

Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer

DATE: June 12, 2023

SUBJECT: Fiscal Impact Statement – “Fiscal Year 2024 Budget Support Act of 2023”

REFERENCE: Amendment in the Nature of a Substitute, as circulated June 12, 2023

Conclusion

Funds are sufficient in the proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the Fiscal Year 2024 Budget Support Act of 2023.

The District’s proposed fiscal year 2024 budget includes \$10.69 billion in Local fund spending supported by \$10.69 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 \$12.1 billion.

The proposed budget and financial plan accounts for the expenditure and revenue implications of the bill.

The bill, the “Fiscal Year 2024 Budget Support Act of 2023,” is the legislative vehicle for adopting statutory changes needed to implement the District’s proposed budget and financial plan for the fiscal years 2024 through 2027. The following pages summarize the purpose and the impact of each subtitle.

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TITLE I – GOVERNMENT DIRECTION AND SUPPORT

Subtitle (I)(A) – Office of the Attorney General Funds Amendment Act of 2023

Background

The Office of the Attorney General (OAG) has jurisdiction over legal matters in the District of Columbia, prosecuting certain criminal offenses and representing the District in civil and commercial litigation. The subtitle changes two special funds administered by OAG: the Litigation Support Fund and the Attorney General Restitution Fund.

The Litigation Support Fund is a non-lapsing special fund that may receive deposits, subject to a fund balance limit, from recoveries from claims or litigation brought by OAG on behalf of the District. The fund may be used by OAG for its expenses and for crime reduction and violence prevention efforts. The subtitle increases the amount of the fund that can be used for staff positions, personnel costs, and employee retirement and separation incentives from \$6 million to \$7 million; increases the amount that may be used for crime reduction, violence interruption and other public safety initiatives; and increases the fund balance limit of the Litigation Support Fund from \$19 million to \$23.5 million. The subtitle also clarifies the sources of revenue for the Attorney General Restitution Fund and provides that up to \$500,000 of excess awards may be used for other purposes permitted by the fund once OAG has distributed the claims to all eligible parties.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The Litigation Support Fund and the Attorney General Restitution Fund are special purpose revenue funds from which OAG can spend to the extent allowable by law and to the extent revenues are received. Under the subtitle, additional types of spending are allowed from the funds, but overall spending is still constrained by the funds’ resources. The Litigation Support Fund ended fiscal year 2022 with approximately \$12.65 million in fund balance. The subtitle increases the overall balance that OAG can carry in the Fund to \$23.5 million.

Subtitle (I)(B) – Advisory Neighborhood Commission Support Flexibility Amendment Act of 2023

Background

The subtitle expands the allowable uses of funding in the Advisory Neighborhood Commissions Technical Support and Assistance Fund (“the Fund”). Current law¹ limits the use of the Fund to six types of technological services, while the subtitle allows additional types of services at the discretion of the Office of Advisory Neighborhood Commissions.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The subtitle broadens the allowable uses of the Advisory Neighborhood Commissions Technical Support and Assistance Fund and does not affect funding levels.

¹ Official Code § 1-309.13a(c).

Subtitle (I)(C) – School and Park Facilities and Grounds 311 Expansion Amendment Act of 2023

Background

Current law² requires the 311 system to receive requests for repairs and maintenance services at park and school facilities maintained by the Department of General Services (DGS). Currently DGS accepts some types of service requests through 311, including dog park maintenance and pool maintenance requests. The subtitle specifically requires the 311 system to accept service requests for broken equipment, grounds maintenance, and overflow recycling cans at facilities maintained by DGS.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The Department of General Services can make the technical changes necessary in its work order tracking system to accept additional service request types from the 311 system.

Subtitle (I)(D) – School Security and Transparency Amendment Act of 2023

Background

The subtitle requires the Department of General Services (DGS) to work with District of Columbia Public School principals and local school advisory teams to conduct an annual security assessment of school buildings. The assessment will determine if:

- 1) school exterior doors as well as interior doors to instructional and regularly used administrative spaces close automatically and securely lock;
- 2) school exterior windows lock or latch to prevent improper entry;
- 3) school public address systems are clearly audible in all instructional and regularly-used spaces;
- 4) school fire alarm systems are in full working order; and
- 5) school security surveillance systems are fully operational.

The subtitle exempts open work orders related to these security items from being publicly reported, but requires DGS report them monthly to the Council.

Financial Plan Impact

The subtitle will cost \$536,000 in fiscal year 2024 for the DGS to conduct a one-time inventory of door and window locks and PA systems. The cost has been incorporated into the fiscal year 2024 budget with one-time funding. DGS already assesses the function of school fire alarms, so no additional funds are required to meet that assessment requirement. The District of Columbia Public Schools already performs assessments of its security surveillance systems and can provide this information to DGS for incorporation into the annual assessment.

² D.C. Official Code § 10-721.

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Subtitle (I)(E) – District of Columbia Auditor Compensation Act of 2023

Background

The subtitle sets the compensation of the District of Columbia Auditor to be equal to the compensation of the Chairperson of the Council. Currently, the Auditor’s compensation is set by the Council³ and the Chairperson’s compensation is set at \$10,000 less than the annual compensation of the Mayor.⁴

Financial Plan Impact

The Auditor’s compensation will be increased by approximately \$40,000 annually to be equal to that of the Chairperson of the Council. The compensation increase is included in the Office of the District of Columbia Auditor’s budget.

³ D.C. Official Code 1-204.55(a).

⁴ D.C. Official Code 1-204.03(d).

TITLE II – ECONOMIC DEVELOPMENT AND REGULATION

Subtitle (II)(A) – Securities and Banking Regulatory Trust Fund Amendment Act of 2023

Background

The Department of Insurance, Securities and Banking (DISB) regulates and licenses securities and the banking industry in the District of Columbia. Licensing fees and fines collected from regulated firms are deposited in the Securities and Banking Regulatory Trust Fund. These funds are used by DISB’s Securities and Banking Bureau to carry out its administrative and regulatory operations. Under current law, \$11.1 million each year is also transferred from the Securities and Banking Regulatory Trust Fund to local funds revenue. The subtitle increases that transfer to \$11.63 million.

Financial Plan Impact

The subtitle increases the amount of local revenue by \$530,000 annually and decreases the trust fund revenue by the same amount.

Subtitle (II)(A), Securities and Banking Regulatory Trust Fund Amendment Act of 2023					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Increase to local revenue	\$530	\$530	\$530	\$530	\$2,120

Subtitle (II)(B) – District of Columbia Housing Authority Procurement Clarification Amendment Act of 2023

Background

The subtitle clarifies that multi-year contracts and single year contracts over \$1 million entered into by the District of Columbia Housing Authority are subject to Council approval⁵, except for those involving expenditure of certain federal funds.⁶

Financial Plan Impact

The subtitle does not have an impact on the budget and financial plan.

Subtitle (II)(C) – Home Purchase Assistance Program Amendment Act of 2023

Background

The Home Purchase Assistance Program (HPAP)⁷ provides interest-free loans and closing cost assistance to eligible homebuyers in the District. The subtitle makes two technical changes to HPAP laws. The first change clarifies that approved applicants may be given less than the maximum \$70,000 in authorized assistance. Current law⁸ does not authorize less than the maximum in assistance. The second change removes a requirement⁹ that contract administrators of the program must receive equal funding. The Department of Housing and Community Development indicates the

⁵ Pursuant to D.C. Official Code § 2-352.02.

⁶ As provided for under D.C. Official Code 6-219.

⁷ <https://dhcd.dc.gov/service/home-purchase-assistance-program>

⁸ D.C. Official Code § 42-2602.01(a)(2).

⁹ D.C. Official Code § 42-2602.01(e)(1)(b).

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nature of the assistance program is such that different amounts are granted to individuals, and this makes it difficult to ensure equal funding is provided to all contractors managing the funds. Removing the requirement will allow some administrative flexibility.

Financial Plan Impact

The subtitle does not have an impact on the budget and financial plan. Allowing less than the maximum assistance to applicants does not have an impact on the budget and financial plan and could free up funding for additional applicants. Removing the requirement that all contract administrators of the program manage the same level of funding does not affect the amount of funding spent overall, so has no impact on the budget and financial plan.

Subtitle (II)(D) – Great Streets Amendment Act of 2023

Background

The Deputy Mayor for Planning and Economic Development supports over a dozen retail priority areas in the District to promote small businesses, expand retail opportunities, and grow job opportunities. The subtitle amends the boundary for the existing New York Avenue, N.E., retail priority area.

Financial Plan Impact

There is no impact on the budget and financial plan. The subtitle may result in additional establishments qualifying for eligible funds.

Subtitle (II)(E) – Tax Abatements for Affordable Housing in High-Need Areas Amendment Act of 2023

Background

The Mayor is authorized to certify property tax abatements for qualifying housing developments in areas designated as having a high need for affordable housing and that meet certain conditions, including setting rents for one-third of the units to be affordable to renters earning up to 80 percent of the Median Family Income. The subtitle increases, beginning in fiscal year 2025, the amount of tax abatements the Mayor is authorized to provide through a competitive process from \$4 million to \$5 million. The subtitle also amends the high-need areas so that the Upper Northeast and Rock Creek East planning areas may qualify only through the competitive process.

Financial Plan Impact

The fiscal year 2024 through fiscal year 2027 financial plan includes the following revenue loss associated with the subtitle’s increased tax abatement authorization.

Subtitle (II)(E), Tax Abatements for Affordable Housing in High-Need Areas Amendment Act of 2023					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Property tax revenue (loss)	\$0	(\$1,000)	(\$1,000)	(\$1,080)	(\$3,080)

Subtitle (II)(F) – Deputy Mayor for Planning and Economic Development Grant Program Amendment Act of 2023

Background

The subtitle establishes, extends, and modifies grant programs administered by the Office of the Deputy Mayor for Planning and Economic Development (DMPED). The subtitle provides \$1 million in funding for fiscal year 2024 for the Direct Cash Assistance program, which provides cash payments to new and expectant mothers in certain areas of the District to support economic mobility and maternal health.¹⁰

The subtitle makes a technical change to an existing grant to account for an updated grantee address. The subtitle provides \$3 million for Ford’s Theatre to support their construction of an education and community center on 10th Street, N.W.

The subtitle establishes a new Retail Recovery grant program. Grants will be made to qualifying businesses that open in retail locations that have been vacant for more than six months in an area covered by the Downtown or Golden Triangle Business Improvement Districts (BIDs). Grant recipients can use funds for a range of investments and operating costs (including staff, capital, inventory, or marketing costs). Across the program, at least one grantee must be 1) a resident-owned business and 2) either a woman-owned enterprise or a disadvantaged business enterprise. For purposes of the program, retail establishments can include a child care center, supermarket, or urgent care center.

The subtitle expands the organizations eligible for a grant to promote Latino and other minority-owned businesses.

The subtitle also requires DMPED to issue a \$2 million grant during fiscal year 2023 for the Douglass Community Land Trust. This provision was funded in the Fiscal Year 2023 Revised Local Budget Emergency Act of 2023, Bill 25-205 (Fiscal Year 2023 Supplemental).

Financial Plan Impact

The subtitle provides \$7 million in grants in 2024. The budget and financial plan for DMPED includes funding for one employee in fiscal year 2024 to administer the Retail Recovery grants.

The Fiscal Year 2023 Supplemental includes \$2,000,000 in nondepartmental funding for the grant to the Douglass Community Land Trust.

¹⁰ [Mayor Bowser Announces \\$1.5 Million Direct Cash Assistance Program to Support New and Expectant Moms | mayormb \(dc.gov\)](https://www.mayormb.dc.gov/news/press-releases/mayor-bowser-announces-1.5-million-direct-cash-assistance-program-to-support-new-and-expectant-moms)

Subtitle (II)(F), Deputy Mayor for Planning and Economic Development Grant Program Amendment Act of 2023 (\$ thousands)						
	<i>FY2023</i>	<i>FY2024</i>	<i>FY2025</i>	<i>FY2026</i>	<i>FY2027</i>	Total
Direct cash assistance grant	\$0	\$1,000	\$0	\$0	\$0	\$1,000
Ford’s Theatre	\$0	\$3,000	\$0	\$0	\$0	\$3,000
Retail Recovery grants	\$0	\$3,000	\$0	\$0	\$0	\$3,000
Retail Recovery: salary and fringe	\$0	\$150	\$0	\$0	\$0	\$150
Douglass Community Land Trust	\$2,000	\$0	\$0	\$0	\$0	\$2,000
Total	\$2,000	\$7,150	\$0	\$0	\$0	\$9,150

Subtitle (II)(G) – Housing in Downtown Abatement Amendment Act of 2023

Background

The Tax Abatements for Housing in Downtown Act of 2022 allows the Mayor to approve tax abatements for certain real properties that are undergoing changes in use from commercial to residential (that results in at least 10 residential units). Eligible properties must be in a geographic area defined in law, generally limited to the Northwest central business district bordered by Massachusetts Avenue, N.W. and Constitution Avenue, N.W. Other requirements for applicable developments include using a First Source Agreement, meeting Inclusionary Zoning requirements for affordable housing, and bringing the property online in specific timeframes.

The subtitle removes the First Source Agreement requirement and suspends the Tenant Opportunity to Purchase Act for these properties for ten years. The subtitle increases the annual 2028 cap for tax abatements under this section to \$41 million. Each subsequent year (2029 and later) would grow from the previous year’s level by four percent. The subtitle modifies the affordability criteria, requiring that at least:

- 10 percent of the housing units must be affordable to households earning 60 percent or less of the Median Family Income; or
- 15 percent of the housing units must be affordable to households earning 80 percent or less of the Median Family Income.

Financial Plan Impact

There is no impact of the subtitle on the budget and financial plan (fiscal year 2024-fiscal year 2027). The subtitle makes no changes to the annual cap on tax abatements for downtown housing for 2024 (\$2.5 million), 2025 (\$2.5 million), 2026 (\$2.5 million) and 2027 (\$6.8 million). Outside of the financial plan, the subtitle increases the annual cap for 2028 from \$7.072 million under current law to \$41 million. The annual cap would grow by four percent each year thereafter.

Subtitle (II)(H) – Creative and Open Space Modernization Amendment Act of 2023

Background

Since 2017, companies operating in the District in certain industries may apply for and be awarded tax rebates for Creative and Open Space Modernization investments, such as property improvements, purchase of heavy equipment to be used on-site, or other enhancements. The Office of the Deputy Mayor for Planning and Economic Development (DMPED) administers this program through a competitive award process. Qualifying investments must provide a tangible public benefit to the District, such as educational or training opportunities, free- or reduced-price services or products to eligible District residents, or employment opportunities for District residents. Eligible companies are those that meet the criteria of a Qualified High Technology Company. The subtitle expands the industries eligible for the rebates to include education and research; consulting services; communications and design; hospitality, tourism, and entertainment; life sciences and HealthTech; and technology.

Financial Plan Impact

The budget and financial plan includes \$991,000 in fiscal year 2024 for Creative and Open Space Modernization rebates.

Subtitle (II) (I) Office of Public-Private Partnerships Fund and Budget Amendment Act of 2023

Background

The Office of Public-Private Partnerships (the Office) was established in 2014 to develop and facilitate partnerships between District agencies and private-sector entities to build and deliver projects that meet infrastructure needs or address other public priorities. The Office is under the jurisdiction of the Office of the Deputy Mayor for Planning and Economic Development. The subtitle removes the language establishing a special fund for the Office’s operations and deletes a section on issuing a request for information prior to a bid solicitation.

Financial Plan Impact

There is no impact from the subtitle on the budget and financial plan.

Subtitle (II)(I) – Tourism Recovery Tax Amendment Act of 2023

Background

Since 2017¹¹, gross receipts from transient lodgings or accommodations have been subject to a dedicated tax of 0.3 percent, which is transferred to Destination DC to fund marketing and promotion activities. On Jan 19, 2023, a temporary bill was enacted that would increase this tax to 1.3 percent from April 1, 2023 through March 31, 2027. Like the existing 0.3 percent tax, the increment would be dedicated to Destination DC to promote the District as a travel destination and to support tourism recovery.

The subtitle would make permanent the changes to the law to increase the tourism recovery tax to 1.3 percent from April 1, 2023, through March 31, 2027. The subtitle would also require Destination

¹¹ Hospital Tax Dedication Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-33, § 7242(b), 64 DCR 7652).

DC to consult with and enter into a memorandum of understanding with the Mayor regarding the use of the tax revenue.

Financial Plan Impact

The estimated collections from the 1 percent increase in the lodging tax increase are shown below. These collections were assumed in the February 2023 revenue estimate, per the temporary law. Thus, the budget incorporates no additional revenue from the subtitle.

Subtitle (II)(J), Tourism Recovery Tax Amendment Act of 2023					
Dedicated Sales Tax					
(\$ thousands)					
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenue Impact included in February 2023 estimate	\$11,152 ¹	\$21,305	\$23,487	\$24,526	\$11,489 ¹

Table notes:

1. The tax is only in effect for half of the fiscal years 2023 and 2027.

Subtitle (II)(K) – Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2023

Background

The Office of Cable Television, Film, Music and Entertainment (OCTFME) produces and broadcasts programming for the public and government access channels and media platforms; regulates cable service providers in the District; and promotes and markets the District as a location for creative business development and commercial production activity. The subtitle expands OCTFME’s role to include other content platforms and adds implementation of the plan to support, preserve and archive go-go music and its history¹² to OCTFME’s authorizing statute.

Financial Plan Impact

The subtitle clarifies the scope of OCTFME’s authority. There is no impact from the subtitle on the budget and financial plan.

Subtitle (II)(L) – Emergency Housing Assistance Program Financial Responsibility Amendment Act of 2023

Background

Under certain emergency circumstances arising from actions in control of the landlord, the Office of the Tenant Advocate may provide emergency housing or relocation assistance to qualified tenants.¹³ Current law¹⁴ authorizes the District to seek reimbursement from the landlord for short-term accommodation of tenants of up to 30 days, and storage of personal property for up to 60 days. The

¹² As required by section 3 of the Go-Go Official Music of the District of Columbia Designation Act of 2020, effective April 11, 2020 (D.C. Law 23-71; D.C. Official Code § 1-167.02).

¹³ D.C. Official Code § 42-3531.07(6A).

¹⁴ D.C. Official Code § 42-3531.11(b)(1).

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subtitle increases the amount the District can be reimbursed to 180 days of short-term accommodation and 180 days of storage of personal property.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. Reimbursements from landlords for emergency expenditures by the District are not budgeted, so changing what may be recovered does not affect the budget or financial plan. Reimbursements will go to reducing expenditures in a given fiscal year, or deposited in the General Fund.

Subtitle (II)(M) – Emergency Rental Assistance Funds Reporting and Notice Requirements Amendment Act of 2023

Background

The subtitle requires the Department of Human Services (DHS) to provide a monthly report to Council on the Emergency Rental Assistance Program (ERAP).¹⁵ The report must include the number of applications received and processed, the amount of funding disbursed, and a projected date that funds will be exhausted. It also requires DHS to provide one-month notice before closing the ERAP portal to new applicants. If funds are exhausted, DHS must provide a quarterly report of inquiries received for ERAP program services.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. DHS can provide the information required by the report.

Subtitle (II)(N) – Housing Authority Accountability Amendment Act of 2023

Background

The subtitle requires the District of Columbia Housing Authority (DCHA) to provide monthly reports to the Mayor, Attorney General, and Council to include operating reserves and expenditures, the number of vacant units, the length of time units have been vacant, and the repair status of units. The reporting requirement is waived if database access is provided with the same information. If the U.S. Department of Housing and Urban Development designates DCHA as a Standard Performer or High Performer, the reporting requirements will be waived for one year.

The subtitle also subjects the DCHA Executive Director’s compensation agreement to requirements of the Bonus Pay and Special Awards Pay Act of 2016¹⁶.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. DCHA can provided the subtitle’s required reports.

¹⁵ <https://dhs.dc.gov/service/emergency-rental-assistance-program>

¹⁶ D.C. Official Code § 1-551.03.

Subtitle (II)(O) – Housing Authority Financial Reporting Amendment Act of 2023

Background

The subtitle requires the District of Columbia Housing Authority (DHCA) to prepare an annual comprehensive financial report and requires the Office of the Inspector General to conduct an annual audit of DHCA’s financial statements.

Financial Plan Impact

The subtitle will cost \$250,000 in fiscal year 2024 and \$1 million over the four-year financial plan for the Office of the Inspector General to conduct an annual audit of DHCA’s financial statements. DHCA can produce its own financial statements, as directed by the subtitle, within its current resources.

Subtitle (II)(O), Housing Authority Financial Reporting Amendment Act of 2023					
Fiscal Year 2024 – Fiscal Year 2027					
Fiscal Impact (\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Office of Inspector General Comprehensive Financial Audit	\$250	\$250	\$250	\$250	\$1,000

Subtitle (II)(P) – Targeted Historic Preservation Assistance Amendment Act of 2023

Background

The Office of Planning’s (OP) Historic Homeowner Grant Program¹⁷ authorizes the agency to issue grants to rehabilitate structures that contribute to the character of sixteen different historic districts in the city. Grants are limited to \$25,000 and require a 25 percent or 50 percent cost of rehabilitation match by the property owner, depending on the property owner’s household income. However, grants within the Anacostia Historic District are limited to \$35,000 and a 15 percent or 40 percent grant matching requirement. Recipients must enter a five-year preservation covenant with the State Historic Preservation Officer requiring that the improvements are maintained in good repair.

The subtitle increases the maximum grant award allowed to \$50,000 for all recipients and expands the pool of eligible recipients to the owners of structures in any historic district or landmark rather than the prescribed sixteen historic districts. The subtitle eliminates the differentiated grant matching levels for the Anacostia Historic District. The subtitle also increases the time period of the required preservation covenant from five to ten years.

Financial Plan Impact

OP can make the subtitle’s required changes to the Historic Homeowner Grant Program with its budgeted resources. Increasing the maximum grant awards per rehabilitation may reduce the number of grants awarded, because total grant awards cannot exceed appropriated amounts.

¹⁷ D.C. Official Code § 6-1110.02.

Subtitle (II)(Q) – Commission on the Arts and Humanities Allotment Adjustment and Large Capital Grants Amendment Act of 2023

Background

The Commission on the Arts and Humanities (Commission) is an independent agency of the District that promotes arts and humanities institutions and programs. The subtitle amends the statutory Commission budget allocations and establishes an allocation for a new grant program for large capital projects.

The subtitle reduces from 22 percent to 20 percent the share of the Commission’s budget that it can expend on the Commission’s administrative needs. The subtitle also allocates 12.07 percent of the Commission’s budget for the subtitle’s new large capital project grant program. The subtitle reduces the existing budget allocations from 17 percent to 14.95 percent for capital projects, 54 percent to 47.48 percent to support the general operating needs of arts and humanities organizations,¹⁸ 25 percent to 21.98 percent for other art programs, and 4 percent to 3.52 percent for the Humanities Grant Program.¹⁹

The subtitle establishes a new large capital project grant program for organizations that own their facility or hold a lease for their facility longer than thirty years provided that the property’s tax assessed value is \$1 million or greater. Grants under the program are for a minimum of \$900,000, and an organization that receives a grant under this program is not eligible to receive any other Commission capital project grants within the same fiscal year or another large capital project grant within two fiscal years. The Commission must develop rules for the new program and submit them to the Council by November 1, 2023 for a 60-day review period.

Financial Plan Impact

The subtitle amends the way that the Commission can expend its budgeted resources, and the way it establishes a new grant program. The Commission’s fiscal year 2024 budget is \$50.9 million and includes approximately \$5.1 million to support the new large capital project grant program. The Commission can use up to 20 percent of the \$50.9 million budget to support its administrative needs and the remaining budget is allocated to small capital projects, general operating needs, other art programs, and the Humanities Grant Program, as prescribed.

Subtitle (II)(R) – Historic Preservation of District Properties Extension Amendment Act of 2023

Background

Under the Historic Preservation of Derelict District Properties Act of 2016²⁰, the District transferred four properties to the L’Enfant Trust to be rehabilitated and used for workforce housing. The law stipulated that if the properties are not occupied within five years, then the properties revert to District ownership. The subtitle extends the authorized completion date for rehabilitation of the properties to ten years.

¹⁸ The subtitle also limits the grant amount to no more than 50 percent of an organization’s annual operating budget.

¹⁹ Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 39-205(c-1)(2)).

²⁰ Effective March 11, 2017 (D.C. Law 21-223; 64 DCR 182).

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The properties are not part of the District’s asset portfolio.

Subtitle (II)(S) – Public Housing Stability Amendment Act of 2023

Background

The subtitle dedicates 15 percent of deed recordation²¹ and transfer tax²² revenue to the District of Columbia Housing Authority (DCHA) Rehabilitation and Maintenance Fund²³ beginning in fiscal year 2028.

The subtitle also limits growth in the deed recordation and transfer tax revenue that may be deposited in the Housing Production Trust Fund (HPTF) to two percent annually, for fiscal year 2024 through fiscal year 2027. After fiscal year 2027, the growth limitation will not apply.

Financial Plan Impact

The dedication of deed recordation and transfer tax revenue to the DCHA Rehabilitation and Maintenance Fund has no impact on the budget and financial plan because the dedication occurs outside of the financial plan. It is expected that approximately \$100 million in revenues will be dedicated to the fund beginning in fiscal year 2028, reducing local fund revenues available for other spending. The growth limit on the revenue dedicated to the HPTF increases the revenue available for Local Funds beginning in fiscal year 2025, for a total increase of \$15.8 million. The revenue available for the HPTF decreases by the same amount.

Subtitle (II)(S), Public Housing Stability Amendment Act of 2023 Local Funds Revenue Increase; also Dedicated Revenue Decrease (\$ thousands)						
	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	Total
Limit dedicated revenue growth to HPTF	\$0	\$0	\$1,477	\$5,280	\$9,063	\$15,820

Subtitle (II)(T) – Housing Production Trust Fund Amendment Act of 2023

Background

The subtitle authorizes the Mayor to transfer a total of \$6 million from the Housing Production Trust Fund²⁴ for two specific programs at the Department of Housing and Community Development. Up to \$4 million may be transferred to the Home Purchase Assistance Program²⁵ and up to \$2 million may be transferred to the Neighborhood-Based Activities Program to support the Heirs Property Program²⁶.

²¹ D.C. Official Code § 42-1122(a)(1).

²² D.C. Official Code § 47-919(a)(1).

²³ D.C. Official Code § 6-202(c-1).

²⁴ D.C. Official Code § 42-2802.

²⁵ D.C. Official Code § 42-2602.01.

²⁶ D.C. Official Code § 4-1051.

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Financial Plan Impact

The subtitle does not change total spending in the budget and financial plan. If the Mayor makes any of these authorized transfers, it will reduce what can be spent out of the Housing Production Trust Fund by that amount.

TITLE III – PUBLIC SAFETY AND JUSTICE

Subtitle (III) (A) – Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2023

Background

The Fire and Police Medical Leave and Limited Duty Amendment Act of 2012²⁷ (Act) created a rebuttable presumption of a performance of duty injury for fire and EMS personnel. Under this law, if an employee develops one of the conditions listed below (and meets certain other criteria) they are presumed to have developed the condition as a result of occupational exposure or conditions of their employment. As a result, the District covers medical services for the employee’s illness or injury²⁸ and the employee may qualify for disability retirement.²⁹ Conditions covered under the Act are:

- Cancer: Leukemia, breast, pancreatic, rectal, prostate, rectal, testicular, or respiratory cancer (effective October 1, 2016);
- Infectious disease: Hepatitis, meningococcal meningitis, tuberculosis, or human immunodeficiency virus (HIV) (effective October 1, 2017); and
- Chronic disease: Heart disease, hypertension, or respiratory disease (effective October 1, 2018).

The subtitle expands the cancers covered to include:

- Retroactive to fiscal year 2018: liver, colon, and rectal cancers;
- As of fiscal year 2024: multiple myeloma, brain, or throat cancers; and non-Hodgkin’s lymphoma;
- As of fiscal year 2028: kidney, thyroid, or bladder cancer.
- An emergency bill in effect through July 23, 2023 extends presumptive disability to cover liver cancer.³⁰

Financial Plan Impact

The cost of the subtitle is estimated using the same framework as the previous FISs³¹: 1) pre-employment cancer screening; 2) treatment cost (the product of disease incidence in the affected population and average cost for each cancer type); and 3) any early or disability retirements. Both the treatment costs and pre-employment screening costs can be absorbed in the FEMS budget. Incidence rates for the cancers and diseases covered by the presumptive disability provisions of current law have been lower than estimated at the time funding was included for the new provisions, so excess funding is available for the subtitle. In total, no funding was necessary in the fiscal year 2024 budget for the costs of the subtitle, but a total of \$936,000 was included in the financial plan for the Police Officers’ and Firefighters’ Retirement System to fund projected additional disability retirements under the subtitle.

²⁷ D.C. Law 19-311; D.C. Official Code § 5-633.

²⁸ D.C. Official Code § 1-623.03. Medical services and initial medical and other benefits.

²⁹ D.C. Official Code § 5-710. Retirement for disability — Incurred or aggravated in performance of duty.

³⁰ Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2023, enacted April 24, 2023 (D.C. Act 25-74).

³¹ [FISCAL IMPACT STATEMENT \(dc.gov\)](#); [FISCAL IMPACT STATEMENT \(dc.gov\)](#).

FEMS Employee Presumptive Disability Amendment Act of 2023					
Fiscal impact, dollars in thousands					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Retirement costs	\$0	\$307	\$312	\$317	\$936

Pre-employment screening costs

The presumptive disability law requires screening tests to rule out pre-existing conditions. Among the cancer types³² covered by the subtitle there is only one cancer screening test recommended by the U.S. Preventative Services Task Force—colorectal cancer screening.³³ Screening tests for the least invasive colorectal cancer screening (fecal occult or stool testing) for new employees will cost FEMS a total of \$2,000 per year and \$9,000 over the plan³⁴.

Incidence and treatment costs

Total treatment cost will depend on disease incidence³⁵ in the affected population, relative cancer risk for firefighters and other public service personnel³⁶, and average cost for each cancer type³⁷. The National Institute for Standards and Technology (NIST) released an analysis of the academic literature on firefighter occupational risks. Of the studies reviewed by NIST, two show an increased occupational risk for certain cancer types.³⁸ The fiscal impact assumes the average incidence rate under the two studies.

Overall, there are estimated to be 2.7 additional FEMS employees that qualify under the cancer presumption, once the final three cancer types are eligible in fiscal year 2028. Extending presumptive eligibility to liver and colon/rectal cancer (eligible retroactively to 2018) adds 0.85 expected cases; multiple myeloma, brain and throat cancer and non-Hodgkin’s lymphoma (eligible in 2024) adds between 0.9 and 1.0 expected cases; and kidney, thyroid, and bladder cancer (eligible in 2028) adds 1.0 additional expected case.

Treatment costs are estimated based on first-year treatment costs from a study of Medicare claims for each cancer type. The estimate assumes that 20 percent of FEMS employees that developed liver and colon/rectal cancer between fiscal year 2018 and fiscal year 2024 would apply for presumptive disability. Estimates are inflated by the medical consumer price index for the DC area.³⁹

³² Multiple myeloma and liver cancers are typically detected via symptoms and are confirmed by blood tests; both would be screened in a typical CBC panel which is already covered. There is no regular screening recommended for asymptomatic individuals for non-Hodgkin’s lymphoma or brain cancer.

³³ The United States Preventative Services Task Force. [Search Results | United States Preventive Services Taskforce \(uspreventiveservicestaskforce.org\)](https://www.uspreventiveservicestaskforce.org)

³⁴ The estimate assumes \$19 per completed test (Medicare fee-for-service payment rate for colorectal screening in the lab setting) and 104 new hires each year. The Police and Fire Clinic pays for pre-employment screening for presumptive disability on a fee-for-service basis.

³⁵ [Annual report to the nation on the status of cancer, part 1: National cancer statistics - Cronin - 2022 - Cancer - Wiley Online Library](https://onlinelibrary.wiley.com/doi/10.1002/cncr.24222)

³⁶ [The Economics of Firefighter Injuries in the United States | NIST](https://www.nist.gov/publications/economics-firefighter-injuries-united-states)

³⁷ [Financial Burden of Cancer Care | Cancer Trends Progress Report](https://www.aacr.org/press-releases/financial-burden-cancer-care)

³⁸ Daniels et al. 2014. [Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago and Philadelphia \(1950-2009\) - PubMed \(nih.gov\)](https://pubmed.ncbi.nlm.nih.gov/25411111/) and LeMasters et al. 2006. Cancer risk among firefighters: a review and meta-analysis of 32 studies - PubMed (nih.gov)

³⁹ Over the long run, this corresponds to 3.2 percent, or CPI-U plus 1 percentage point.

	<i>Medical treatment costs, financial plan period (thousands of dollars)</i>				<i>Medical costs outside the plan</i>
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Eligible retroactively to 2018 (liver, colon, colorectal)	100	15	15	16	16
Eligible in 2024 (multiple myeloma, non-Hodgkin’s lymphoma, throat, brain)	93	96	99	102	105
Eligible in 2028 (kidney, thyroid, bladder)	0	0	0	0	40
Total medical costs	\$193	\$111	\$114	\$118	\$162

Pension costs

To determine retirement costs, the previous FIS used an actuarial analysis conducted by Cavanaugh McDonald Consulting in 2016,⁴⁰ which found that cancers covered by the original legislation would increase payroll costs by 0.57 percent (with 5 employees estimated to qualify under the cancer provision). Without an updated actuarial study, we use the same ratio to determine pension costs for this subtitle. We assume that the costs of colon and colorectal cancer were factored into the pension contribution rates when rectal cancer was initially covered. Altogether, we estimate that pension costs under this subtitle would increase by 0.3 percent of payroll. Pension contribution rates have already been determined for 2024 so these costs start in 2025.

Subtitle (III) (B) – School Resource Officers Amendment Act of 2023

Background

The subtitle⁴¹ eliminates the statutory requirement for the Metropolitan Police Department (MPD) to reduce the School Safety Division’s (SSD) levels for sworn and civilian staffing each year and dissolve the unit by July 1, 2025. The subtitle requires MPD to publish, on their website, a description of SSD’s planned deployment of school resource officers.

Financial Plan Impact

The gradual elimination of the SSD under current law assumed that officers would be redeployed elsewhere within MPD. Thus, retaining the SSD has no impact on the budget and financial plan.

Subtitle (III) (C) – Public Safety Grants Amendment Act of 2023

Background

The subtitle establishes a new pilot within the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) for Safe Commercial Corridors. The Safe Commercial Corridors pilot provides grant funding to organizations that serve the residents, visitors, and businesses of downtown, Shaw, or Adams

⁴⁰ Cavanaugh McDonald Consulting. Subject: Presumptive Death and Disability Study.

⁴¹ By amending the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.02)

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Morgan and that engage in maintenance of public and commercial spaces in those areas. The subtitle lays out the grant application process for this new Safe Commercial Corridors program. The subtitle also gives the Deputy Mayor grant-making authority for the Safe Passage Safe Blocks program. The grant may fund activities that include relationship-building; connecting residents, business owners and visitors with other services available to them; assisting businesses with safety protocols and procedures; conducting de-escalation and crime mitigation techniques; and any other strategies that may support public safety. Grantees may use funds for equipment, training and staff, and must submit a report to the District at the end of each fiscal year on their results.

The subtitle also provides funding for one grant to an existing Violence Prevention and Response Team; and three grants for organizations engaged in gun violence prevention.

Financial Plan Impact

The budget and financial plan includes one-time funding for the grant and pilot program as well as one term FTE at DMPSJ to administer the new Safe Commercial Corridors pilot.

Public Safety Grants Amendment Act of 2023					
Fiscal impact, dollars in thousands					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Safe Commercial Corridors: pilot funding	\$1,250	\$0	\$0	\$0	\$1,250
Safe Commercial Corridors: DMPSJ personnel	\$175	\$0	\$0	\$0	\$175
Violence Prevention and Response Team grant	\$200	\$0	\$0	\$0	\$200
Gun prevention grants	\$150	\$0	\$0	\$0	\$150
Total	\$1,775	\$0	\$0	\$0	\$1,775

Subtitle (III) (D) – Forensic Sciences and Public Health Laboratory Reporting Structure Amendment Act of 2023

Background

After the Department of Forensic Sciences (DFS) forensic units lost accreditation in April 2021, the Mayor retained SNA International to conduct a study of DFS operations and propose a path for DFS to regain accreditation. The SNA report⁴² made recommendations regarding DFS’s processes, policies, and organizational structure.

The Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022⁴³ (Act) made changes to DFS to effectuate many of the recommendations in SNA’s report. The Act would rename DFS as the Forensic Sciences and Public Health Laboratory and establish it as an independent agency within the executive branch. The Act is subject to appropriations and will not take effect until the costs are included in an approved budget and financial plan.

⁴² [DFS Forensic Laboratory Assessment Report.pdf \(dc.gov\)](#)

⁴³ D.C. Act 24-780, 70 DCR 937.

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The subtitle⁴⁴ amends the Act to move the Forensic Sciences and Public Health Laboratory back under the jurisdiction of the Office of the Deputy Mayor for Public Safety and Justice and retains the Mayor as the personnel authority of Laboratory employees.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022 remains subject to appropriations, so there is no fiscal impact from this provision.

⁴⁴ By amending The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 et seq.)

TITLE IV – PUBLIC EDUCATION SYSTEMS

**Subtitle (IV)(A) – Funding for Public Schools and Public Charter Schools Increase
 Amendment Act of 2023**

Background

The subtitle sets⁴⁵ the base level funding for the Uniform Per Student Funding Formula (UPSFF) at \$13,046. This is a 5.05 percent increase over fiscal year 2023. The base level funding is multiplied by the weighting for each grade level or add-on service to determine the per student funding at that level or for those services.

The subtitle requires that the District of Columbia Public Schools (DCPS) budget the cost of IMPACT bonus payments within its appropriations derived from the UPSFF beginning in fiscal year 2025. The fiscal year 2024 IMPACT bonus payments are budgeted outside of the UPSFF.

The subtitle requires that \$19.84 million be deposited into the Pandemic Transition Fund (Fund) and specifies how funds must be distributed in fiscal year 2024. The Fund is used to provide resources to public schools as they respond to the effects of the COVID-19 pandemic. Funding that is deposited into the Fund will be distributed in the following manner: 52.62 percent to DCPS and 47.38 percent to the District of Columbia Public Charter Schools (DC PCS). Individual charter schools will be awarded \$196.11 per enrolled pupil and payments must follow the same quarterly installment payment schedule that is used to make UPSFF quarterly payments. The Fund will sunset at the end of fiscal year 2024 and any remaining funds will be transferred to the General Fund.

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 2024
Pre-Kindergarten 3	1.34	\$17,482
Pre-Kindergarten 4	1.30	\$16,960
Kindergarten	1.30	\$16,960
Grades 1-5	1.00	\$13,046
Grades 6-8	1.08	\$14,090
Grades 9-12	1.22	\$15,916
Alternative program	1.52	\$19,830
Special education school	1.17	\$15,264
Adult	0.89	\$11,872

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	\$12,655

⁴⁵ 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 § 38-2901 et seq.).

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Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	1.20	\$15,655
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services.	1.97	\$25,701
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	\$45,531
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	\$1,292
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	\$1,161
Residential	DCPS or DC PCS that provides students with room and board in a residential setting, in addition to their instructional program.	1.67	\$21,786

General Education Add-ons			
Level / Program	Definition	Weighting	Per Student Supplemental Funds
Elementary ELL	Additional funding for English Language Learners in grades PK3-5.	0.50	\$6,523
Secondary ELL	Additional funding for English Language Learners in grades 6-12, alternative students, adult students, and students in special education schools.	0.75	\$9,785
At-Risk	Additional funding for students in foster care, who are homeless, on Temporary Assistance for Needy Families or Supplemental Nutrition Assistance Program, or behind grade level.	0.24	\$3,131
At-risk High School Over-age Supplement	Additional funding beyond the existing at-risk weight for students who are behind grade level in high school.	0.06	\$783
At-risk > 40 percent Concentration Supplement	Weighting provided in addition to at-risk weight for the percentage of at-risk students above 40 percent enrolled in a school where at least 40 percent of the student population is at-risk.	0.07	\$913
At-risk > 70 percent Concentration Supplement	Weighting provided in addition to at-risk weight for the percentage of at-risk students above 70 percent where at least 70 percent of the student population is at-risk.	0.07	\$913

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 DC PCS facility that provides students with room and board in a residential setting.	0.37	\$4,827
Level 2: Special Education - Residential	Additional funding to support the after-hours Level 2 special education needs of students living in a DCPS or DC PCS facility that provides students with room and board in a residential setting.	1.34	\$17,482
Level 3: Special Education - Residential	Additional funding to support the after-hours Level 3 special education needs of students living in a DCPS or DC PCS facility that provides students with room and board in a residential setting.	2.89	\$37,703
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 DC PCS facility that provides students with room and board in a residential setting.	2.89	\$37,703
LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a DC PS or DC PCS facility that provides students with room and board in a residential setting.	0.668	\$8,715

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	\$822
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	\$2,961
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	\$6,406

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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	\$6,406
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Financial Plan Impact

The 5.05 percent UPSFF base level increase will result in additional formula-driven local fund expenditures. The proposed fiscal year 2024 budget includes approximately \$2.13 billion for instructional budgets as a result of the UPSFF: \$1.13 billion for DCPS and \$1 billion for DC PCS. In addition, DC PCS will receive \$175.97 million for facility allowances in fiscal year 2024, bringing the collective DC PCS formula-driven local fund budget to \$1.18 billion.

The subtitle also increases the at-risk concentration supplement add-on weight from 0.05 to 0.07 per student resulting in an additional \$2.3 million for DCPS and \$2.2 million for DC PCS.

The DCPS fiscal year 2024 budget also includes \$3.84 million for stabilization funding, \$10.04 million for Early Stages, and \$21.93 million for IMPACT bonuses. These budget allocations fall outside the UPSFF in fiscal year 2024. The Pandemic Transition Fund includes \$19.84 million in local funding of which \$10.44 million is set aside for DCPS and \$9.40 million is set aside for DC PCS.

Subtitle (IV)(B) – Education to Employment Data System Act of 2023

Background

The subtitle establishes⁴⁶ a centralized data system called the P20W System in the Office of the Deputy Mayor for Education (DME) that will be used to collect, analyze, and publicize data on how well District education agencies and programs are serving District residents throughout their lifetimes. All District government agencies must cooperate with DME in the implementation of the centralized data system by sharing education data⁴⁷ and workforce data⁴⁸ to the maximum extent allowed under federal law.

Financial Plan Impact

The fiscal year 2024 capital budget includes \$1.24 million in fiscal year 2024 and \$3.48 million over the financial plan to implement the P20W System. The DME’s fiscal year 2024 budget includes \$246,000 to hire a P20W Systems Director to manage the capital project and to hire an Agency Liaison to collect data from relevant agencies. The budget also includes \$165,000 to hire a contractor with expertise in establishing centralized data systems.

⁴⁶ By amending Section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191).

⁴⁷ Education data includes individual and aggregate student performance information, student progress information, academic performance data, financial aid status, college and career preparedness data, and student demographics and data by special population statuses.

⁴⁸ Workforce data includes data relating to participation in workforce programs and outcomes including employment information, employment-related benefits data, and workforce program participation data.

Subtitle (IV)(C) – Universal Paid Leave Implementation Fund Amendment Act of 2023

Background

Current law caps the administrative costs allowed to be expended from the Universal Paid Leave Fund⁴⁹. Currently, no more than 8.75 percent of money in the Fund may be expended on costs for administration of the Universal Paid Leave program⁵⁰ by the Department of Employment Services (DOES). An additional 0.75 percent of available funding may be expended by the Office of Human Rights (OHR) for enforcement costs and an additional 0.5 percent may be expended by the Office of Administrative Hearings (OAH).

The subtitle changes the cap on administrative costs expended by DOES to 15 percent of money deposited in the fund, defined as revenue by the Office of the Chief Financial Officer. The estimates will be deposited in the Fund during the relevant fiscal year. The subtitle does not change the amounts that may be spent by OHR or OAH.

Financial Plan Impact

Based on projected revenues to be deposited into the Universal Paid Leave Fund⁵¹ the subtitle sets the maximum administrative costs the Universal Paid Leave Fund may incur to \$24.28 million in fiscal year 2024. The new cap calculation reduces the amount of revenue in the Universal Paid Leave Implementation Fund by \$766,000.

Subtitle (IV)(D) – Enhancing Child Care Access for Children with Disabilities Act of 2023

Background

The subtitle allows⁵² the Office of State Superintendent for Education (OSSE) to make grants to child development facilities to support the costs of maintaining dedicated slots for infants, toddlers, and school-aged children with disabilities. The subtitle also establishes a referral program to place children with disabilities in dedicated grant-funded slots.

Financial Plan Impact

The subtitle expands OSSE’s grant-making authority, allowing OSSE to spend appropriated funding for grants to child development facilities providing dedicated slots for children with disabilities.

Subtitle (IV)(E) – State Board of Education Compensation Amendment Act of 2023

Background

The subtitle increases the salary of each member of the State Board of Education (SBOE) by \$5,000. Each member will receive \$20,000 annually and the president will receive \$21,000 annually. This salary will be adjusted annually moving forward by the increase in the Consumer Price Index for all Urban Consumers (all items Washington D.C. Standard Metropolitan Statistical Area average), published on January 1 of each year.

⁴⁹ D.C. Official Code § 32-551.01.

⁵⁰ <https://does.dc.gov/page/dc-paid-family-leave>

⁵¹ See Office of Chief Financial Officer’s “Projected Annual Revenues and Expenditures for the Universal Paid Leave Fund” letter dated March 1, 2023.

⁵² By amending Section 3 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402(a)).

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Financial Plan Impact

The fiscal year 2024 budget includes a \$45,000 enhancement to increase the salaries of SBOE members. In total, the financial plan includes \$185,000 to implement the subtitle.

Subtitle (IV)(F) - Library Collections Account Amendment Act of 2023

Background

The Library Collections Account holds funds that are used to acquire all books and magazines, media, and other materials that are made available to District residents in public libraries. The subtitle⁵³ would expand the scope of allowed spending from the Library Collections Account to include other types of materials that the District of Columbia Public Library (DCPL) may acquire for its collection (such as tools) and allows for purchase of equipment, supplies, and platforms that will assist with processing and cataloging DCPL materials.

Financial Plan Impact

Expanding the uses of the Library Collections Account has no effect on the budget and financial plan.

Subtitle (IV)(G) - Public Charter School Teacher Compensation Amendment Act of 2023

Background

The subtitle allows⁵⁴ the Office of the State Superintendent of Education (OSSE) to issue grants to public charter schools for the provision of direct compensation payments to teachers employed by schools after September 30, 2023, for teaching services, recruitment, and retention. In order to be eligible to receive funding from OSSE, public charter schools must report specific salary scale and teacher pay information to OSSE. Failure to adhere to reporting requirements may result in loss of grant funding. The subtitle permits grant funding to be awarded to schools beginning July 1, 2023.

Financial Plan Impact

The fiscal year 2024 budget includes one-time funding of \$73.5 million to provide grants to public charter schools to provide compensation payments to teachers.

Subtitle (IV)(H) - Ward 4 Libraries Act of 2023

Background

The 2024 capital budget for the District of Columbia Public Library (DCPL) includes a project for a new library in Ward 4. Specifically, DCPL plans to close the Juanita E. Thornton-Shepard Park branch and replace it with a new library farther south that could serve both the Shepard Park and Brightwood Park/Manor Park neighborhoods.

This subtitle requires DCPL to keep the Juanita E. Thornton-Shepard Park branch open, provides the Mayor or subordinate executive branch agency the ability to acquire land, and requires the Mayor or

⁵³ By amending Section 14(b) of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 39-114(b)).

⁵⁴ 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)).

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a subordinate agency to use funds appropriated for the new Ward 4 library project for those purposes.

Financial Plan Impact

In addition to the funding provided in the Capital Improvement Plan for the new Ward 4 library, the fiscal year 2024 budget includes \$5 million to purchase land under this subtitle. Funding to operate an additional library is not included in the financial plan and will have to be identified in a future budget.

Subtitle (IV)(I) - Community Access to Recreational Space Pilot Program Act of 2023

Background

The subtitle would require that the Department of Parks and Recreation establish a pilot program in fiscal year 2024 that makes the recreational facilities at Garrison Elementary School and Benjamin Banneker High School available to the public during non-school hours (evenings and weekends).

Financial Plan Impact

The fiscal year 2024 budget plan includes one-time funding of \$197,000 at the Department of Parks and Recreation for security and janitorial services at the premises.

Subtitle (IV)(J) - Department of Parks and Recreation Grants Act of 2023

Background

This subtitle requires the Department of Parks and Recreation to issue two grants: \$250,000 to Georgetown Heritage for design of the C&O Canal Educational and Cultural Center; and \$100,000 to Horton’s Kids for family support services in Ward 8.

Financial Plan Impact

The fiscal year 2024 budget includes one-time funding of \$350,000 for these grants.

Subtitle (IV)(K) - University of the District of Columbia Funding Act of 2023

Background

This subtitle directs up to \$1 million in non-departmental funds to the University of the District of Columbia (UDC), contingent upon UDC raising matching funds by April 1, 2024. Of the funds transferred to UDC, no less than one-third must be deposited into the endowment fund. Additionally, the subtitle requires UDC to report on the use of a \$6.7 million enhancement provided in the fiscal Year 2024 budget and financial plan to increase compensation for faculty and staff positions existing as of October 1, 2023. UDC must submit the report detailing how funds were used by September 1, 2024.

Financial Plan Impact

The fiscal year 2024 budget includes one-time funding of \$1 million in non-departmental funds to match fundraising efforts by UDC. The UDC subsidy has funding of \$6.7 million in the fiscal year 2024 budget and \$27.5 million over the financial plan for faculty and staff salary raises.

Subtitle (IV)(L) - Public School Healthy Food Curriculum Grants Amendment Act of 2023

Background

The subtitle requires⁵⁵ the Office of the State Superintendent of Education (OSSE) to award a \$1.9 million grant to a not-for-profit organization that currently partners with District of Columbia Public Schools to integrate a farming, cooking, and nutrition education curriculum into core academics.

Financial Plan Impact

The fiscal year 2024 budget includes one-time local funding of \$1.9 million in the OSSE budget to award the required grant.

Subtitle (IV)(M) - Special Needs Public Charter School Funding Authorization Act of 2023

Background

This subtitle directs \$1 million in funding to the Public Charter School Board (PCSB) to transmit to St. Coletta Special Education Public Charter School in order to fund costs exceeding the school’s funding under the UPSFF. St. Coletta provides intensive special education to 250 Level-IV special education students with behavioral needs, multiple disabilities, and medical needs. The special education add-on amount paid to St. Coletta per student is not sufficient to meet the school’s expenses.

Financial Plan Impact

The fiscal year 2024 budget includes \$1 million in one-time local funding in the PCSB budget to transmit to St. Coletta Special Education Public Charter School.

Subtitle (IV)(N) - Out of School Time Office Grant Authority Expansion Amendment Act of 2023

Background

The subtitle allows⁵⁶ for the Office of Out of School Time Grants to issues grants to DCPS schools and public charter schools that partner with nonprofit organizations to provide out of school time activities and receive funds under Title I, Part A of the Elementary and Secondary Education Act.⁵⁷ The Office of Out of School Time Grants supports the equitable distribution of out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers.

Financial Plan Impact

The subtitle allows the Office of Out of School Time Grants to issue grants to a larger pool of applicants. The fiscal year 2024 budget includes \$20.4 million for out of school time grants.

⁵⁵ By amending Section 302 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-823.02).

⁵⁶ By amending the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.01 et seq.).

⁵⁷ The Elementary and Secondary Education Act of 1965, approved January 8, 2002 (115 Stat. 1439; 20 U.S.C. 6301 et seq.).

Subtitle (IV)(O) - Early Childhood Educator Pay Equity Increase Amendment Act of 2023

Background

The subtitle increases⁵⁸ the minimum salary requirements for early childhood educators employed at child development facilities that receive funds from the Early Childhood Educatory Pay Equity Fund. This Fund is used to increase the compensation of over 3,100 child development facility staff. The subtitle sets minimum salaries at the following levels:

Table 1: Assistant Teacher Minimum Salaries	
Credential Level	Minimum salary
Less than a CDA	\$43,865/year
CDA	\$51,006/year
Associate’s	\$54,262/year
Table 2: Lead Teacher Minimum Salaries	
Credential Level	Minimum salary
CDA or 48 credit hours with greater than or equal to 15 credit hours in ECE	\$54,262/year
Associate’s in ECE or Associate’s with greater than or equal to 24 credit hours in ECE	\$63,838/year
Bachelor’s in ECE or Bachelor’s with greater than or equal to 24 credit hours in ECE	\$75,103/year

Financial Plan Impact

The fiscal year 2024 budget includes \$69.5 million dollars to provide compensation to early childhood educators. District law permits the Office of the State Superintendent of Education to adjust payments from the Early Childhood Educator Pay Equity Fund if funding is insufficient to cover the cost of the compensation payments.

Subtitle (IV)(P) - Office of the State Superintendent of Education Repeal of Special Funds Amendment Act of 2023

Background

This subtitle repeals five special purpose funds including the Healthy Tots Fund,⁵⁹ the Statewide Special Education Compliance Fund,⁶⁰ the Student Residency Verification Fund,⁶¹ the Child

⁵⁸ By amending Section 11b(b) of the Day Care Policy Act of 1979, effective October 30, 2018 (D.C. Law 22-179; D.C. Official Code § 4-410.02(b)).

⁵⁹ Section 4073 of the Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-282).

⁶⁰ Section 7j of the State Education Office Establishment Act of 2000, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 38-2616).

⁶¹ Section 2(c) (D.C. Official Code § 38-302(c)) and Section 15b (D.C. Official Code § 38-312.02) of An Act to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960.

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Development Facilities Fund,⁶² and the School Technology Fund.⁶³ The amounts previously budgeted as special purpose funds at OSSE are now budgeted as local funds.

Financial Plan Impact

Both the Child Development Facilities Fund and the Student Residency Verification Fund collect dedicated revenue set aside for certain purposes. The Child Development Facilities Fund collects \$100,000 of non-tax revenue on an annual basis from payments, fees, and fines related to the operation and regulation of child development facilities. The Student Residency Verification Fund collects \$735,000 of non-tax revenue from tuition paid by nonresident children who attend District public schools. Eliminating these special purpose funds will result in a \$835,000 reduction in dedicated revenue and a corresponding increase in local revenue in fiscal year 2024 and each year over the financial plan.

The Healthy Tots Fund, Statewide Special Education Compliance Fund, and School Technology Fund are funded through annual local fund appropriations. Eliminating these special funds does not have a financial impact.

Subtitle (IV)(Q) - DCPS Educator Exit Survey Report Amendment Act of 2023

Background

The subtitle requires⁶⁴ the District of Columbia Public Schools’ (DCPS) Chancellor to publish an Educator Exit Survey Report annually that includes specific demographic and contextual information on educators who left the employ of their school or the employ of DCPS.

Financial Plan Impact

The fiscal year 2024 budget includes \$100,000 in one-time local funding in the Nondepartmental agency to hire a contractor at DCPS to develop and implement an exit survey. Once the survey is established, DCPS will continue to complete and publish the survey on an annual basis with existing staff.

Subtitle (IV)(R) - Workforce Development Participant Food Purchase Authorization Amendment Act of 2023

Background

The subtitle authorizes the Department of Employment Services to purchase food or beverages in certain programs during training or educational sessions, or when the purchase is reasonable to sustain a statutory goal, objective, or responsibility. Specifically, the subtitle authorizes food and drink purchases for transitional employment program participants, voluntary apprenticeship participants, and summer youth program participants. The subtitle also authorizes purchase for certain District government employees at registration events, training, or ceremonies for these programs.

⁶² Section 7a of the Child Development Facilities Regulation Act of 1998, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 7-2036.01).

⁶³ Section 10005 of the Revised Revenue Estimate Adjustment Allocation Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.251).

⁶⁴ By amending The District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171 *et seq.*).

Financial Plan Impact

The subtitle has no impact on the budget and financial plan. The authorization to purchase food and drink items are tied to specific programs, the spending on which cannot exceed appropriations.

Subtitle (IV)(S) - Flexible Schedule Amendment Act of 2023

Background

This subtitle directs the Office of the State Superintendent of Education (OSSE) to create a flexible school day pilot program for the District of Columbia Public Schools (DCPS) and Public Charter School teachers. Up to six DCPS schools may apply for the pilot program during school year 2023-2024 and as many Public Charter Schools as funding will permit may apply for a flexible schedule pilot program grant during school years 2023-2024 and 2024-2025. OSSE must establish eligibility criteria, application procedures, and administer a survey to educators and students to measure the impact of the pilot program. OSSE must issue a call for applicants and select participating schools by March 15, 2024. By February 1, 2026, OSSE must submit to the Mayor, Council, and the Public Charter School Board a report that analyzes the impact of the pilot program.

Financial Plan Impact

The fiscal year 2024 budget includes \$3.9 million in fiscal year 2024 and \$5.26 million over the financial plan to implement a flexible schedule pilot program.

OSSE will hire two employees to manage the grant program and to complete the data collection and reporting that is required in the subtitle. The OSSE budget also includes funding to support flexible scheduling grants to Public Charter Schools in fiscal year 2024 and fiscal year 2025. The total OSSE cost of implementing the program is \$1.5 million in fiscal year 2024 and \$2.9 million over the financial plan. The DCPS fiscal year 2024 budget includes \$2.4 million to implement six flexible scheduling pilot programs. DCPS central office staff will facilitate the issuance of flexible scheduling grants to DCPS schools.

Subtitle (IV)(S) - Flexible Schedule Amendment Act of 2023					
Total Cost (in thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
OSSE Salary ^(a)	\$242	\$247	\$251	\$0	\$740
OSSE Fringe ^(b)	\$58	\$60	\$61	\$0	\$179
OSSE Grants	\$1,200	\$738	\$0	\$0	\$1,938
DCPS Grants	\$2,400	\$0	\$0	\$0	\$2,400
Total	\$3,900	\$1,045	\$312	\$0	\$5,257

Table Notes:

- (a) Assumes salary for one Grade 14, Step 5 Program Manager and one Grade 13, Step 5 Management Analyst. Assumes 1.7 percent growth. Assumes positions no longer need at the after OSSE completes reporting requirements in fiscal year 2026.
- (b) Assumes a fringe rate of 23.9 percent and a fringe growth of 2.375 percent.

Subtitle (IV)(T) - School Safety Coordination Act of 2023

Background

The subtitle establishes a 10-member School Safety Enhancement Committee (Committee) to assist the Deputy Mayor for Education (DME) in issuing a report on the roles, functions, and responsibilities of school safety teams. Committee members include relevant stakeholders, education agencies, parents, students, and Council representatives. The Committee must issue a report on its findings and recommendations by February 1, 2024.

Financial Plan Impact

This subtitle does not have a cost. The DME can provide administrative support to the Committee with the resources included in the fiscal year 2024 budget.

**Subtitle (IV)(U) – Conservation of District of Columbia Public School Appropriations
Amendment Act of 2023**

Background

Every year, the District of Columbia Public Schools (DCPS) receives an advance payment on the next fiscal year’s budget to allow for the preparation of the school year that begins in August. The subtitle requires⁶⁵ that the Chief Financial Officer charge DCPS’s annual advance payment against any end of the fiscal year lapsed appropriations until the value is offset or until the balance is less than 0.05 percent of the local fund appropriation.

Financial Plan Impact

To the extent DCPS is underspending its budget, the subtitle will result in less lapsed appropriations at the end of fiscal year 2023.

⁶⁵ By amending The Schools First in Budgeting Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-300; D.C. Official Code § 38-2851.01 et seq.).

TITLE V – HUMAN SUPPORT SERVICES

Subtitle (V)(A) – Wards 2 and 3 Senior Wellness Centers Amendment Act of 2023

Background

The subtitle modifies the required deliverables for the Wards 2 and 3 Senior Wellness Center Task Force⁶⁶ which was established last year, to provide a separate report for each of the two Wards, and to provide recommendations for at least three possible locations for each wellness center.

Financial Plan Impact

The subtitle does not have an impact on the budget and financial plan. The task force can meet the requirements within its current funding.

Subtitle (V)(B) – Medicaid Provider Reimbursement Act of 2023

Background

The Centers for Medicare and Medicaid Services (CMS) permit states to direct specific payments made by managed care organizations (MCOs) to health care providers under certain circumstances.⁶⁷

The subtitle requires the Department of Health Care Finance (DHCF) to fund capitation rates for each MCO at a level that ensures maximum outpatient hospital reimbursement of 110 percent of the fee-for-service rate set forth in the State Plan and maximum inpatient hospital reimbursement equal to the negotiated managed care hospital rates that were in effect on March 31, 2023. Hospitals operated by the federal government, specialty hospitals,⁶⁸ and any hospitals that serve economically underserved areas⁶⁹ are exempt from the MCO hospital reimbursement rate maximums.

If necessary, DHCF may submit by September 30, 2023, a state plan amendment or an MCO directed payment proposal to CMS to ensure federal concurrence with the required directed payments. By December 31, 2023, and by December 31 of each year thereafter, DHCF must publish, on its website, a report on District all-payer hospital costs.

The subtitle also allows DHCF to make changes to the physician reimbursement methodology set forth in the District’s Medicaid State Plan for implementation no later than October 1, 2024. The subtitle sunsets on September 30, 2027.

Financial Plan Impact

The subtitle results in local Medicaid savings of \$11.26 million and federal Medicaid savings of \$27 million in fiscal year 2024. The financial plan includes a total of \$46.2 million in local Medicaid savings and \$110.8 million in federal Medicaid savings.

⁶⁶ D.C. Official Code § 7-503.10.

⁶⁷ 42 C.F.R. § 438.

⁶⁸ Including hospitals that are reimbursed under a specialty hospital reimbursement methodology under the Medicaid State Plan.

⁶⁹ As defined in the State Plan or as defined by the Department in the hospital’s managed care directed payment proposal.

Subtitle (V)(B) – Medicaid Provider Reimbursement Act of 2023					
Total Savings (in thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Local Savings	\$11,265	\$11,456	\$11,651	\$11,849	\$46,221
Federal Savings ^a	\$26,998	\$27,457	\$27,924	\$28,399	\$110,779
Total	\$38,263	\$38,913	\$39,575	\$40,248	\$156,999

Table Notes:

(a) Based on Medicaid FMAP of 70 percent.

The costs of adjusting the physician reimbursement methodology set forth in the District’s Medicaid State Plan are unknown at this time. Sufficient funding must be included in the DHCF fiscal year 2025 budget and financial plan to cover any cost increases prior to adjusting the physician reimbursement rate methodology.

Subtitle (V)(C) – Grandparent and Caregiver Subsidy Eligibility Expansion Amendment Act of 2023

Background

The Child and Family Services Agency (CFSA) administers the Grandparent Caregivers Program (GCP) and the Close Relatives Caregiver Program (CRCP). The programs provide a monthly subsidy to eligible caregivers with low incomes who are raising their siblings, nieces, nephews, cousins, godchildren, grandchildren, great-grandchildren, great nieces, or great nephews. Caregivers use this monetary support to offset the costs of caring for relative District children who might otherwise end up in the foster care system.

Under current law, CFSA reduces the monthly subsidy by the amount of income the child may be receiving under the Supplemental Security Income (SSI) program. CFSA also determines eligibility for the subsidy by evaluating whether the caregiver’s income is below 200% of federal poverty level. Under the subtitle, the subsidy will not be reduced by SSI amounts received by the child and the caregiver’s income eligibility will be determined by CFSA by excluding any SSI income.

Financial Plan Impact

The fiscal year 2024 budget and financial plan includes \$250,000 at CFSA for the costs of the subtitle in fiscal year 2024 and a total of \$1.03 million over the financial plan. These amounts are the additional monthly subsidies that CFSA will pay caregivers by no longer off-setting subsidy payments by a child’s SSI.

Subtitle (V)(C) – Grandparent and Caregiver Subsidy Eligibility Expansion Amendment Act of 2023					
Total Cost (in thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Grandparent subsidy	\$210	\$214	\$218	\$222	\$864
Close relative subsidy	\$40	\$41	\$42	\$43	\$166
Total	\$250	\$255	\$260	\$265	\$1,030

Excluding a caregiver’s SSI from the evaluation of whether his or her income is low enough to qualify for the GCP or CRCP subsidy will not have a cost because funding for the GCP and CRCP programs is capped at appropriated amounts. A significant increase in the number of eligible caregivers stemming from the subtitle’s eligibility changes would create a waiting list for the programs, but no data exists at this time to be able to estimate whether a waiting list will result.

Subtitle (V)(D) – Department of Health Care Finance Reporting Amendment Act of 2023

Background

The subtitle requires⁷⁰ DHCF to file reports to the Council regarding payment pathways for certain services under Medicaid. The required reports include a report on payment pathways for medical respite care for individuals experiencing homelessness, a report on value-based purchasing under Medicaid Managed Care Organizations (MCO), and quarterly reporting of certain MCO metrics including enrolled beneficiaries, number of beneficiaries without a primary care physician, and utilization metrics.

Financial Plan Impact

The fiscal year 2024 budget includes \$55,000 in one-time local Medicaid funding and \$45,000 in federal Medicaid matching funds to implement the subtitle.⁷¹ These funds are needed to contract with a vendor to complete the report on medical respite care for individuals experiencing homelessness. No additional funding is needed to complete the reporting on value-based purchasing and quarterly reporting of certain MCO metrics.

Subtitle (V)(E) – First-Time Mothers Home Visiting Program Amendment Act of 2023

Background

The subtitle transfers⁷² the First-Time Mothers Home Visiting Program grant from DC Health to Department of Health Care Finance (DHCF). The subtitle sets the maximum competitive grant amount at \$225,000. The First-Time Mothers Home Visiting Program provides evidence-based home visiting services exclusively to eligible first-time mothers in the District who are eligible to enroll in Medicaid.

Financial Plan Impact

The fiscal year 2024 budget includes \$225,000 in one-time local funding to support the First-Time Mothers Home Visiting Program grant.

⁷⁰ By amending The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*).

⁷¹ Medicaid provides matching funds at a rate of 45 percent for allowable administrative costs.

⁷² By amending Section 105a(a) of the Birth-to-Three for All DC Amendment Act of 2018, effective September 11, 2019 (D.C. Law 23-16; D.C. Official Code § 4-651.05a(a)).

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Subtitle (V)(F) – School-Based Behavioral Health Student Peer Educator Pilot Amendment Act of 2023

Background

The subtitle establishes⁷³ a peer educator internship grant program at the Department of Behavioral Health (DBH). DBH must issue two grants to community-based organizations to recruit, train, and supervise at least 100 peer educators, with a preference for organizations that partner with high schools in cohort 1 of the school-based behavioral health expansion plan⁷⁴ or high schools in Wards 5, 7, and 8. Peer educators will be responsible for presenting in classrooms, distributing educational materials, conducting one-on-one sessions with their peers, and sharing information to help students and caregivers connect with school-based behavioral health clinicians and other behavioral health staff.

Financial Plan Impact

The DBH fiscal year 2024 budget includes \$325,000 in one-time local funding to provide two grants to community-based organizations to implement a school-based behavioral health student peer educator pilot program.

Subtitle (V)(G) – Department of Behavioral Health Targeted Outreach Grants Act of 2023

Background

The subtitle requires DBH to provide a \$600,000 grant to a nonprofit organization by October 31, 2023, to provide direct support, relationship development, and resource brokering to individuals in need of substance abuse and behavioral health services at three specific sites⁷⁵ with high levels of drug use. The subtitle requires the grantee to provide DBH with a report on outreach, engagement, overdose reversals, and harm reduction supply distribution by November 30, 2024.

The subtitle also provides a \$750,000 grant to an organization responsible for maintaining a Main Street corridor in Ward 1 to hire eight full-time positions to provide direct support, relationship development, and resource brokering to individuals at four locations.⁷⁶

Financial Plan Impact

The DBH fiscal year 2024 budget includes \$1.35 million in one-time local funding to provide grants to organizations that provide direct substance abuse and behavioral health supports at specific locations.

Subtitle (V)(H) – Department of Health Grant Act of 2023

Background

This subtitle directs DC Health to issue a grant of \$250,000 to Joseph’s House to support the organization’s work in providing comprehensive nursing and support services to homeless men and women with advanced HIV disease or terminal cancer.

⁷³ By amending The Early Childhood and School-based Behavioral Health Infrastructure Act of 2012, effective June 7, 2012 (D.C. Law 19-141, D.C. Official Code § 2-1517.31 *et seq.*).

⁷⁴ A list of Cohort 1 schools can be found here: <https://dbh.dc.gov/node/1500291>

⁷⁵ The vicinity of the 600 block of T Street, NW; The vicinity of the 1100-1300 blocks of Mount Olivet Road, NE; and The vicinity of the 3800-4000 blocks of Minnesota Avenue, NE.

⁷⁶ Columbia Heights Civic Plaza, the intersection of Mt. Pleasant Street and Kenyon Street, Georgia Avenue between New Hampshire Avenue and Harvard Street; and U Street between 14th Street and Georgia Avenue.

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Financial Plan Impact

The fiscal year DC Health budget includes \$250,000 in one-time local funds to issue a grant to Joseph’s House to support its work with homeless men and women with HIV or cancer.

Subtitle (V)(I) – Department of Human Services Grant Act of 2023

Background

The subtitle requires the Department of Human Services to issue a grant for \$150,000 in fiscal year 2024 to A Wider Circle⁷⁷ to support the organization’s work providing furniture and home goods to low-income individuals and families.

Financial Plan Impact

The DHS fiscal year 2024 budget includes the \$150,000 in one-time funding required for this grant.

Subtitle (V)(J) – Not-For-Profit Hospital Corporation and Fiscal Management Board Extension Conforming Amendment Act of 2023

Background

The Not-for-Profit Hospital Corporation Fiscal Management Board (NFPHC Board) governs United Medical Center. The subtitle authorizes⁷⁸ the NHPHC Board to operate until the hospital’s closure and updates relevant dates to align UMC’s closure schedule with the projected opening of Cedar Hill Regional Medical Center in 2025. The subtitle also modifies the composition of voting members and procedures of the NFPHC Board.

Financial Plan Impact

Aligning UMC’s closure schedule with the projected opening of Cedar Hill Regional Medical Center and modifying the voting members on the NHPHC Board does not have a cost.

Subtitle (V)(K) – Department of Health Care Finance Grants Act of 2023

Background

The subtitle requires the Department of Health Care Finance (DHCF) to issue two, one-time grants in fiscal year 2024. Specifically, a grant in the amount of \$1 million must be issued to the Burn Center at MedStar Washington Hospital Center to renovate the facility and a grant of \$2.1 million must be issued to Children’s Hospital to support providing pediatric health care services.

Financial Plan Impact

The fiscal year 2024 DHCF budget includes \$3.1 million in one-time local funding for the grants to MedStar Washington Hospital Center and Children’s Hospital.

⁷⁷ <https://awidercircle.org/>

⁷⁸ By amending The Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21, D.C. Official Code § 44-951.01 et seq.).

TITLE VI – OPERATIONS AND INFRASTRUCTURE

Subtitle (VI)(A) – Alcoholic Beverage and Cannabis Board Stipend Amendment Act of 2023

Background

The Alcoholic Beverage and Cannabis Board⁷⁹ (the Board) controls and regulates the sale and distribution of alcoholic beverages and medical cannabis in the District through its oversight of the Alcoholic Beverage and Cannabis Administration. The Board meets weekly to adjudicate, administer, and enforce all relevant alcohol and cannabis law, including ensuring the public’s health, safety, and welfare. The Board reviews and approves all applications for new alcohol and medical cannabis licenses, issues policies, and refers violations of the law for investigation and prosecution.

Currently the Board consists of five members⁸⁰ plus a Chairperson. Board members are provided compensation at the rate of \$50 per hour spent in the performance of their duties, up to a maximum of \$18,000 per year. The subtitle would add a weekly stipend payment of \$250 for Board members and \$350 for the Chairperson, to the existing hourly rate.

Financial Plan Impact

The budget and financial plan includes funding for ABCA to pay the weekly stipend payments, for a total of \$83,200 per year and \$332,000 over the fiscal year 2024 through fiscal year 2027 financial plan.

Subtitle (VI)(B) – DC Water Facility Work Fund Amendment Act of 2023

Background

The District Department of Transportation (DDOT) performs roadway construction projects throughout the District. There are occasions when DC Water has facilities within the scope of the DDOT project and DDOT may enter into an agreement with DC Water to perform work on those facilities on behalf of DC Water during the course of the DDOT project. DC Water reimburses DDOT for any work DDOT does on its facilities.

The subtitle establishes the DC Water Facility Work Fund (Fund) as a special purpose revenue fund managed by DDOT. DDOT will deposit any revenue received from DC Water to perform work on DC Water facilities as part of a DDOT construction project pursuant to a memorandum of agreement between the two entities.

Financial Plan Impact

DC Water reimbursements of DDOT work have ranged in recent years from tens of thousands of dollars to millions of dollars. The fiscal year 2024 through fiscal year 2027 budget includes \$5 million annually for the Fund. Ultimately, the work and related costs depend on which projects DDOT has planned, if there are DC Water facilities within the scope of the project, and if DC Water agrees to have DDOT perform work on those facilities. The Fund’s establishment will allow DDOT to reach agreements prior to performing work and to access the necessary funding during the project.

⁷⁹ The Medical Cannabis Amendment Act of 2022, effective March 22, 2023 (D.C. Law24-332, 70 DCR 4303) changed the title of the Board from the Alcoholic Beverage Control Board to the Alcoholic Beverage and Cannabis Board, and the name of the agency from the Alcoholic Beverage Regulation Administration to the Alcoholic Beverage and Cannabis Administration.

⁸⁰ By statute, the Board is permitted to have seven members.

Subtitle (VI) (C) – Public Service Commission Members' Compensation Amendment Act of 2023

Background

The Public Service Commission (PSC) regulates energy and telecommunications providers in the District of Columbia. The subtitle increases the pay for Commissioners to five percent less than the maximum rate of the Senior Executive Attorney Service and increases the pay for the Chair of the Commission to the maximum rate of Level II of the Senior Executive Attorney Service.

Financial Plan Impact

The cost of the subtitle can be absorbed by the PSC.

Subtitle (VI)(D) – Motor Vehicle Registration Fee Update Amendment Act of 2023

Background

In fiscal year 2023, the Department of Motor Vehicles (DMV) increased vehicle registration fees so that heavier vehicles would pay higher registration fees.⁸¹ The registration fee for Class II⁸² vehicles increased from \$115 to \$175 and the fee for Class III⁸³ vehicles increased from \$155 to \$250. Those same changes also authorized DMV to reduce 1,000 pounds of vehicle weight from any electric vehicle weighing 3,500 pounds or greater.

The subtitle establishes a new Class VI vehicle class that includes any vehicle 3,500 pounds or greater that has a disability accommodation and a disability vehicle tag. The subtitle reduces the registration fee for these vehicles to \$72. The subtitle also limits the 1,000 shipping weight deduction for an electric vehicle to only those that weigh less than 5,000 pounds.

Financial Plan Impact

DMV has registered approximately 1,100 vehicles that weigh 3,500 pounds or greater and have been issued a disability special license tag. Beginning October 1, 2023, these vehicles will be eligible for the \$72 registration fee. DMV requires \$50,000 to update its system to include the new Class VI vehicle. The change will also reduce Local Fund revenue from registration fees by \$205,000 annually. The limit on the weight deduction for electric vehicles means that electric vehicles weighing 5,000 pounds or more will pay the same as other Class III and Class IV vehicles. This will generate an additional \$1,000 in fiscal year 2024 and \$13,000 over the four-year financial plan period. These costs and revenue implications are included in the fiscal year 2024 through fiscal year 2027 budget and financial plan.

Subtitle (VI)(D), Motor Vehicle Registration Fee Update Amendment Act of 2023					
Implementation Costs					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
System Update	\$50	\$0	\$0	\$0	\$50
Revenue Reduction ^a	\$204	\$201	\$201	\$201	\$807

Table Notes

^a The revenue reduction includes a reduction of \$205,000 annually and an increase of \$1,000 in fiscal year 2024 and \$4,000 in fiscal years 2025 through 2027.

⁸¹ Motor Vehicle Registration Fee Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-167; D.C. Official Code § 50-1501.03(b).

⁸² Class II vehicles weigh between 3,500 pounds and 4,499 pounds.

⁸³ Class III vehicles weigh 5,000 pounds or more.

Subtitle (VI)(E) – Congestion Pricing Study Update Amendment Act of 2023

Background

In fiscal year 2020, the Council funded a congestion pricing study to look at tolls, pricing strategies, equity, revenue, and regional collaboration. The Council required the District Department of Transportation (DDOT) to release the study by July 1, 2020, but DDOT only produced a draft report and did not publish a final report.

The subtitle requires DDOT to enter into a contract to update the previous study by October 1, 2023, and transmit it to the Council and the chair of the Council’s Committee on Transportation and Environment by January 1, 2024. DDOT should ensure the updated study uses the same methodology as the original study and that the agency consults with transportation experts, including the original study contractor.

Until DDOT executes a contract to update the study, the subtitle prohibits DDOT from processing a capital project reprogramming, unless it is approved by the Council by resolution.

Financial Plan Impact

The subtitle requires DDOT to update a previously developed draft congestion pricing study and transmit it to the Council committee chair with oversight over DDOT. DDOT will update the study with funds included in the fiscal year 2023 budget.

Subtitle (VI)(F) – Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023

Background

The Department of Energy and Environment (DOEE) manages the Sustainable Energy Trust Fund (SETF)⁸⁴ which collects surcharges on electric, natural gas, and home heating oil providers in the District to fund energy efficiency and renewable energy projects. The SETF pays for the District’s Sustainable Energy Utility which works to reduce energy consumption, increase renewable energy generating capacity, improve energy efficiency in buildings that support low-income residents, and support green collar jobs in the District. The SETF also provides funding for the District’s Green Finance Authority. In 2022, the District locked in the fiscal year 2022 a per-kilowatt hour electricity assessment rate of \$0.0027001 for each subsequent year and expanded the allowable uses of SETF resources.⁸⁵

The subtitle increases both the per-therm natural gas assessment and the per-kilowatt hour electricity assessment. The current per-therm assessment of \$0.04515 was scheduled to decrease after fiscal year 2026. The subtitle maintains the current rate through fiscal year 2023 and increases it to \$0.07515 in fiscal year 2024 and each subsequent fiscal year. The subtitle maintains the current per-kilowatt hour assessment through fiscal year 2023 and then increases it to \$0.0044001 in fiscal year 2024, \$0.0049001 in fiscal year 2025, \$0.0054001 in fiscal year 2026, and \$0.0059001 in fiscal year 2027 and each subsequent fiscal year. The subtitle also expands the allowable uses of SETF resources to include the replacement of residential appliances that combust fossil fuels with electric powered appliances. This expansion includes a dedication in fiscal year 2024 of up to \$2 million in

⁸⁴ Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10).

⁸⁵ Sustainable Energy Trust Fund Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-167; D.C. Official Code § 8-1774.10).

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funds for appliance replacements to replace appliances in the District’s Ward 7 neighborhoods of Deanwood and River Terrace. The subtitle also allows DOEE to expend SETF resources for financial and technical assistance for energy efficiency upgrades in commercial buildings that receive District tax incentives to convert to residential buildings.⁸⁶

Financial Plan Impact

The subtitle increases the assessments that natural gas, and electric companies pay per-therm and per-kilowatt hour of energy transmission. The assessment changes will increase SETF revenues by \$25.2 million in fiscal year 2024 and \$132.7 million over the four-year financial plan period. These additional revenues are included in the fiscal year 2024 through fiscal year 2027 budget and financial plan. DOEE can use these resources to implement the Deanwood and River Terrace appliance replacement program in fiscal year 2024, to support other residential appliance replacement efforts, and to support energy efficiency upgrades for certain commercial to residential building conversions.

The subtitle’s increased assessments will also increase the cost of the District government’s natural gas and electricity bills. The District’s increased costs will be \$696,000 in fiscal year 2024 and \$3.7 million over the four-year financial plan period. These costs are included in the Department of General Services’ (DGS) budget for the fiscal year 2024 through fiscal year 2027 budget and financial plan period.

Subtitle (VI)(F), Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023					
Financial Plan Impact					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
New SETF Revenue ⁸⁷	\$25,153	\$30,170	\$35,186	\$42,235	\$132,744
DGS Costs	(\$696)	(\$848)	(\$1,000)	(\$1,198)	(\$3,742)

Subtitle (VI)(G) – Clean Curbs Pilot Program Act of 2023

Background

The Department of Public Works (DPW) collects trash and recycling from residential buildings in the District that contain 3 or fewer residential units. In fiscal year 2023, DPW is also launching a food waste (composting) pilot program for District residents. DPW provides trash and recycling cans to residential addresses it serves and collects once or twice per week, depending on the location. DPW collects solid waste and recycling from the front of a residence or an alley location.

The subtitle requires DPW to implement a one-year, shared container collection pilot program in the District. The pilot program should allow residents to separate solid waste into trash, glass recyclables, and non-glass recyclables. DPW should contract, within six months of the subtitle’s enactment date, with a private waste hauler to operate the pilot program, who should collect from the shared containers three times per week. Residents who live on the participating blocks should be able to opt-in to the pilot program and the subtitle requires at least 70 percent of a block to opt-in to participate. DPW should select participating blocks based on funding availability and the ability to

⁸⁶ Tax Abatements for Housing in Downtown Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-167; D.C. Official Code § 47-860.02).

⁸⁷ Subtitle (VII)(E) of the Fiscal Year 2024 Budget Support Act of 2023 authorizes a transfer of SETF resources to the District’s Local Fund of \$84,172 and \$3,742,000 in fiscal years 2024 and 2025, respectively.

meaningfully assess the pilot program. The subtitle requires DPW to continue to service households on a pilot block who do not participate in the pilot program. The subtitle establishes that the containers should be rodent-proof, of sufficient size to service all DPW-serviced residents living on the block, and properly permitted for curbside space usage by the District Department of Transportation (DDOT). DPW should report to the Council and the Mayor on the participation rates and costs associated with the pilot program within six months of the pilot’s completion.

The subtitle also requires DPW to publish a database of its serviced residential addresses indicating where those residences are serviced: the front of the home or an alley location. DPW should complete this database within six months of the subtitle’s enactment.

Financial Plan Impact

The fiscal year 2024 budget includes one-time funding of approximately \$1.14 million for DPW to contract with a private waste hauler to operate the pilot program. This funding will cover collections three times per week, shared containers, DDOT permits, and any maintenance and cleaning costs related to the containers. As DPW engages with potential contractors and evaluates all the cost components, the exact number of pilot locations will be determined to be consistent with the funding available. DPW also requires, for two years, a program staffer and inspector to ensure the pilot locations are properly operated, the contract is managed, and the appropriate data is collected and reported. The budget and financial plan funds these employees at a cost of \$215,000 in fiscal year 2024 and \$219,000 in fiscal year 2025.

Subtitle (VI)(H) – For-Hire Vehicle Digital Dispatch Amendment Act of 2023

Background

The subtitle establishes a for-hire vehicle trip fee for any trip that is booked through a digital dispatch service that originates in the District. The fee applies to all for-hire vehicle trips except trips made by taxicabs, trips for persons with a wheelchair or a personal mobility device, or healthcare provider-arranged non-emergency medical trips. The subtitle sets per trip fees of \$0.10 for trips in zero-emissions vehicles,⁸⁸ \$0.15 for trips in hybrid vehicles,⁸⁹ and \$0.25 for trips in all other vehicles. Companies should remit the fees to the District on a quarterly basis and certify to the District a breakdown of trips by vehicle type.

Financial Plan Impact

The subtitle imposes a new fee on for-hire vehicles, with some exceptions, for trips made with a digital dispatch service. The new fee will generate approximately \$8.3 million in fiscal year 2024 and \$34 million over the four-year financial plan period. These revenues will be deposited into the District’s Local Fund.

Subtitle (VI)(H), For-Hire Vehicle Digital Dispatch Amendment Act of 2023					
Per Trip Fee Revenue					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
For-Hire Vehicle Fee Revenue	\$8,290	\$8,465	\$8,647	\$8,647	\$34,049

⁸⁸ The subtitle defines a zero emissions vehicle as one that operates with a battery electric motor or hydrogen fuel cell motor.

⁸⁹ The subtitle defines a hybrid vehicle as one that operates with an electric and diesel or gas motor.

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Subtitle (VI)(I) – K Street Transitway Planning Act of 2023

Background

The District Department of Transportation (DDOT) has been redesigning K Street, N.W. from 11th Street, N.W. to 21st Street, N.W. The project will enhance the pedestrian walkways and crossings, improve overall curbside uses, and install a bus-only transitway along the middle of the street. The project is expected to begin construction in 2024.

The subtitle prohibits the Mayor from expending any resources, including local or federal funds, on the K Street Transitway project, except for project planning.

Financial Plan Impact

The fiscal year 2024 through fiscal year 2029 Capital Improvement Plan includes approximately \$4 million. Any K Street Transitway planning work can be paid for out of these funds.

Subtitle (VI)(J) – Foundry Branch Trolley Trestle Plan Act of 2023

Background

The subtitle prohibits the Mayor from expending any resources, including local or federal funds, to acquire the Foundry Branch Trolley Trestle (Trolley Trestle), located across Glover-Archbold Park, until the Mayor submits a plan to the Council. The plan should include a plan for future use of the Trolley Trestle and an evaluation of the potential liability to the District following acquisition of the Trolley Trestle until the Trolley Trestle is restored, repurposed, or demolished. The Mayor may only acquire the Trolley Trestle after an act authorizing its acquisition is approved by the Council.

Financial Plan Impact

The District Department of Transportation Trails Master Capital Project includes \$250,000 in fiscal year 2024 for planning for the District to assume control of the Trolley Trestle.

Subtitle (VI)(K) – Public Restrooms Pilot Program Amendment Act of 2023

Background

In 2018, the District approved legislation requiring permanent restrooms in public spaces, but the restrooms have not been constructed.⁹⁰ These efforts included a working group to identify locations, planning the construction of restrooms, and engaging businesses to open their restrooms to the public through the Community Restroom Incentive Pilot Program.

The subtitle authorizes a new temporary public restroom pilot through the Department of Public Works (DPW). DPW should contract for the installation and operation of at least five temporary public restrooms in public space for twelve months with a company experienced in providing public restroom facilities. The facilities should be compliant with the American Disabilities Act of 1990, have running water, be portable, and be accessible remotely to control hours of operation. The contractor should initially place the five restrooms near or within Dupont Circle, the Columbia Heights civic plaza, the intersection of H Street, N.E. and 8th Street, N.E., Oxon Run Park, and the Downtown Business Improvement District. Upon completion of the pilot program, DPW should report to the

⁹⁰ Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; D.C. Official Code § 10-1051 et seq.).

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Mayor and the Council the total costs of the program, bathroom usage rates, information on how customers accessed the facilities, incidents of misuse, and any data related to the user experience.⁹¹

The subtitle reimposes the subject to appropriations clause of the original legislation.⁹² The Mayor will no longer be required to construct permanent public restrooms⁹³ or work with businesses to open their restrooms to the public⁹⁴ until sufficient funds can be identified and included in an approved budget and financial plan.

Financial Plan Impact

The subtitle requires DPW to contract, for one year, with an entity that provides temporary public restrooms. The fiscal year 2024 budget includes approximately \$407,000 for DPW to contract for these services.

By requiring provisions of the Public Restroom Facilities Installation and Promotion Act of 2018 be subject to funding included in an approved budget and financial plan, the \$60,000 supporting the Community Restroom Incentive Pilot Program and \$1.1 million previously dedicated to building permanent public restrooms in the District’s capital improvement plan were able to be reallocated to other uses.

Subtitle (VI)(L) – Greater U Street Performance Parking Zone Amendment Act of 2023

Background

The subtitle establishes the new Greater U Street Performance Parking Zone to include all metered parking spaces on and around the District’s U Street, N.W. corridor.⁹⁵ The subtitle authorizes the Mayor to adjust fees at metered spaces to manage curbside availability and congestion and to establish metered parking on residential parking zones within the corridor.

The subtitle also establishes the Performance Parking Program Fund (Fund) as a nonlapsing, special purpose revenue fund. The subtitle requires the District Department of Transportation (DDOT) to establish a baseline level of revenue from all metered spaces located within the performance parking zone by October 1, 2023 and then deposit any revenue generated with the zone above the baseline into the Fund. The subtitle allows DDOT to expend up to 60 percent of the Fund’s resources to repay infrastructure costs related to the zone’s establishment; up to five percent of ongoing maintenance costs;⁹⁶ and any remaining funds for place management, public space maintenance, public space initiatives, transportation safety improvements, and support for businesses within the zone.

Parking meter revenues, with limited exceptions, are dedicated to support the District’s operating subsidy for the Washington Metropolitan Area Transit Authority (WMATA), so the subtitle ensures that any revenues generated in the zone and dedicated to the Fund are also exempt from the WMATA dedication.

⁹¹ The subtitle requires the contractor to provide this information to DPW on a monthly basis.

⁹² Section 5 of D.C. Law 22-280 was repealed by Section 7184 of the Subject-to-Appropriations Repeals and Modifications Emergency Amendment Act of 2021, effective November 13, 2021 (D.C. Law 24-45; 68 DCR 10163).

⁹³ D.C. Official Code § 10-1052(d), (e), (f), and (g).

⁹⁴ D.C. Official Code § 10-1053.

⁹⁵ The area is roughly bounded by S Street, N.W., 17th Street, N.W., Florida Avenue, N.W., and Georgia Avenue, N.W.

⁹⁶ DDOT can pay maintenance costs after it repays the agency for any initial infrastructure costs.

Financial Plan Impact

The subtitle establishes the Greater U Street Performance Parking Zone and dedicates any revenue generated within the zone, above a baseline established by DDOT, into the new Fund. DDOT will set a baseline of parking meter revenue from the zone by October 1, 2023. The fiscal year 2024 budget includes \$250,000 for DDOT to establish the zone. Once the zone is operational, DDOT will make determinations about how to adjust parking fees to meet curbside availability and congestion goals. The fiscal year 2024 through fiscal year 2027 budget and financial plan does not recognize any revenues for the Fund.

Subtitle (VI)(M) – Safe Routes to School Action Plan Clarification Amendment Act of 2023

Background

The Council recently passed the Safe Streets for Students Amendment Act of 2022⁹⁷ (Act) to codify some existing programs within the Office of the Deputy Mayor for Education (DME) and the District Department of Transportation (DDOT). The Act also required DDOT to create a master plan for action plans, enhance DDOT’s action plan requirements, made changes to school zones, and updated the school crossing guard program.

The subtitle amends the requirements for action plans to ensure that any barriers that prevent the implementation of certain action plan elements do not impact the implementation of the remaining action plan. Additionally, DDOT should report to the Council, and post on its website, any barriers discovered for action plans approved prior to October 1, 2023.

The subtitle amends the applicability clause of the Act to account for provisions related to DDOT that are funded in the fiscal year 2024 budget and financial plan.

Financial Plan Impact

Action plans are funded in the fiscal year 2024 through fiscal year 2029 Capital Improvements Plan and there are no costs associated with requiring DDOT to complete the remaining components of an action plan when certain elements are determined to be infeasible during the implementation process.

DDOT will receive three additional staffers and non-personnel funds in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement several provisions of the Act. The three staffers will cost \$375,000 in fiscal year 2024 and \$1.5 million over the four-year financial plan period. These staffers will support the Safe Routes to School program codified in the Act, development of the master plan, and oversight of the changes to school zones.⁹⁸ DDOT will also receive \$41,000 in fiscal year 2024 and \$54,000 over the four-year financial plan period to implement the Act’s data collection and reporting requirements.⁹⁹

⁹⁷ Effective March 10, 2023 (D.C. Law 24-285; 70 DCR 3516).

⁹⁸ These include the amendatory sections 2d (except (5)), 2e, 2f, and 2i (except provisions related to DME) of the Act.

⁹⁹ Amendatory section 2j of the Act, except for provisions related to DME.

Subtitle (VI)(M), Safe Routes to School Action Plan Clarification Amendment Act of 2023					
Implementation Costs					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
DDOT Staff	\$375	\$382	\$389	\$396	\$1,542
Data and Reporting	\$41	\$4	\$4	\$5	\$54
Total Costs	\$416	\$386	\$393	\$401	\$1,596

The Act’s provisions related to the DME, the school crossing guard program, and the school pilot program will remain subject to the necessary funding being included in an approved budget and financial plan.

Subtitle (VI)(N) – Marion Barry Avenue Revitalization and Beautification Act of 2023

Background

In 2023, Council passed legislation to officially rename Good Hope Road, S.E. as Marion Barry Avenue, S.E.¹⁰⁰ The subtitle requires the District Department of Transportation (DDOT) to prioritize projects along Marion Barry Avenue, S.E. when spending available capital fund allotments for street revitalization and beautification in Ward 8.¹⁰¹ These efforts should include streetlights, traffic signals, curbs, sidewalks, tree boxes, and other streetscape improvements.

Financial Plan Impact

The DDOT capital plan includes nearly \$20 million in the Ward 8 Streetscapes project that is designated for a project along Martin Luther King, Jr. Avenue, S.E. The subtitle directs DDOT to prioritize Marion Barry Avenue, S.E. when spending available funds from that project. If DDOT redirects funds from the planned Martin Luther King, Jr. Avenue, S.E. project, then that project will be delayed or will need to be rescaled based on any available funds remaining.

Subtitle (VI)(O) – Vessel Titling Fees and Taxes Amendment Act of 2023

Background

The Metropolitan Police Department (MPD) regulates boat titles and titling fees for vessels principally used in the District of Columbia. In 2015, the Council enacted¹⁰² several changes to District laws governing boat titles and registration, including repealing, as of January 1, 2016, a fee for issuing a certificate of title for a boat and a tax on the certificate of title or transfer of title of a boat. The District has continued to collect these amounts, however, there has been no lawfully established fee or transfer tax since the authority expired in 2016.

The subtitle provides MPD with the authority to collect title issuance fees and tax on vessels with a retroactive effective date to January 1, 2016 (when the previous regulation lapsed). The subtitle also permits MPD to establish updated fee and tax amounts.

¹⁰⁰ Marion Barry Avenue Designation Emergency Act of 2023, enacted May 24, 2023 (D.C. Act 25-112; 70 DCR 7938).

¹⁰¹ Indicated in the fiscal year 2024 through fiscal year 2029 Capital Improvements Plan as project SR098C.

¹⁰² Section 26(b) of the Uniform Certificate of Title for Vessels Act of 2014, effective March 11, 2015 (D.C. Law 20-215; D.C. Official Code § 50-1541.25(b)).

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Financial plan impact

The subtitle has no impact on the budget and financial plan, since under current practice MPD has been collecting these fees since 2016. The subtitle provides the legal authority for MPD to have done so.

TITLE VII – FINANCE AND REVENUE

Subtitle (VII)(A) – Rule 736 Repeals Amendment Act of 2023

Background

Council Rule 736 requires laws approved subject to appropriation to be funded within two fiscal years or they will be subject to repeal. Due to this rule, the following laws or parts of laws will be repealed:

- The Public School Health Services Amendment Act of 2017¹⁰³
- Section 3 of the Opioid Overdose Treatment and Prevention Omnibus Amendment Act of 2020¹⁰⁴
- Section 201 of the Performance Parking and RPP Exclusion Amendment Act of 2020¹⁰⁵.

Financial Plan Impact

The subtitle has no impact on the budget and financial plan.

Subtitle (VII)(B) – Use of Excess Ballpark Fund Revenue Amendment Act of 2023

Background

The Ballpark Revenue Fund (“Ballpark Fund”) collects dedicated revenue including utility gross receipts taxes, the Ballpark Fee, and sales taxes from sales of tickets, concessions, and merchandise at the stadium. The subtitle provides that to the extent revenues in the Ballpark Fund are not required by bond financing documents to be used to pay debt service, \$22 million of any excess revenue collected in the Ballpark Fund in fiscal year 2024 and \$20 million of any excess revenue collected in fiscal years 2025 – 2027 may be transferred to the District’s General Fund.

Financial Plan Impact

The Ballpark Fund is projected to receive excess revenue each year, beyond required debt service. A total of \$82 million of the excess revenue during fiscal years 2024 through 2027 are used to balance the proposed budget and financial plan. The balance of the projected excess revenue will be used to defease bonds, and the bonds are expected to be fully repaid during fiscal year 2027.

Subtitle (VII)(C) – Dedicated Revenue Adjustments Amendment Act of 2023

Background

The subtitle modifies several allocations of Local Funds, Dedicated Taxes and Special Purpose Revenue. First, the subtitle eliminates dedications of revenue from sports gaming (gross receipts tax and lottery-operated net revenue) to three funds: one for the Department of Behavioral Health’s Gambling Addiction Research and Treatment Fund; one for the Neighborhood Safety and Engagement Fund, and one for the Early Childhood Development Fund. Second, the subtitle repeals a dedication of certain excess amounts of automated traffic enforcement (ATE) revenue to the Vision Zero Enhancement Omnibus Amendment Act. The CFO must provide a monthly report to the Mayor and Council with the current projections for ATE revenue and the methodology used for the projection.

¹⁰³ D.C. Law 22-61

¹⁰⁴ D.C. Law 23-182

¹⁰⁵ D.C. Law 23-230

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Third, the subtitle limits growth in the following dedicated tax funds to 2% annually, for fiscal year 2024 through fiscal year 2027. After fiscal year 2027, the growth limitation will not apply.

- Washington Metropolitan Area Transit Authority (WMATA) operations subsidy (for taxes from parking sales or services)
- Commission on Arts and Humanities

The subtitle reduces required deposits of Local Funds to the Early Childhood Educator Pay Equity Fund.¹⁰⁶ Finally, the subtitle makes a technical correction to update the name of the capital project to which any excess debt service budget is transferred at the end of a fiscal year.

Financial Plan Impact

The subtitle reduces required local fund deposits for the Early Childhood Educator Pay Equity Fund by \$4.375 million in fiscal year 2024 and each year thereafter, for a total savings of \$17.5 million over the four-year financial plan.

The subtitle also increases local fund revenue and decreases dedicated revenue by repealing dedications of sports gaming revenue and ATE revenue. Finally, the subtitle increases local fund revenue by limiting growth in dedicated revenue to WMATA operations and the Arts and Humanities Fund. In total, the subtitle adds to Local Fund revenue \$7 million in fiscal year 2023, \$13.4 million in fiscal year 2024 and \$59 million from fiscal year 2023 through fiscal year 2027.

Subtitle (VII)(C), Dedicated Revenue Adjustments Amendment Act						
Local Funds Revenue Increase; also Dedicated Revenue Decrease						
\$ in 000s						
	FY 2023	FY 2024	FY 2025	FY2026	FY 2027	Total
Repeals of Sports Gaming Dedications	\$0	\$6,855	\$6,929	\$7,053	\$7,143	\$27,980
Repeal of ATE dedication to Vision Zero	\$7,022	\$4,906	\$2,833	\$801	\$0	\$15,562
Limit growth in parking tax dedications to WMATA operations	\$0	\$1,429	\$2,200	\$3,009	\$3,069	\$9,707
Limit growth in sales tax dedications to Arts and Humanities	\$0	\$181	\$928	\$1,943	\$2,926	\$5,978
TOTAL	\$7,022	\$13,371	\$12,890	\$12,806	\$13,138	\$59,227

Subtitle (VII)(D) – Fiscal Stabilization Reserve Amendment act of 2023

Background

The subtitle authorizes the Mayor to use the Fiscal Stabilization Reserve Account¹⁰⁷ to fund any locally appropriated expenditures in Fiscal Year 2023. Currently, the account is required to hold 2.34 percent of the District’s General Fund operating expenses each year and can be used for: funding local

¹⁰⁶ D.C. Official Code § 1-325.431(b)

¹⁰⁷ D.C. Official Code § 47-392.02(j-1).

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expenditures during a lapse in appropriations, funding the appropriations advance to District of Columbia Public Schools and District of Columbia Charter Schools, for covering cash flow needs, and for purposes permitted for use in the Contingency Reserve Fund.¹⁰⁸

Financial Plan Impact

The proposed financial plan uses \$250,412,900 in General Fund balance to support fiscal year 2023 spending. The subtitle authorizes the use of this fund balance in fiscal year 2023 that would otherwise be considered part of the Fiscal Stabilization Reserve Account. Under current law¹⁰⁹, any undesignated year-end fund balance that is included in the annual comprehensive financial report for fiscal year 2023 will be first used to fund the Fiscal Stabilization Reserve Account (or 50% of undesignated fund balance, if the Cash Flow Reserve Account is not fully funded at that time).

Subtitle (VII)(E) – Designated Fund Transfer Act of 2023

Background

The subtitle authorizes the District to record revenue that otherwise would have been designated for 33 special purpose and two dedicated tax funds as Local Funds revenue in fiscal year 2024. The affected funds and authorized local fund amounts are listed in the chart below:

Agency Code	Fund	
AT0	0601-HEALTH BENEFIT FEES	\$77,548
	0602-PAYROLL SERVICE FEES	\$6,024
	0603-SERVICE CONTRACTS	\$15,183
	0605-DISHONORED CHECK FEES	\$4,260
	0619-DC LOTTERY REIMBURSEMENT	\$40,899
	6115-OFT CENTRAL COLLECTION UNIT (CCU) O TYPE	\$26,768
BA0	1243-DISTRIBUTION FEES	\$100,000
BE0	0639-AGREEMENT WITH INDEPENDENT AGENCIES	\$3,412
CF0	0618-WAGE THEFT	\$20,567
CU0	6050-EXPEDITED BUILDING PERMIT REVIEW PROGRAM	\$47,547
EBO	0632-AWC & NCRC DEVELOPMENT (ED SPECIAL ACCT)	\$29,027
	6603-ST ELIZABETH EAST CAMPUS REDEVELOPMENT	\$300,000
FLO	0600-CORRECTIONS TRUSTEE REIMBURSEMENT	\$264,243
GD0	6007-SITE EVALUATION	\$6,732
HA0	0602-ENTERPRISE FUND ACCOUNT	\$946,135
HCO	0605-SHPDA FEES	\$40,377
	0606-VITAL RECORDS REVENUE	\$60,946
	0633-RADIATION PROTECTION	\$4,801
	0655-SHPDA ADMISSION FEE	\$10,081
	0656-EMS FEES	\$3,453
KA0	6901-DDOT ENTERPRISE FUND-NON TAX REVENUES	\$43,117

¹⁰⁸ D.C. Official Code § 1-204.50a(b)(4).

¹⁰⁹ D.C. Official Code § 47-392.02(j-3).

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KG0	6201-ECONOMY II	\$1
	6400-DC MUNICIPAL AGGREGATION PROGRAM	\$2,219
	6700-SUSTAINABLE ENERGY TRUST FUND	\$84,172
	6800-ENERGY ASSISTANCE TRUST FUND	\$3
KV0	6000-GENERAL "O" TYPE REVENUE SOURCES	\$6,311
LQ0	0110-DEDICATED TAXES	\$200,000
PO0	4010-DC SURPLUS PERSONAL PROPERTY SALES OPER.	\$33,098
RJ0	0640-SUBROGATION FUND	\$7,486
SR0	2100-HMO ASSESSMENT	\$25,141
	2200-INSURANCE ASSESSMENT	\$186,145
	2300-SECURITIES BROKER/DEALER LICENSES	\$276,439
	2800-CAPTIVE INSURANCE	\$64,991
TO0	0602-DC NET SERVICES SUPPORT	\$69,250
	1200-SERV US PROGRAM	\$95

The subtitle further provides that \$3.742 million of fiscal year 2025 revenue otherwise designated for the Sustainable Energy Trust Fund will instead be recorded as Local Funds revenue.

Financial Plan Impact

The subtitle provides approximately \$3 million of Local Funds revenue in fiscal year 2024 and \$3.7 million in fiscal year 2025 by reducing dedicated tax and special purpose revenue by the same amount.

Subtitle (VII)(E), Designated Funds Transfer Act					
Local Funds Revenue Increase/Dedicated and SPR Revenue Decrease					
\$ in 000s					
	FY 2024	FY 2025	FY2026	FY 2027	Total
Property Tax Revenue from St Elizabeths East Campus Redevelopment	\$300	\$0	\$0	\$0	\$300
Sales Tax Revenue from Alcohol Beverage and Cannabis Administration	\$200	\$0	\$0	\$0	\$200
Nontax Revenue from SPR Funds	\$2,507	\$3,742	\$0	\$0	\$6,249
TOTAL	\$3,007	\$3,742	\$0	\$0	\$6,749

Subtitle (VII)(F) – New Howard University Hospital Tax Abatement Act of 2023

Background

The New Howard University Hospital and Redevelopment Tax Abatement Act of 2020 provided a real property tax abatement for property owned by Howard University. The abatement begins once Howard University opens a new teaching and research hospital (but no earlier than fiscal year 2025) and can be in effect for up to 20 years, expiring no later than 2048. The amount of the abatement is capped at \$11.25 million in any tax year and \$225 million in total over the course of the abatement.

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The subtitle adds two parcels to the properties eligible for the abatement; adjusts the start date for the abatement to the earlier of October 1, 2024 or the opening of the new hospital; and extends the period of the abatement until 2050. The amount of the abatement in any one year remains at \$11.25 million and \$225 million in total.

The subtitle also provides funding to Howard University to operate the hospital of \$5 million a year each year from fiscal year 2028 through fiscal year 2032 (totaling \$25 million).

Financial Plan Impact

The subtitle provision that allows the abatement to begin on October 1, 2024, regardless of the opening of the new hospital, has no fiscal impact, as the abatement was already available to begin in fiscal year 2025 under current law. Adding the two parcels to the properties eligible for the abatement has a fiscal impact in the amount of the current taxes collected on the properties, starting in 2025 when the abatement begins.

Subtitle (VII)(F)					
New Howard University Hospital Tax Abatement Act of 2023 (\$ in thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Effect on real property tax revenue	\$0	(\$56)	(\$56)	(\$57)	(\$169)

The funding provided to Howard University has an impact of \$25 million outside the financial plan period.

Subtitle (VII)(G) – Alcoholic Beverage and Cannabis Administration Dedicated Tax Adjustment Amendment Act of 2023

Background

The Reimbursable Detail Subsidy Program (the Program) provides Metropolitan Police Department (MPD) coverage and patrol outside of on-premises commercial establishments (such as bars, nightclubs, restaurants that serve alcohol, and taverns) and at outdoor events, upon request. The Alcoholic Beverage and Cannabis Administration (ABCA) reimburses MPD for 65 percent of the costs incurred by the department in providing this coverage. The funds available to ABCA to reimburse MPD are set in statute as an allocation of collected retail sales tax. Under current law, the amount provided to ABCA for the program is \$1,170,000. The subtitle reduces the amount available to ABCA to reimburse MPD from \$1,170,000 to \$1,070,000.

Financial Plan Impact

This subtitle increases the amount going to local revenue by \$100,000 each year, and also reduces the allowable expenditures for the Program.

Subtitle (VII)(G)					
Alcoholic Beverage and Cannabis Administration Dedicated Tax Adjustment Amendment Act of 2023 (\$ in thousands)					
	FY 2024	FY 2025	FY 2026	FY 2027	Total
Increase to local revenue	\$100	\$100	\$100	\$100	\$400

Subtitle (VII)(H) – Events DC Grantmaking Act of 2023

Background

The subtitle establishes three grants to be administered by Events DC. First, Events DC will provide a matching grant to a nonprofit of \$2 for every \$1 raised in corporate donations by April 30, 2024 for an event or events as part of the official, month-long 2024 Cherry Blossom Festival. One million dollars is provided for this grant.

Second, the subtitle requires Events DC to issue a grant to the Washington Nationals Youth Baseball Academy for grounds improvements at its location in Ward 7 and dedicates \$2 million for this grant. Third, the subtitle requires Events DC to award a grant to a nonprofit organization occupying space in the Carnegie Library building that is engaged in collecting and interpreting District history and dedicates \$300,000 to that grant.

The subtitle also extends for fiscal year 2024 a prohibition on expending funds to purchase property at the Robert F. Kennedy Memorial Stadium site.

Financial Plan Impact

A total of \$3.3 million in non-departmental funding is included in the budget for fiscal year 2024 for the Cherry Blossom Festival, the youth baseball academy, and the District history grant.

Subtitle (VII)(I) – Subject to Appropriations Repeals and Modifications Amendment Act of 2023

Background

The subtitle allows the District to implement laws, and portions of laws (see table below) which were passed subject to appropriations, because the costs are now included in the budget and financial plan.

Financial Plan Impact

The costs that have been funded in the budget and financial plan are listed below for each law or act that will become effective under the subtitle:

Subtitle (VII)(I), Subject to Appropriations Repeals and Modifications Amendment Act of 2023					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ in thousands)					
Act Name	FY 2024	FY 2025	FY 2026	FY 2027	Total
Cashless Retailers Prohibition Amendment Act of 2020 ¹¹⁰	\$296	\$302	\$190	\$194	\$983
Local Residents Voting Rights Amendment Act of 2022 ¹¹¹	\$62	\$62	\$62	\$62	\$248
Period Equity Righting an Injustice of District Residents (PERIOD) Act of 2022 ¹¹² (partial funding)	\$96	\$64	\$65	\$66	\$291

¹¹⁰ D.C. Law 23-187

¹¹¹ D.C. Law 24-242

¹¹² D.C. Law 24-250. The Subject to Appropriations clause was repealed as to restrooms maintained by DC Public Libraries only.

Subtitle (VII)(I), Subject to Appropriations Repeals and Modifications Amendment Act of 2023					
Fiscal Year 2024 – Fiscal Year 2027					
(\$ in thousands)					
Act Name	FY 2024	FY 2025	FY 2026	FY 2027	Total
Condominium Warranty Claims Clarification Amendment Act of 2022 ¹¹³	\$200	\$204	\$208	\$212	\$824
Automatic Voter Registration Expansion Amendment Act of 2022 ¹¹⁴	\$1,483	\$132	\$134	\$135	\$1,884
Second Chance Amendment Act of 2022 ¹¹⁵	\$0	\$300	\$3,311	\$3,259	\$6,870
Elimination of Discrimination Against Women Act of 2022 ¹¹⁶	\$275	\$279	\$287	\$294	\$1,135
Domestic Worker Employment Rights Amendment Act of 2022 ¹¹⁷	\$1,052	\$998	\$952	\$965	\$3,968
Greener Government Buildings Amendment Act of 2022 ¹¹⁸	\$116	\$118	\$120	\$122	\$475
Preserving Our Kids’ Equity Through Trusts and Fostering Stable Housing Opportunities Amendment Act of 2022 ¹¹⁹	\$1,594	\$1,494	\$1,520	\$1,547	\$6,155
High Need Healthcare Career Scholarship and Health Professional Loan Repayment Program Amendment Act of 2022 ¹²⁰	\$1,383	\$1,788	\$1,790	\$118	\$5,078
Office of District Waterways Establishment Act of 2022 ¹²¹	\$361	\$592	\$498	\$405	\$1,856
Street Vendor Advancement Amendment Act of 2023 ¹²²	\$921	\$595	\$680	\$696	\$2,553

There are no costs to the Automated Traffic Enforcement System Revenue Designation Amendment Act of 2022¹²³ or the Educator Background Check Streamlining Amendment Act of 2022¹²⁴. The Clean Hands Certification Equity Amendment Act of 2022¹²⁵ was funded as of the September 30, 2022 revenue estimates. The sections of the Comprehensive Policing and Justice Reform Amendment Act of 2022¹²⁶ that are removed from the subject to appropriations clause are either a technical

¹¹³ D.C. Law 24-262

¹¹⁴ D.C. Law 24-265

¹¹⁵ D.C. Law 22-284. The Act is amended to apply as of January 1, 2026.

¹¹⁶ D.C. Law 24-303

¹¹⁷ D.C. Law 24-305

¹¹⁸ D.C. Law 24-306

¹¹⁹ D.C. Law 24-309

¹²⁰ D.C. Law 24-313

¹²¹ D.C. Law 24-336

¹²² D.C. Act 25-94

¹²³ D.C. Law 24-321

¹²⁴ D.C. Law 24-317

¹²⁵ D.C. Law 24-174

¹²⁶ D.C. Law 24-345

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correction (section 125 – “Definitions”) or were funded in a prior budget and financial plan (sections related to the establishment and duties of the Deputy Auditor for Public Safety).

Subtitle (VII)(I) – Revised Revenue Funding Act of 2023

Background

The subtitle allocates new fiscal year 2023 revenues, if any are certified in the September 2023 revenue estimates, to temporarily increase a locally-funded supplemental nutrition benefit to each District household participating in SNAP. The benefits should be increased between January 1, 2024 and September 30, 2024. The Department of Human Services can spend up to \$300,000 of the new revenue for any information technology updates it requires to implement the increased benefit.

If new revenues exceed \$39,612,000, up to \$20 million of any additional new revenues are allocated to EventsDC for supporting excluded workers with cash assistance¹²⁷.

Financial Plan Impact

The subtitle, along with language included in the Fiscal Year 2024 Local Budget Act of 2023, authorizes the Department of Human Services to spend up to \$39,612,000 on the increased benefit for households participating in SNAP if new fiscal year 2023 revenues are certified by the Chief Financial Officer in the quarterly revenue estimates for September 2023. If the certification of new fiscal year 2023 revenues exceeds \$39,612,000, the subtitle additionally authorizes up to \$20 million to be included in the budget for the Convention Center Transfer for excluded worker grants. Should no new fiscal year 2023 revenues be certified, the subtitle will have no impact on the budget.

¹²⁷ Pursuant to section 203a of the Washington Convention Center Authority Act of 1994, effective December 3, 2020 (D.C. Law 23-149; D.C. Official Code § 10-1202.03a)

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TITLE VIII

Technical Amendments Act of 2023

The title makes technical corrections and amendments to various statutory provisions. The changes do not have an impact on the budget and financial plan.