempts from real property tax certain real property designated by the Mayor. To be eligible, property must contain or be developed with at least 350 housing units, rent at least one-third of the units at a level affordable at 80 percent of area median income,⁹ and be located in an area

⁷ <https://dslbd.dc.gov/service/DCMS>

⁸ Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13).

⁹ As set forth in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1))

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designated through the District’s Housing Equity Report¹⁰ as having a high-need for affordable housing (Rock Creek West, Rock Creek East, Capitol Hill, and Upper Northeast). Further, the developer must enter into land covenants, agree to use Certified Business Enterprises¹¹ for 35 percent of project operations (but not construction costs), and agree to First Source hiring requirements¹² for project operations (but not construction costs). The Mayor shall use a competitive process to select eligible projects.

The exemption can begin in the tax year immediately following the year in which the project receives a certificate of occupancy and can continue for 40 years. Exemptions are not available until fiscal year 2024. Total exemptions under the program are capped at \$200,000 in 2024 and \$4 million annually thereafter.

Financial Plan Impact

During the financial plan, the subtitle results in a one-time revenue loss of \$200,000 in fiscal year 2024.

Subtitle (II)(H) – Targeted Historic Preservation Assistance Amendment Act of 2020

Background

The subtitle adds the Bloomingdale Historic District to the list of districts eligible for the Historic Homeowner Grant Program.¹³ The Program, managed by the Office of Planning, gives grants for exterior repairs, rehabilitation, and structural work on historic properties to low and moderate income households living in eligible historic districts.¹⁴ The maximum grant given is \$25,000, except in the Anacostia Historic District where the maximum is \$35,000.

Financial Plan Impact

There is no cost to the subtitle. Total grants cannot exceed available budget for the program, so adding eligible locations does not have a fiscal impact.

Subtitle (II)(I) – Property Disposition and Development Incentive Administrative Fees Act of 2020

Background

The subtitle authorizes the Mayor to impose reasonable administrative fees on a developer or other entity that is benefiting from the disposition of District-owned property to help off-set some or all of the third-party costs incurred by the District in preparing for a property disposition. The Mayor can also impose fees if the District incurs costs by taking actions at the request of a third-party, such as

¹⁰<https://planning.dc.gov/sites/default/files/dc/sites/housingdc/publication/attachments/Housing%20Equity%20Report.pdf>

¹¹ Pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 et seq.).

¹² Pursuant to the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2- 219.03)

¹³ <https://planning.dc.gov/service/historic-homeowner-grant-program>

¹⁴ D.C. Official Code § 6-1110.02(b).

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granting entry or an easement. Any fees collected will be deposited in the Deputy Mayor for Planning and Economic Development’s (DMPED) Economic Development Special Account.¹⁵

Financial Plan Impact

DMPED will develop a fee schedule that establishes charges to help recover costs incurred by DMPED for disposition-related activities such as property appraisals or providing an easement to a third-party. Because the fee schedule has not been developed and DMPED will not be required to charge fees, the fiscal year 2021 through fiscal year 2024 budget and financial plan does not include any new revenues for the Economic Development Special Account from the subtitle’s implementation. There are no costs associated with granting DMPED this authority.

Subtitle (II)(I) - Implementation of the Sports Wagering Small Business Development Program Amendment Act of 2020

Background

In 2018, Council amended the Sports Wagering Lottery Amendment Act of 2018¹⁶ to establish small business training programs. The Act required the Department of Small and Local Business Development (DSLBD), in consultation with the Office of Lottery and Gaming (OLG), to establish a program to train small businesses to develop the capacity to become sports wagering operators and management service providers. The Act further required OLG to report annually to Council on Certified Business Enterprises (CBE) participation in sports wagering. The subtitle repeals the subject to appropriations clause applicable to these provisions.

Financial Plan Impact

The fiscal year 2021 proposed budget includes a \$250,000 enhancement at DSLBD to implement the small business training provisions of the sports wagering act. OLG can implement the requirements for CBE reporting within existing resources.

Subtitle (II)(K) – Community Restroom Incentive Pilot Program Applicability Amendment Act of 2020

Background

The Council directed the Mayor to study and pilot the installation of public restroom facilities in the District, in coordination with Business Improvement Districts (BID).¹⁷ The Mayor had to establish a working group to determine whether the District should install and maintain public restrooms, the type of restrooms, and identify two pilot locations to host public restrooms. The Council also required the Mayor to develop a Community Restroom Incentive Pilot Program (Program). The Program works with one BID, that would in turn work with businesses within its boundaries, to have businesses make their restrooms available to the public at no cost, regardless of whether an individual is a patron of the business. The Mayor provides incentive payments and signage for the businesses that participate in the Program.

¹⁵ National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.21).

¹⁶ Law 22-312, effective May 3, 2019

¹⁷ Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595).

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The subtitle makes the implementation of the Program subject to its inclusion in an approved budget and financial plan.

Financial Plan Impact

The Council funded the Program's incentive payments and signage costs in the fiscal year 2020 budget. The fiscal year 2021 through fiscal year 2024 budget and financial plan reduces the Department of Small and Local Business Development budget by approximately \$62,000 annually and allows the Mayor to delay implementation of the Program until it is refunded in a future budget.

TITLE III - PUBLIC SAFETY AND JUSTICE

Subtitle (III)(A) – Criminal Code Reform Commission Term Extension Amendment Act of 2020

Background

In fiscal year 2017, the Criminal Code Reform Commission (Commission) was created as a separate commission by removing the criminal code review component from the Sentencing and Criminal Code Revision Commission.¹⁸ In 2019, the Council extended the Commission's report delivery deadline to September 30, 2020 and established a new sunset date for the Commission's activities of October 1, 2020.¹⁹

The subtitle further extends the Commission's deadline to deliver its report to March 30, 2021. The subtitle also establishes a new sunset date by which the Commission should cease its activities of April 1, 2021.

Financial Plan Impact

The Commission's activities are funded at approximately \$375,000 in the fiscal year 2021 budget. The Commission will terminate on April 1, 2021.

Subtitle (III)(B) – Information Sharing for At-Risk Youth Program Evaluation and Improvement Act of 2020

Background

The subtitle allows²⁰ the Department of Youth Rehabilitation Services (DYRS), the Child and Family Services Agency (CFSA), the Department of Behavioral Health (DBH), and the Department of Human Services (DHS) to share records, data, and information with the Office of the City Administrator for the purposes of program design, administration, and evaluation.

Financial Impact

The subtitle has no fiscal impact. DYRS, CFSA, DBH, and DHS do not need additional resources in order to share this data.

¹⁸ Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code 3-151 et seq.).

¹⁹ Fiscal Year 2020 Budget Support Act of 2019, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 3-151 et seq.).

²⁰ By amending Section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), adding a new subsection (b-1).

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Subtitle (III)(C) – Emergency Medical Services Transport Contract Authority Amendment Act of 2020

Background

In 2016, the District gave the Mayor the authority to enter into a third-party contract of the provision of pre-hospital medical care and transport services in the District.²¹ This authority is set to expire on September 30, 2021.²²

The subtitle eliminates the sunset date and authorizes the Mayor to enter into a third-party contract for these services in perpetuity.

Financial Plan Impact

The subtitle eliminates a sunset date for the Mayor’s authority to enter into a contract with a third-party provider of pre-hospital medical care and transport services. The fiscal year 2021 through fiscal year 2024 budget and financial plan includes approximately \$13.1 million annually to fund the contract. The District has contracted with a third-party ambulance provider since early 2016.

Subtitle (III)(D) – Senior Police Officer Retention Amendment Act of 2020

Background

The Metropolitan Police Department (MPD) rehires retired police officers as fully sworn officers with no impact on their retirement benefits. These officers are paid on the Police Service pay schedule as officers,²³ detectives,²⁴ and sergeants.²⁵ The program to rehire officers at the detective and sergeant pay levels will sunset on October 1, 2020, but allows an officer to be rehired under the program for up to five years.

The subtitle changes the sunset date for rehiring a retired officer at the detective and sergeant pay levels from October 1, 2020 to October 1, 2023.

Financial Plan Impact

MPD rehires retired officers into positions that are included in MPD’s budget in the fiscal year 2021 through fiscal year 2024 budget and financial plan. MPD can accommodate the extended sunset provision for the detective and sergeant program within the budget and financial plan.

²¹ Emergency Medical Services Contract Authority Temporary Amendment Act of 2015, effective January 30, 2016 (D.C. Law 21-55; 62 DCR 15597).

²² As extended in the Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168; 65 DCR 9388).

²³ The pay grade and step for an officer is class 1, step 5.

²⁴ The pay grade and step for a detective is class 3, step 4.

²⁵ The pay grade and step for a sergeant is class 4, step 3.

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Subtitle (III)(E) – Office of Administrative Hearings Jurisdiction Amendment Act of 2020

Background

The subtitle codifies²⁶ an agreement between the Office of the Attorney General and the Office of Administrative Hearing (OAH) to give OAH jurisdiction over certain cases that involve delinquent child support payments.

Financial Plan Impact

The subtitle has no fiscal impact. OAH currently adjudicates these child support payment cases.

Subtitle (III)(F) – Concealed Pistol Licensing Review Board Membership Amendment Act of 2020

Background

In 2015, the District established a Concealed Pistol Licensing Review Board (Board).²⁷ The Board hears appeals related to the denial of a new or renewal application for a license to carry a concealed pistol, the suspension or limitation of a concealed carry license, and the revocation of a concealed carry license. The Board is comprised of seven members, including three federal or local government officials, a former sworn law enforcement officer, and three members of the public.²⁸

The subtitle expands the Board to include four additional District residents with mental health, victim services or advocacy, violence prevention, law, or firearms experience.

Financial Plan Impact

The subtitle expands the size of the Board from seven members to eleven members. There are no costs associated with expanding the size of the Board.

Subtitle (III)(G) – Rehiring of Retired Police Officers by the Department of General Services and the Department of Parks and Recreation Amendment Act of 2020

Background

The subtitle permits retired Metropolitan Police Department (MPD) officers to be hired by the Department of General Services (DGS) Protective Services Division, and the Department of Parks and Recreation (DPR) without impacting their retirement benefits. Under current law, if a retiree is hired by those agencies, the retiree must offset their salary by the amount of the his or her retirement benefits. The subtitle will allow a retiree in these agencies to receive full salary and full retirement benefits.

Financial Plan Impact

There is no cost to the subtitle. If DGS or DPR hire a retired MPD officer, they will do so into positions that are included in each agency’s budget in the fiscal year 2021 through fiscal year 2024 budget and

²⁶ By amending . Section 6(b-23) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-23)).

²⁷ License to Carry a Pistol Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08).

²⁸ These members currently include one mental health professional and two District residents with experience in the operation, care, and handling of firearms.

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financial plan. A retired police officer redeployment does not count as creditable service toward retirement calculations,²⁹ so there is also no impact on District retirement obligations.

²⁹ D.C. Official Code § 5-761(a-1)(c).

TITLE IV - PUBLIC EDUCATION SYSTEMS

Subtitle (IV)(A) – Uniform Per Student Funding Formula Increase

Background

The subtitle sets³⁰ the base level funding for the Uniform Per Student Funding Formula (UPSFF) at \$11,310. This is a three percent increase over fiscal year 2020. Base level funding is multiplied by the weighting for each grade level or add-on services to determine the per student funding at that level or for those services. The subtitle also increases the weighting for the alternative program add-on from 1.44 to 1.445.

The following tables show the base level funding at each grade level and the various add-ons:

Weightings applied to counts of students enrolled at certain grade levels		
Grade Level	Weighting	Per Student Allocation in FY 2021
Pre-Kindergarten 3	1.34	\$15,155
Pre-Kindergarten 4	1.30	\$14,703
Kindergarten	1.30	\$14,703
Grades 1-5	1.00	\$11,310
Grades 6-8	1.08	\$12,215
Grades 9-12	1.22	\$13,798
Alternative program	1.445	\$16,343
Special education school	1.17	\$13,233
Adult	0.89	\$10,066

Special Education Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Level 1: Special Education	Eight hours or less per week of specialized services.	0.97	\$10,971
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.20	\$13,572
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services.	1.97	\$22,281
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement.	3.49	\$39,472

³⁰ By amending The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2903 et seq.).

Special Education Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Special Education Compliance Funding	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.099	\$1,120
Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per student basis for attorney’s fees.	0.089	\$1,007
Residential	DCPS or public charter school that provides students with room and board in a residential setting, in addition to their instructional program.	1.67	\$18,888

General Education Add-ons			
Level / Program	Definition	Weighting	Per Student Supplemental Funds
ELL	Additional funding for English Language Learners	0.49	\$5,542
At-Risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.225	\$2,545

Residential Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Level 1: Special Education - Residential	Additional funding to support the after-hours Level 1 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	0.37	\$4,185
Level 2: Special Education - Residential	Additional funding to support the after-hours Level 2 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	1.34	\$15,155

Residential Add-ons			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Level 3: Special Education - Residential	Additional funding to support the after-hours Level 3 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	2.89	\$32,686
Level 4: Special Education - Residential	Additional funding to support the after-hours Level 4 special education needs of limited and non-English proficient students living in a DCPS or public charter school that provides students with room and board in a residential setting.	2.89	\$32,368
LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting.	0.668	\$7,555

Special Education Add-ons for Students with Extended School Year (ESY) Indicated in Their Individualized Education Programs (IEPs)			
Level/ Program	Definition	Weighting	Per Student Supplemental Funds
Special Education Level 1 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.063	\$713
Special Education Level 2 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.227	\$2,567
Special Education Level 3 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs.	0.491	\$5,553
Special Education Level 4 ESY	Additional funding to support the summer school/program needs for students who require extended school year services in their IEPs	0.491	\$5,553

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Financial Plan Impact

The proposed three percent increase, combined with the effects of growth in the projected enrollments, will increase the formula-driven local fund expenditures. The proposed fiscal year 2021 budget includes approximately \$1.76 billion for instructional budgets: \$979.39 million for the District of Columbia Public Schools, and \$785.12 million for the public charter schools. Charter schools will receive \$154.93 million for facilities allowances in fiscal year 2020, bringing the collective public charter school local budget to \$940.57 million.

Subtitle (IV)(B) – Education Facility Colocation Amendment Act of 2020

Background

The subtitle allows³¹ existing public charter schools to use space and co-locate in District of Columbia Public Schools (DCPS) facilities where space is underutilized. Public charter schools must pay DCPS for the space allocation in an amount agreeable to both DCPS and a charter school. The subtitle also establishes a non-lapsing DCPS School Facility Colocation Fund to be administered by DCPS. All payments that are received from public charter schools to occupy DCPS facility space will be deposited into this fund. Money in the fund must be used to fund additional school programming, supplemental staff, and special initiatives at school where charter schools are co-located. The fund must also be used to perform maintenance or improve the school facility where the public charter school is co-located.

Financial Plan Impact

The subtitle does not have a financial impact. Currently there are no plans to co-locate a public charter school and a DCPS school in the same facility. In the event that a co-location agreement is established between a DCPS school and public charter school, funds will be deposited into the DCPS School Facility Colocation Fund for use by DCPS.

Subtitle (IV)(C) – Grantmaking Authority to Expand Access to Quality Child Care Amendment Act of 2020

Background

The subtitle authorizes³² the Office of the State Superintendent of Education (OSSE) to issue grants to non-profit and community-based organizations to increase the quality of childcare in the District.

Financial Plan Impact

The fiscal year 2021 budget includes \$3.4 million in local funds to provide grants to organizations that provide services to early childcare facilities.

³¹ By amending Section 4022. Section 3422 of the Public School and Public Charter School Facilities Sharing Act of 2002, effective October 1, 2002 (D.C. Law 14-190; DC Official Code § 38-1831.01).

³² By amending Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)).

Subtitle (IV)(D) – Parks and Recreation Sponsorship Amendment Act of 2020

Background

The subtitle creates³³ a Department of Parks and Recreation (DPR) Sponsorship Fund to collect revenue generated from advertisements and sponsorships. Money in the Sponsorship Fund must be used to support the events, programs, activities, recreation centers, fields, pools, play courts, and other assets and facilities of the Department, as provided in the sponsorship or advertising agreement. Money in the Sponsorship Fund may also be used to support any other DPR activities or facilities and to purchase food, snacks, and non-alcoholic beverages for the general public, Department program participants, and District government employees.

Financial Impact

DPR expects to collect a small amount of revenue from sponsorships and advertisements in fiscal year 2021, but the proposed budget and financial plan does not rely on deposits into the Fund.

Subtitle (IV)(E) – Parks and Recreation Grant-Making Authority Amendment Act of 2020

Background

The subtitle allows³⁴ the Department of Parks and Recreation (DPR) to issue grants to qualified individuals and non-profit organizations who provide programming to DPR.

Financial Impact

This subtitle does not have a cost. The proposed fiscal year 2021 DPR budget does not include grant funds.

Subtitle (IV)(F) – Child Development Facilities and Pre-k Reports Amendment Act of 2020

Background

The subtitle eliminates³⁵ the Office of the State Superintendent of Education’s (OSSE) annual report to the Council and the Mayor on the efforts to promote WIC in child development facilities. The subtitle also changes the frequency of the following OSSE reporting requirements from annually to triennially:

- Projected benchmarks by which to measure annual achievements within the pre-k-education system;³⁶
- a capacity audit of pre-k programs for all sectors;³⁷ and,
- an annual report on the status of pre-k for all sectors.³⁸

³³ By amending The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 et seq.).

³⁴ By amending Section 3 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-302).

³⁵ By repealing Section 4074(c) of the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-283(c)).

³⁶ By amending The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 et seq.).

³⁷ By amending the lead-in text of Section 104 of the D.C. Official Code (D.C. Official Code § 38-271.04).

³⁸ By amending Section 105(a) of the D.C. Official Code (D.C. Official Code § 38-271.05(a)).

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Financial Impact

Eliminating OSSE's child development facility WIC promotion report and changing the frequency of three pre-k related reporting requirements does not impact OSSE's budget.

Subtitle (IV)(G) – School Meal Cost Reimbursement and Subsidies Amendment Act of 2020

Background

The subtitle reduces³⁹ the amount of reimbursement provided to public schools by the Office of State Superintendent of Education (OSSE) for each healthy breakfast served. Schools will be provided \$0.10 per breakfast served instead of the current \$0.20 per breakfast. The subtitle also eliminates⁴⁰ the \$2 per student subsidy provided by OSSE to schools that implement an alternative breakfast serving model.

The subtitle further reduces⁴¹ the annual amount of sales tax revenue dedicated to the Healthy Schools Fund from \$5.11 million to \$4.27 million.

Financial Impact

The subtitle reduces the amount of reimbursement provided to schools per breakfast served and eliminates a \$2 per student subsidy for alternative breakfast serving. The cost savings from these programmatic changes is reflected in the \$844,000 reduction of sales tax revenue dedicated to the Healthy Schools Fund.

Subtitle (IV)(H) – Early Head Start Home Visiting Grants Authority Amendment Act of 2020

Background

The subtitle makes permissive⁴² the requirement that the Office of State Superintendent provide grants to organizations to provide Early Head Start Home Visiting services to homeless and immigrant families.

Financial Plan Impact

Making the Early Head Start Home Visiting services to homeless and immigrant families permissive will result in cost savings of \$4 million in fiscal year 2021 and \$16 million over the financial plan.

Subtitle (IV)(I) – Recreational Space Use Fee Waivers Amendment Act of 2020

Background

In 2018, the Council required the Mayor to offer a fee waiver program for eligible organizations seeking to rent recreational spaces located at public school buildings.⁴³ The eligible organizations

³⁹ By amending Section 102 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02).

⁴⁰ Id.

⁴¹ Id.

⁴² By amending Section 107 of the Birth to Three for All Act of 2018, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-651.07).

⁴³ Ensuring Community Access to Recreational Spaces Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-433).

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need to be a non-profit, ensure that at least 75 percent of the participants that benefit from the recreational uses are District residents, and demonstrate financial hardship. The fees paid by organizations to rent recreational spaces include permit, custodial, and security fees.

The subtitle makes the implementation of the fee waiver program subject to its inclusion in an approved budget and financial plan.

Financial Plan Impact

The Council funded the fee waiver program in the fiscal year 2020 budget and had begun to receive applications just prior to the Mayor’s 2020 public health emergency declaration. Since schools were closed during the emergency, no applicants were able to benefit from the use of recreational facilities at schools in fiscal year 2020. The fiscal year 2021 through fiscal year 2024 budget and financial plan reduces the Department of General Services (DGS) budget by approximately \$571,000 annually. These funds were allocated in fiscal year 2020 to pay the permit, custodial, and security costs associated with permitted uses that had their fees waived. The subtitle delays the implementation of the fee waiver program, so applicants will now pay for these costs through the DGS permit process.

Subtitle (IV)(J) – Wilkinson School Disposition Process Amendment Act

Background

The subtitle allows⁴⁴ the Mayor to give the right of first offer to purchase, lease, or use the former Wilkinson Elementary School building to a charter school facility incubator or a public charter school that occupied, all or a portion of the former Birney Elementary School as of May 12, 2020.

Financial Plan Impact

Granting a charter school incubator or public charter school with the right of first offer to purchase, lease or use the former Wilkinson Elementary School does not have a financial impact. The subtitle also requires⁴⁵ the Mayor to hold only one public hearing on the disposition of Wilkinson Elementary School. Under normal disposition procedures, the Mayor would be required to have two public hearings.

Subtitle (IV)(K) – Subtitle Fort Dupont Ice Arena Grant Amendment Act of 2020

Background

The subtitle makes permissive⁴⁶ the requirement that the Department of Parks and Recreation provide an annual \$235,000 grant to an organization to provide programming for low-income children at Fort Dupont Ice Arena.

⁴⁴ By amending Section 2209(b)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)).

⁴⁵ By amending Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § D.C. Code § 10-801).

⁴⁶ By amending Section 3(e) of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-302(e)).

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Financial Plan Impact

The proposed budget includes one-time funding of \$250,000 for a Fort Dupont Ice Arena grant. Because funding is not required for each year of the financial plan, the subtitle results in cost savings of \$705,000 over the financial plan.

TITLE V - HUMAN SUPPORT SERVICES

Subtitle (V)(A) – Medicaid Hospital Supplemental and Directed Payments Amendment Act of 2020

Background

The Department of Health Care Finance (DHCF) assesses a fee on District hospitals’ outpatient gross revenue and inpatient net revenue. The outpatient revenues are deposited in the Hospital Provider Fee Fund and the inpatient revenues are deposited in the Hospital Assessment Tax Fund. The Hospital Provider Fee Fund is used to make Medicaid outpatient hospital access payments (supplemental payments) to private hospitals in the District, with the District receiving reimbursement of 70 percent of the cost from federal funds. The Hospital Assessment Tax Fund must be used to support fee-for-service Medicaid rates.

In fiscal year 2021, the District will begin to transition Medicaid beneficiaries enrolled in the Fee-for-Service (FFS) program to Managed Care Organizations (MCOs). This change will result in a decline in the District’s Medicaid Upper Payment Limit and lost federal Medicaid funding for the supplemental payments to hospitals. The subtitle changes the methodology for collecting the hospital outpatient fee in order to generate, on an ongoing basis, the same amount of revenue collected by DHCF in fiscal year 2020. The subtitle also allows DHCF to direct outpatient supplemental payments to MCOs in order to partially fund capitation payments. The subtitle requires MCOs to pass on these supplemental payments to hospitals by paying them an outpatient rate that is at least 130 percent of the rate paid to providers for fee-for-service patients. Hospitals will collectively receive the same amount of Medicaid supplemental payments they received in fiscal year 2020, although the funding will be paid by MCOs rather than by DHCF.

The subtitle also updates District law to specify the amount of revenue that will be collected from the fee on each hospital’s inpatient net patient revenue and to update the uses of the Hospital Assessment Tax Fund.⁴⁷ The uses of the Hospital Assessment Tax Fund will be expanded to include support for managed care rates.

Financial Plan Impact

DHCF’s budget includes a policy change to move FFS Medicaid beneficiaries into MCOs. Without the subtitle, the policy change would result in reduced dedicated tax revenue and federal Medicaid funding. The subtitle maintains the current level of dedicated tax revenue and federal Medicaid funding. The hospital outpatient fee is estimated to generate \$5.80 million in dedicated tax revenue and approximately \$15.99 million in federal Medicaid funding. The hospital inpatient fee is estimated to generate \$8.45 million in dedicated tax revenue and approximately \$19.7 million in federal Medicaid funding. The revenue from dedicated taxes and federal funds is included in the proposed fiscal year 2021 budget.

⁴⁷ Inpatient net patient revenue is the amount calculated in accordance with generally accepted accounting principles for hospitals as derived from each hospital’s filed Hospital and Hospital Health Care Complex Cost Report.

Subtitle (V)(B) – Medical Marijuana Program Administration Amendment Act of 2020

Background

The subtitle transfers⁴⁸ all functions in the Department of Health (DOH) related to the Medical Marijuana and Integrative Therapy (MMIT) program to the Alcoholic Beverage Regulation Administration (ABRA). The subtitle establishes a non-lapsing Medical Cannabis Administration Fund to collect all funds received from medical cannabis licensing, permitting, and registration fees. The fees are currently being collected in the Other Medical Licenses and Fees Fund.

Financial Plan Impact

The fiscal year 2021 budget transfers \$360,000 of local funds, \$597,000 of special purpose revenue, and six full time employees from DOH to ABRA. DOH will no longer operate MMIT programs and will no longer collect revenue for MMIT programs.

Subtitle (V)(C) – Stevie Sellows Direct Support Professionals Quality Improvements Amendment Act of 2020

Background

The subtitle increases⁴⁹ the rate of the provider assessment paid by all intermediate-care facilities for the intellectually disabled (ICF/IDD) from 5.5 percent to 6.0 percent. All funds collected from the provider assessment are deposited into the Stevie Sellows Quality Improvement Fund which is used to fund quality of care improvements and administrative costs at the Department of Health Care Finance (DHCF).

Financial Plan Impact

The subtitle will result in an additional \$462,000 in dedicated tax revenue on an annual basis starting in fiscal year 2021. The assessment rate increase will result in an additional \$1.8 million of dedicated tax revenue over the financial plan. DHCF will be able to use this revenue to secure an additional \$1.1 million in federal Medicaid matching funds in fiscal year 2021 and \$4.4 million over the financial plan. Both the local and federal funds will be used to enhance wages for direct service provider staff that work in ICF/IDD facilities.

Subtitle (V)(D) – Senior Strategic Plan Amendment Act of 2020

Background

The subtitle delays⁵⁰ the release of the ten-year Senior Strategic Plan until the last day of the second fiscal year for which funding is allocated.

Financial Plan Impact

Delaying the release of the Senior Strategic Plan will save the Department of Aging and Community Living \$336,000 in fiscal year 2021 and \$1.4 million over the financial plan.

⁴⁸ By amending The Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 et seq.).

⁴⁹ By amending § 47-1273 of the D.C. Official Code.

⁵⁰ By amending § 307(e) of the District of Columbia Act on the Aging, effective March 28, 2019 (D.C. Law 22-267; D.C. Official Code § 7-503.07(e)).

TITLE VI – OPERATIONS AND INFRASTRUCTURE

Subtitle (VI)(A) – Opportunity Accounts Expansion Amendment Act of 2020

Background

The Department of Insurance, Securities, and Banking (DISB) offers income- and asset-eligible District residents⁵¹ the ability to participate in the DC Opportunity Accounts savings program,⁵² which after a period of dormancy was restarted in fiscal year 2020. Qualified residents make regular deposits into a savings account up to \$1,500 and the District and private funders will each match those deposits at two dollars for every one dollar deposited. The District’s contribution is capped at \$3,000 per account.

The subtitle allows the DISB Commissioner to waive the private funder matching contribution requirement. Under such a waiver, the District must make the additional match for a total of not more than four dollars for every one dollar saved. The use of the waiver also changes the District’s maximum contribution limit to an account from \$3,000 to \$6,000.

DISB also restricts how a participant can use the funds in the DC Opportunity Accounts under both standard withdrawal circumstances and emergency circumstances. Participants can withdraw funds in standard situations to pay educational expenses, job training costs, for the purchase or repair of a primary residence, to start up a business, and to help with retirement planning. The subtitle expands the allowable uses for standard withdrawals to include any expense authorized by DISB through program rules.

Participants can also withdraw funds in emergency situations to pay medical expenses for the account holder or their immediate family, to prevent an eviction, and to help with living expenses following the loss of employment. When a participant withdraws funds under an emergency situation, they can only withdraw their own funds, not matching funds, and must repay the withdrawn funds within twelve months. The subtitle expands the allowable uses under emergency conditions to include payments for making health insurance premium payments in the event of an unexpected loss of income. The subtitle maintains the restriction on withdrawing matching funds to prevent eviction and for living expenses, but it allows a participant to withdraw matching funds for a medical emergency or to make insurance premium payments. The subtitle eliminates the requirement to repay the funds, but it requires a participant to resume regular deposits into the account within ninety days.

Financial Plan Impact

DISB relaunched the program in fiscal year 2020 and, with a combination of public and private funding, was able to support 130 DC Opportunity Accounts. The subtitle authorizes the District’s matching contribution to increase up to four dollars with a waiver. The fiscal year 2021 budget includes \$1.2 million from the Securities and Banking Fund that will support continuation of the existing 130 accounts and can support matching on an increased match basis approximately 130

⁵¹ A resident must have earned income, a maximum household income not exceeding 85 percent of the District’s median income (\$54,250 for a one adult household and \$62,000 for a two adult household), and have net assets not exceeding \$10,000 (excluding a primary home or one vehicle).

⁵² Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 et seq.).

additional DC Opportunity Accounts.⁵³ If DISB can identify private funding, then DISB could increase the number of accounts available for eligible residents. There are no resources budgeted beyond fiscal year 2021.

Subtitle (VI)(B) – Department of Consumer and Regulatory Affairs Special Purpose Revenue Fund Flexibility Amendment Act of 2020

Background

The subtitle expands the types of allowable expenditures from five special purpose revenue funds under the purview of the Department of Consumer and Regulatory Affairs (DCRA).

First, the subtitle expands the allowable use of the Nuisance Abatement Fund⁵⁴, directs certain vacant property fines⁵⁵ into the fund and makes the fund non-lapsing. Currently the fund may only be used to improve conditions at nuisance properties. The subtitle expands the allowable use to include inspections, demolition or enclosure of a property, and administrative and personnel costs associated with all DCRA operations. The subtitle also expands the definition of imminent danger in nuisance properties to include any code violation that threatens health or safety of residents as determined by the Mayor.

Second, the subtitle expands the allowable use of the Basic Business License Fund⁵⁶ to include support of all DCRA services. Currently the fund may only be used for maintaining the basic business licensing systems.

Third, the subtitle expands the use of the Green Building Fund⁵⁷ to include support of all DCRA services, costs of abatement, and making green building materials accessible to low-income residents. Currently the fund can be used for inspections and monitoring of green buildings, training, and technical assistance of green code development, research of green building practices, and seed support for green building projects.

Fourth, the subtitle expands the use of the Corporate Recordation Fund⁵⁸ to include support of all DCRA services and makes the fund non-lapsing. Currently the fund is dedicated to maintaining and upgrading the corporate filing system.

Lastly, the subtitle expands the use of the Expedited Building Permit Review Program Fund⁵⁹ to include support of all DCRA services and makes the fund non-lapsing. Currently the fund is dedicated only to meeting the operational and administrative costs of the expedited building permit review program. Any remaining balances in the fund revert to the General Fund.

⁵³ Approximately \$400,000 is to support the commitments for existing accounts and \$800,000 is to support new accounts.

⁵⁴ D.C. Official Code § 42-3131.01.

⁵⁵ The subtitle directs fines and penalties associated with vacant property enforcement into the Nuisance Abatement Fund. Currently, these are directed to the local fund. Specifically, fines under Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6- 216; D.C. Official Code § 6-1409) will now be directed to the Nuisance Abatement Fund.

⁵⁶ D.C. Official Code § 47-2851.13c.

⁵⁷ D.C. Official Code § 6-1451.07.

⁵⁸ D.C. Official Code § 47-2855.05.

⁵⁹ D.C. Official Code § 6-1405.05.

Financial Impact

The subtitle directs an estimated \$10,000 in fines levied on vacant properties per year to the Nuisance Abatement Fund, lowering local fund revenues by that amount. This will reduce local fund revenue by \$10,000 in fiscal year 2021 and \$40,000 over the four-year financial plan and increase special purpose revenues by the same amount. This estimate takes into consideration the fact that collections on fines levied on vacant properties are historically small and inconsistent.

Expanding the allowable uses of these funds does not have a fiscal impact. The subtitle does not require any additional spending and the agency must limit overall spending in the affected funds to approved budgets. Making these funds non-lapsing does not have a fiscal impact because the unspent revenue from the funds is not required to balance the current financial plan.

Subtitle (VI)(C) – Game of Skill Machines Consumer Protection Act of 2020

Background

In early 2020, the Council of the District of Columbia passed emergency legislation⁶⁰ to legalize a new category of gaming devices that were seeking to operate in on-premises alcohol retailers,⁶¹ called games of skill. These games are mechanical or electronic devices where the ability to win is not influenced by prior wins or losses, outside sources, chance, or unreasonable or unknown skill requirements. Players can win cash, gift cards, or vouchers. Under this legislation, the Office of the Attorney General (OAG) certifies that a particular device was a game of skill, and thus not gambling, and the Alcoholic Beverage Control Board (Board) would authorize a licensed establishment to host the game of skill.

The subtitle maintains many of the retailer operating parameters from the emergency law and establishes a more comprehensive games of skill regulatory structure managed by the Office of Lottery and Gaming (OLG). The subtitle authorizes OLG to issue rules to regulate games of skill that include standards for inspecting devices and retailers, payment and payout parameters, fees and taxation, accounting, posting requirements, record retention, penalties for violations, and device internal controls. OLG will license games of skill industry participants across four categories: manufacturers; distributors; suppliers; and retailers. No one may offer or allow a game of skill device in the District unless it has applied for, paid for,⁶² and obtained the required OLG license. OLG should ensure that any license applicant receives and passes a background check, is in good standing pursuant to the District's clean hands policy, and does not have any interests in other licenses issued related to games of skill. OLG reserves the right to prohibit, suspend, or revoke any license for an applicant's failure to abide by the conditions laid out in the subtitle or rules issued by OLG. Any license fees will be deposited into OLG's Lottery, Gambling, and Gaming Fund.

The subtitle requires that a game of skill manufacturer or distributor pay for and test every device at an accredited laboratory. Devices must be set to payout as winnings at least 80 percent of their earnings over the device's lifetime; should accurately portray game outcomes; record play and

⁶⁰ COVID-19 Response Emergency Amendment Act of 2020, enacted March 17, 2020 (D.C. Act 23-247; 67 DCR 3093).

⁶¹ Includes manufacturers with an on-site sales and consumption permit and Class C and D on-premises retailers (restaurants, taverns, hotels, multipurpose, and nightclubs).

⁶² Manufacturers and distributors must pay \$10,000 application and \$5,000 renewal fees. Suppliers must pay \$2,000 application and \$1,000 renewal fees. Retailers must pay \$300 application and renewal fees.

winning history for the prior ten plays; have a non-resettable meter; have accounting software that tracks cash inserted, winnings paid, and credits awarded and played; and be able to link to OLG's centralized accounting system described below. The subtitle gives a manufacturer one year from the subtitle's implementation to comply with these and other device operating requirements enumerated in the subtitle. The subtitle authorizes each retailer to register up to five game of skill devices⁶³ which must each display a registration sticker, be located within the retailer only in Alcoholic Beverage Regulation Administration's (ABRA) approved locations, and be near a properly posted warning sign.⁶⁴ Devices cannot dispense cash prizes, so the subtitle specifies the information that needs to be included on the award voucher that can be redeemed for cash at the licensed retailer. The subtitle also requires a distributor to maintain insurance on any devices it brings to the District.

The subtitle requires OLG to establish a centralized accounting system within one year to which each device must be linked to track their operations, including game revenues, to ensure compliance with the subtitle and any related rules. The centralized accounting system should not track personal or financial information about individual players. Each retailer must file a monthly return with the District and pay a 10 percent tax on the gross game revenues⁶⁵ generated by games of skill in their establishments. These tax payments will be deposited into the District's Local Fund.

The subtitle authorizes OLG to issue fines, suspend, or revoke a licensee's license for its failure to comply with any provisions in this subtitle or any rules issued by OLG. OLG should notify ABRA within 48-hours of any suspension or revocation of a license. The subtitle grants a licensee the right to appeal to OLG any actions by OLG and, upon affirmation of OLG's original action, the right to appeal to the Superior Court of the District of Columbia. The subtitle also authorizes OLG to seize any devices if the licensee's license has been suspended or revoked, the retailer ceases operations, or another government agency shuts down the retailer's operations. OLG can issue fines of up to \$50,000. OAG is also authorized to bring action against any licensee that intentionally falsifies or misleads an individual's probability of winning. OAG can seek a civil penalty up to \$50,000 for a violation.

The Board's and ABRA's responsibilities in certifying and overseeing the retail establishments that host game of skill devices will be mostly consistent with their authorized responsibilities in the emergency law. Board licensed establishments must continue to meet in-establishment location restrictions, including providing the Board with a diagram of device placement, provide the Board with proof of a manufacturer or distributor's OLG license, pay a \$200 game of skill endorsement fee, and follow all Board and ABRA signage and advertising requirements. The Board also requires establishments to restrict play by patrons who appear intoxicated or are under the age of eighteen. The Board prohibits a licensed establishment from entering into any alcohol sales revenue sharing agreements with a game of skill manufacturer or distributor unless otherwise approved by the Board. The subtitle authorizes an ABRA investigator to request and check the identification of any player and to seize fake identification.

Financial Plan Impact

There are very few jurisdictions that regulate games of skill in the manner proposed by the District in this subtitle. In early 2020, OLG commissioned a study that determined the jurisdiction whose

⁶³ Retailers must pay \$100 per device it registers with OLG, which will also be deposited into the Lottery, Gambling, and Gaming Fund.

⁶⁴ The warning sign should include the minimum age to play a game of skill (18 years of age), contact information for the District's gambling hotline, and OLG contact information for filing a complaint.

⁶⁵ Gross game revenues are the total cash or cash equivalents played into a game of skill device minus the value of any payouts.

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regulatory structure most resembled that proposed by the District was Georgia. Georgia provides a foundational understanding about what OLG will need to manage the regulatory structure, how prevalent games of skill could become in the District, and the steps that need to be taken to ensure a successful taxing regime.⁶⁶

Approximately 40 establishments have applied to the Board to install nearly 120 game of skill devices, while only one game has received OAG certification as a game of skill under the emergency law. Under OLG regulation, a review of the Georgia program, and an evaluation of current economic conditions, the Office of Revenue Analysis (ORA) expects that the number of retailers and games in the District will ramp up slowly, but will result in significantly increased numbers over the financial plan period. These estimates assume there will be nearly 500 establishments and 1,500 game of skill devices by the end of fiscal year 2024.

OLG will need to license all participants in the District's games of skill industry, establish the centralized accounting system, and ensure compliance with the subtitle's requirements and any rules issued. OLG will need to hire a new licensing coordinator to process applications and a new investigator to ensure compliance with OLG's regulations. The new personnel will cost \$225,000 in fiscal year 2021 and \$909,000 over the four-year financial plan period. As part of the licensing process, OLG will also need to perform background checks and issue registration stickers for each device. These administrative costs are approximately \$126,000 in fiscal year 2021 and \$161,000 over the four-year financial plan period. While each device also needs to be tested in an accredited laboratory, the device manufacturers and distributors will be responsible for those costs. OLG expects that it will take a full year to implement the centralized accounting system with a third-party contractor. The cost of the contract is typically a percentage of the gross gaming revenues and is estimated to cost \$832,000 in fiscal year 2022 and approximately \$2.7 million over the four-year financial plan period.

The Board and ABRA began approving eligible retailers under the emergency law and can continue to provide license endorsements to new retailers, even as games of skill become more prevalent, with their existing budgeted resources.

The new regulatory structure imposes two new fees or taxes and maintains the Board endorsement fees. Any individual or entity looking to produce, distribute, or host a game of skill in the District must pay the appropriate license fees to OLG at the time it applies or renews its application. Manufacturers, distributors, and retailers are expected to pay approximately \$135,000 in fiscal year 2021 and \$846,000 over the four-year financial plan period in licensing fees to OLG. The retailers are also required to pay \$100 per machine they install which will generate approximately \$115,000 in fiscal year 2021 and \$146,000 over the four-year financial plan period. All of these fees will be paid into the OLG Lottery, Gambling, and Gaming Fund. The ten percent tax on gross gaming revenues will generate approximately \$1.2 million in fiscal year 2021 and \$12 million over the four-year financial plan period. Despite gross gaming revenues averaging around \$35 million annually over the financial plan period, the fiscal year 2021 tax revenues are expected to be lower than subsequent years because it will take OLG the full first year to establish the accounting system that will monitor game of skill activities and ensure full compliance with the tax requirements. This is consistent with the experience in Georgia prior to its establishment of a centralized accounting system. These taxes will be deposited into the District's Local Fund. Lastly, the Board will continue to collect a \$200 endorsement fee from retailers hosting game of skill machines. This will generate approximately

⁶⁶ The OLG study was substantially completed prior to the health emergency and any economic impacts on game of skill penetration from the emergency are reflected in this estimate, but not in the study.

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\$77,000 in fiscal year 2021 and \$351,000 over the four-year financial plan period. These revenues will be deposited into ABRA's special purpose revenue fund.

The following chart summarizes the costs to establish the games of skill regulatory structure, the revenues generated by the subtitle's provisions, the breakdown of where each of the revenues will be deposited, and the net impact on OLG.

Subtitle (VI)(C), Game of Skill Machines Consumer Protection Act of 2020					
Fiscal Impact Summary					
Fiscal Year 2021 – Fiscal Year 2024					
(\$000s)^a					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
New Revenues					
Licensing and Endorsements	\$326	\$292	\$344	\$380	\$1,343
10% Tax ^b	\$1,210	\$3,329	\$3,662	\$3,845	\$12,045
Total Revenue	\$1,536	\$3,621	\$4,006	\$4,225	\$13,388
Budget Needs					
OLG Staff	(\$225)	(\$227)	(\$228)	(\$229)	(\$909)
OLG Administrative Costs ^c	(\$126)	(\$13)	(\$14)	(\$8)	(\$161)
Centralized Accounting System	\$0	(\$832)	(\$915)	(\$961)	(\$2,708)
Total Budget Needs	(\$351)	(\$1,072)	(\$1,157)	(\$1,198)	(\$3,778)
Overall Net Fiscal Impact	\$1,185	\$2,549	\$2,849	\$3,027	\$9,610
Revenue Assignments					
Local Fund Revenues	\$1,210	\$3,329	\$3,662	\$3,845	\$12,045
ABRA Special Purpose Revenues	\$77	\$84	\$93	\$97	\$351
OLG Dedicated License Fees	\$250	\$208	\$252	\$283	\$992
OLG Impact					
OLG Revenues	\$250	\$208	\$252	\$283	\$992
OLG Costs	(\$351)	(\$1,072)	(\$1,157)	(\$1,198)	(\$3,778)
Net OLG Impact	(\$101)	(\$864)	(\$905)	(\$915)	(\$2,786)

Table Notes

^a Numbers may not add due to rounding.

^b Fiscal year 2021 will experience reduced revenues until the centralized accounting system is established by fiscal year 2022.

^c Administrative costs include applicant background checks and device registration stickers.

Subtitle (VI)(D) – Pay-By-Phone Transaction Fee Fund Amendment Act of 2020

Background

In 2011, the District Department of Transportation (DDOT) launched a new pay-by-phone option for residents and visitors to pay for curbside parking. Residents and visitors pay the applicable parking rates by calling a phone number or through a mobile application. The pay-by-phone parking vendor also charges a \$0.32 transaction fee. The District established the Department of Transportation

Parking Meter Pay-by-Phone Transaction Fee Fund⁶⁷ as a special purpose revenue fund to deposit these transaction fees and remit them to the vendor.

The subtitle renames the Fund as the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund (Fund) and expands its potential receipts to include transaction fees associated with the purchase of transit fares, Capital Bikeshare trips, and other shared mobility and transportation services paid for through a pay-by-phone system. DDOT can use the Fund’s resources to pay a vendor providing these pay-by-phone services. The subtitle also directs any resources in the original fund, which is a lapsing fund, at the end of fiscal year 2020 to be deposited into the new Fund, which is established as non-lapsing.

Financial Plan Impact

The Fund currently collects approximately \$3.3 million annually in transaction fees that are paid to the vendor managing the pay-by-phone system. DDOT has not launched an expanded pay-by-phone program to allow for the purchase of other transportation related fares or fees, so there are currently no new projected revenues for the Fund. Any transaction fees paid by users when DDOT launches an expanded program will be deposited into the Fund.

Subtitle (VI)(E) – Environmental Special Purpose Funds Reestablishment Amendment Act of 2020

Background

The subtitle reestablishes under the Department of Energy and Environment (DOEE) three, non-lapsing special purpose revenue funds: the Lead Poisoning Prevention Fund, the Underground Storage Tank Trust Fund, and the Hazardous Waste and Toxic Chemical Source Reduction Fund (Funds). The Council repealed all three Funds in fiscal year 2012.⁶⁸

DOEE will deposit into the Lead Poisoning Prevention Fund certification fees collected from lead-based paint abatement specialists and organizations that train them and any penalties from the enforcement of lead-based paint laws.⁶⁹ DOEE can expend the resources in this fund to administer lead-based paint laws and to provide lead-based paint abatement assistance to low-income residents.

DOEE will deposit into the Underground Storage Tank Trust Fund any registration fees from owners of underground storage tanks; any licensing and certification fees from businesses that install, remove or test tanks; and any penalties associated with violations of these registration, licensing, and certification requirements.⁷⁰ DOEE can expend the resources in this fund to implement underground storage tank licensing, certification, and enforcement programs and for assessment, clean up, and housing and relocation assistance.

⁶⁷ Fiscal Year 2013 Budget Support Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14).

⁶⁸ Fiscal Year 2012 Budget Support Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §§ 8-103.09a, 8-231.09, and 8-113.05).

⁶⁹ Lead Hazard Prevention and Elimination Act of 2008, effective March 9, 2009 (D.C. Law 17-381; D.C. Official Code §§ 8-231.10, 8-231.12, and 8-231.15-16).

⁷⁰ District of Columbia Underground Storage Tank Management Act of 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code §§ 8-113.06 and 8-113.09).

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DOEE will deposit into the Hazardous Waste and Toxic Chemical Source Reduction Fund all fines, fees, and penalties collected from the generators and emitters of hazardous waste and toxic chemicals⁷¹ in the District and for permits issued to hazardous waste treatment, disposal, and storage facilities.⁷² DOEE can expend the resources in this fund to implement and enforce the hazardous waste and toxic chemical permitting program.

Financial Plan Impact

The Council repealed all three Funds in fiscal year 2012 and directed that any funds received from the underlying DOEE programs be deposited in the District’s Local Fund. The lead poisoning prevention program generates approximately \$108,000 annually. The underground storage tank program generates approximately \$308,000 annually. The hazardous waste and toxic chemicals program generates approximately \$303,000 annually. The subtitle’s implementation will reduce Local Fund revenues by a total of approximately \$719,000 and increase special purpose revenues by the same amount through the reestablishment and dedication of program revenue to these Funds.

Subtitle (VI)(F) –Alcoholic Beverage Sales and Delivery Amendment Act of 2020

Background

The Alcoholic Beverage Control Board (Board) currently prohibits on-premises retailers (including manufacturers with an on-site sales and consumption permit) from serving alcoholic beverages between the hours of 2 a.m. and 8 a.m. Monday through Friday and between 3 a.m. and 8 a.m. on Saturday and Sundays. The Board provides some exceptions to these rules to allow sales until 4 a.m. and 24-hour operations on and around holidays⁷³ and other special events. The Board also restricts the sale and delivery of alcohol for off-premises consumption to between the hours of 7 a.m. and midnight.

The subtitle changes the restricted hours for on-premises retailers to allow those retailers to begin alcoholic beverage sales at 6 a.m. The subtitle increases the expanded hours exceptions to allow for sales until 4 a.m. and 24-hour operations to include the Saturday and Sunday adjacent to, prior to, or following⁷⁴ Veterans Day, Christmas Day, and Emancipation Day. The subtitle also increases the expanded hours opportunity around inauguration in January 2021 from January 15th to the 21st by nine days to January 9th to the 24th.

The subtitle also expands the sales and delivery hours for off-premises consumption for wholesalers, manufacturers, and off-premises retailers. The licensees will now be able to sell and deliver for off-premises consumption between the hours of 6 a.m. and 1 a.m.

In addition to the current allowances for on- and off-premises sales, consumption, and delivery, the District established additional alcohol delivery options for licensed establishments during the 2020

⁷¹ Toxic Source Reduction Business Assistance Amendment Act of 1990, effective March 8, 1991 (D.C. Law 8-229; D.C. Official Code § 8-1315).

⁷² D.C. Official Code § 8-1303.

⁷³ Includes all federal or District holidays; Saturdays and Sundays around January 1st, Martin Luther King, Jr. Day, Washington’s Birthday, Memorial Day, July 4th, Labor Day, and Columbus Day; the Friday, Saturday, and Sunday following Thanksgiving; and around inauguration.

⁷⁴ If any of these holidays falls on a Monday or Tuesday, the expanded hours will take place on the preceding Saturday and Sunday. If the holiday falls on a Wednesday, Thursday, or Friday, the expanded hours will take place on the following Saturday and Sunday.

health emergency declaration. Through emergency legislation,⁷⁵ the Council authorized on-premises retailers to deliver and offer for take-out alcohol in closed containers with the purchase of food items. The emergency and temporary authorizations for alcohol take-out and delivery do not require Board approval, but do require the Alcoholic Beverage Regulation Administration (ABRA) to provide written authorization to each retailer requesting to operate under the new allowances. The emergency and temporary acts also allowed on-premises retailers located at the Walter E. Washington Convention Center (Convention Center) to register for alcohol take-out and delivery through ABRA. These locations typically receive their operating authorizations from the Washington Convention and Sports Authority (WCSA), and not the Board.

The subtitle continues these emergency and temporary authorizations on a permanent basis and establishes a timeframe of 6 a.m. to 1 a.m. for registered retailers to provide take-out and delivery alcohol, consistent with the subtitle’s allowances for off-premises retailer’s sales and delivery hours. The subtitle also requires an on-premise retailer to obtain Board approval and apply for a license endorsement for take-out and delivery of alcohol after March 31, 2021, unless it was registered with and approved by ABRA prior to April 1, 2021. Retailers registered with ABRA prior to April 1, 2021 can receive the endorsement – without application – through a request to the Board and payment of the endorsement fee, which is set at \$200, if they do so prior to March 31, 2021. The subtitle extends all of these allowances and restrictions to retailers located at the Convention Center.

Financial Plan Impact

The subtitle increases the hours for both on- and off-premises alcohol establishments to sell and deliver alcohol to customers and expands the extended hours program to include the Saturday and Sunday around additional holidays and additional days around the 2021 presidential inauguration. The District collects a ten percent tax on both on- and off-premise alcohol sales, so the enhanced opportunities for sale and delivery will increase sales tax collections. The subtitle’s provisions will generate \$787,000 in fiscal year 2021 and \$2.9 million over the four-year financial plan period. Sales tax collections from on-premises retailers offering alcohol for take-out and delivery began in fiscal year 2020 under the emergency and temporary laws and making these allowances permanent is expected to substitute for other projected sales. Therefore, the budget does not include any additional sales tax revenues from this provision.

The following chart outlines both the total increase in taxes collected from each proposed expansion and the accounting for those in the District’s Local Fund and the dedication to WCSA.

Subtitle (VI)(H), Extension of Hours for Alcoholic Beverage Sales, Service, and Consumption Amendment Act of 2020 Increased Sales Tax Revenues Fiscal Year 2021 – Fiscal Year 2024 (\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
On-premise sales begin at 6 a.m. ^a	\$525	\$630	\$679	\$711	\$2,545
Weekends around Veteran’s Day, Christmas, and Emancipation Day ^b	\$158	\$114	\$123	\$161	\$556

⁷⁵ COVID-19 Response Supplemental Emergency Amendment Act of 2020, enacted April 10, 2020 (D.C. Act 23-286; D.C. Official Code § 25-113(a)(3)(C)).

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On-premise sales until 4 a.m. and 24-hour operations for 9 additional days around inauguration	\$184	\$0	\$0	\$0	\$184
Expand off-premise sales by two hours	\$7	\$8	\$9	\$9	\$33
Total Sales and Use Tax Revenues	\$874	\$752	\$811	\$881	\$3,318
Local Fund					
	\$787	\$678	\$731	\$794	\$2,990
WCSA Dedication^c					
	\$87	\$74	\$80	\$87	\$328

Table Notes

a Includes food sales from 6 a.m. to 8 a.m. in addition to alcohol sales.

b The holiday days themselves are already approved for extended hours and may fall on a Saturday or Sunday throughout the financial plan. Those projections are already included in the District’s baseline revenue estimate.

c The WCSA dedication is ten percent of the on-premises sales tax collections.

Subtitle (VI)(G) – Third Party Inspection Platform Amendment Act of 2020

Background

The subtitle authorizes the Department of Consumer and Regulatory Affairs (DCRA) to require all third party inspections to be arranged through an exclusive DCRA online platform. It also authorizes the agency to charge a fee for using the platform.

Financial Plan Impact

The subtitle will increase local fund revenue by \$1.1 million in fiscal year 2021 and \$6.9 million over the financial plan. DCRA has begun working on building the website that will host the third party inspection transactions and expects the project to be completed in calendar year 2020. The new revenue assumes that all third party inspections will occur through the website beginning in January 2021 and will be charged a ten percent fee.

Subtitle (VI)(G), Third Party Inspection Platform Amendment Act of 2020					
Increased Fee Revenues					
Fiscal Year 2021 – Fiscal Year 2024					
(\$000s)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Additional revenue from Fees	\$1,096	\$1,680	\$1,932	\$2,222	\$6,933

TITLE VII – FINANCE AND REVENUE

Subtitle (VII)(A) – Personal Property Tax Amendment Act of 2020

Background

The subtitle clarifies⁷⁶ the definition of tangible personal property to include the value of prewritten and canned software integrated into business equipment and not commonly available separately. The subtitle will apply as of July 1, 2021.

Financial Plan Impact

The subtitle will increase revenue by \$935,000 in fiscal year 2021 and \$3.9 million over the financial plan.

Revenue Gained from Personal Property Tax Amendment Act of 2020 (\$ thousands)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Increased Property Tax Revenue	\$935	\$958	\$982	\$1,007	\$3,882

Subtitle (VII)(B) – Unincorporated Business Tax Amendment Act of 2020

Background

The subtitle clarifies⁷⁷ that taxable income includes gains from a sale or other disposition of assets, even if such sale results in the termination of an unincorporated business. The subtitle applies as of January 1, 2021.

Financial Plan Impact

The subtitle will increase revenue by \$1.1 million in fiscal year 2021 and \$11 million over the financial plan.

Revenue Gained from Unincorporated Business Tax Amendment Act of 2020 (\$ thousands)					
	FY 2021	FY 2022	FY 2023	FY 2024	Total
Increased Income Tax Revenue	\$1,100	\$3,300	\$3,300	\$3,300	\$11,000

⁷⁶ By amending D.C. Official Code § 47-1508.

⁷⁷ By amending D.C. Official Code §47-1808.02(1).

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Subtitle (VII)(C) – Ballpark Revenue Fund Excess Revenue Amendment Act of 2020

Background

The subtitle amends⁷⁸ the allowed purposes for any revenue collected in the Ballpark Revenue Fund to include transfers to the District’s General Fund in fiscal years 2020, 2021 and 2022, provided sufficient revenue is first collected for debt service due on the Ballpark Revenue Bonds per bond covenants. The revenue dedicated to the Ballpark Revenue Fund includes utility gross receipts taxes, the Ballpark Fee, and sales taxes from sales of tickets, concessions, and merchandise at the stadium. The Subtitle is applicable as of August 1, 2020.

Financial Plan Impact

Amending the allowable uses of the Ballpark Revenue Fund will result in a \$25 million transfer in fiscal year 2020, a \$40 million transfer in fiscal year 2021, and a total of \$105 million over the financial plan. These transfers increase revenue available in Local Funds. In fiscal year 2023 and fiscal year 2024, any excess Ballpark Fund revenue will be used to pay principal on Ballpark Revenue Fund bonds before it is due. Such bond defeasance is assumed in the District’s debt cap analysis.

**Fiscal Impact of Ballpark Revenue Fund Excess Revenue Amendment Act of 2020
(\$ thousands)**

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Total
Transfer to Local Funds	\$25,000	\$40,000	\$40,000	\$0	\$0	\$105,000

⁷⁸ By amending §102(d) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.02(d)).

TITLE VIII – SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

Subtitle (VIII)(A) – Designated Fund Transfer Act of 2020

Background

The subtitle allows the District to use fund balance available in thirty funds as a source of funding for the proposed fiscal year 2021 through fiscal year 2024 budget and financial plan, in addition to providing funds for fiscal year 2020. The affected funds and transfer amounts are listed in the chart below:

Fund Name	Amount (\$)
Accountability Fund	60,000
Recorder of Deeds Surcharge	700,000
Historic Landmark and Historic District Filing Fees	127,039
Arts and Humanities Enterprise Fund	222,753
Commission on Arts and Humanities	1,245,000
Litigation Support Fund	1,024,373
Special Purpose Revenue	700,000
Rental Unit Fee Fund	462,101
Corporate Recordation Fund	5,895,623
FEMS Reform Fund	189,064
Child Development Facilities Fund	86,737
Site Evaluation	40,000
State Athletic Acts Programming and Office Fund	49,801
Medicaid Collections Third Party Liability	384,592
Bill of Rights (Grievances and Appeals)	1,596,337
Pesticide Product Registration	361,081
Solid Waste Diversion Fund	113,762
Solid Waste Disposal Fee Fund	37,889
Clean City Fund	205,723
Motor Vehicle Inspection Station	1,200,000
ABC Import and Class License Fees	249,202
Dedicated Taxes	568,715
Subrogation Fund	4,321,489
DMH Medicare and Third Party Reimbursement	188,400
Securities and Banking Fund	1,100,000
DC Net Services Support	3,295,975
911 and 311 Assessments	1,455,501
Workforce Investments Fund	57,202,000
Housing Production Trust Fund	161,825,000
Pay-Go Capital	161,825,000

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Financial Plan Impact

The subtitle provides approximately \$317.8 million to balance the proposed fiscal year 2021 through fiscal year 2024 budget and financial plan. In addition, the subtitle provides approximately \$89 million for use in fiscal year 2020.