

**AMENDMENTS PACKET NO. 2**

Bill 21-158, "Fiscal Year 2014 Budget Support Act of 2015"





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Chairman Phil Mendelson

## AN AMENDMENT

Bill 21-158, the "Fiscal Year 2016 Budget Support Act of 2015"  
(Draft Committee Print)  
May 27, 2015

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### Amendment:

Section 7016 of Subtitle VII-B, lines 3727-3735, is amended to read as follows:

"Sec. 7016. LIHTC Pilot Program initiation.

"Section 47-4802(a)(2) of the District of Columbia Official Code is amended by striking the phrase "tax year 2015" and inserting the phrase "tax year 2016" in its place."

### Rationale:

The purpose of this amendment is to clarify that the first year of the local Low Income Housing Tax Credit Pilot Program will be fiscal year 2016.



  
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### Amendment:

Section 1032(a) of Subtitle I-D, "Attorney General Authority and Litigation Fund Establishment Amendment Act of 2015", lines 321-325, new section 106b(b), is amended to read as follows:

"(b) Subject to the limitations of subsection (d)(3) of this section, any recoveries from litigation brought by the Office of the Attorney General on behalf of the District shall be deposited into the Fund."

### Rationale:

The purpose of this amendment is to remove percentage-based recovery mechanism for deposits into the Litigation Support Fund and replace them with a more efficient direct deposit from all recoveries. The \$1.5 million cap on the Fund will remain in place pursuant to subsection (d)(3).



  
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### Amendment:

Section 2042(c) of Subtitle VII-S, "Local Rent Supplement Amendment Act of 2015," line 1052-1058, is amended by adding new amendatory subsections (d) and (e) to read as follows:

"(d) Families and individuals housed in the Rapid Rehousing Program administered by the Department of Human Services or by another District agency designated by the Mayor may be referred to the Authority for the Local Rent Supplement Program for eligibility determination.

"(e) Households that no longer require supportive services under the Permanent Supportive Housing Program but still require long term housing assistance may be referred by the Department of Human Services, or another District agency designated by the Mayor, to the Authority for the Local Rent Supplement Program for eligibility determination."

### Rationale:

The purpose of this amendment is to ensure that the new LRSP referral tracks that were approved by the Committee on Housing and Community Development are included in the law. These subsections were inadvertently omitted from the circulated version of the BSA but, as the circulated committee report makes clear, were intended to be included in the committee print.



  
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### Amendment:

Subtitle VII-A, the "Subject to Appropriations Amendment Act of 2015," lines 3110-3132, is amended by adding a new section 7008 to read as follows:

Sec. 7008. Section 16 of the Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; 62 DCR 3614), is amended to read as follows:

"Sec. 16. Applicability.

"This act shall apply as of October 1, 2015."

### Rationale:

The purpose of this amendment is to amend the subject-to-funding applicability clause of the Protecting Pregnant Workers Fairness Act of 2014 to reflect that the act is fully funded beginning in FY 2016.





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### Amendment:

Section 7184 of Subtitle VII-S, "Tregaron Conservancy Tax Exemption and Relief Amendment Act of 2015," line 4201, is amended by striking the phrase "March 31, 2015" and inserting the phrase "March 1, 2015" in its place.

### Rationale:

The purpose of this amendment is to correct an applicability date to sync with the date the deed was recorded for the real property that is subject to the real property tax abatement.



  
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### Amendment:

Section 4152 of Subtitle IV-P, "Deputy Mayor for Education Limited Grant-Making Authority Amendment Act of 2015", line 1993, is amended by adding a new paragraph (3) to read as follows:

"(3) A grant in an amount not to exceed \$150,000, for a study, in consultation with the Board of Trustees of the University of the District of Columbia, to evaluate the cost, benefits, and feasibility of relocating the University of the District of Columbia Community College to a location east of the Anacostia River; provided, that the grant issued under this paragraph shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)".

### Rationale:

The purpose of this amendment is to allocate \$150,000 to support a study to assess the feasibility of relocating the University of the District of Columbia's Community College to any location east of the Anacostia River.





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### Amendment:

I. Section 5012 of Subtitle V-B, "Medical Assistance Program Amendment Act of 2015", lines 2132-2133, new paragraph (9)(F), is amended to read as follows:

"(F) Establish a provider fee on supplemental payment to District Medicaid hospitals for in-patient services; and".

II. Sections 5074 and 5075 of Subtitle V-H, "Medicaid Hospital Inpatient Rate Supplement Act of 2015", lines 2400-2436, are amended to read as follows:

Sec. 5074. Hospital provider fee.

(a)(1) Except as provided in subsection (b) of this section and section 5077, the District, through the Office of Tax and Revenue, may charge a fee at a uniform rate on the inpatient net patient revenue of each hospital beginning October 1, 2015.

(2) The hospital provider fee is applied at a uniform rate necessary to generate no more than \$10,400,000. Of this amount, \$1,400,000 may be used to support the Medicaid Managed Care Organization ("MCO") rates for inpatient hospitalization. The remaining amount must be used to support the maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year ("DFY") 2015 level of 98% of cost to non-specialty hospitals.

(3) The hospital provider fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5073.

(b) A psychiatric hospital provider that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital provider that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this this section.



(c) By July 1, 2015, the Department of Health Care Finance shall submit a provider tax waiver application to the Centers for Medicare and Medicaid Services to ensure the provisions of this act qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act.

Sec. 5075. Quarterly notice and collection.

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until:

~~\_\_\_\_\_ (1) The District issues the written notice that the payment methodologies to hospitals required under section 5074 have been approved by the federal Centers for Medicare and Medicaid Services; \_\_\_\_\_~~

(2) (1) The District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis; and

(3) (2) The initial written notice from the District shall include all fee amounts owed beginning with the period October 1, 2015, to ensure all applicable fee obligations have been identified.

(c) (1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

#### Rationale:

The purpose of this amendment is to make modifications to provisions related to the inpatient Medicaid provider fee as requested by the OCFO and stakeholders, in order to ensure that the fee generates the budgeted amount of revenue.





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### Amendment:

A new subtitle is added to Title II to read as follows:

### **SUBTITLE \_ . SOCCER STADIUM DEVELOPMENT TECHNICAL CLARIFICATION**

Sec. 2XX1. Short title.

This act may be cited as the "Soccer Stadium Development Technical Clarification Amendment Act of 2015".

Sec. 2XX2. The Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), is amended as follows:

(a) Section 101 (to be codified at D.C. Official Code § 10-1651.01) is amended to read as follows:

"Sec. 101. Definitions.

"For the purposes of this title, the term:



“(1) “Northwest portion of Lot 24 in Square 665” means the northwest portion of Lot 24 in Square 665 as described in the letter of intent between the District and Potomac Electric Power Company dated December 27, 2013.

“(2) “Soccer stadium site” means the real property described as Squares 603S, 605, 607, 661, and 661N, and the northwest portion of Lot 24 in Square 665, and all public alleys and streets to be closed within these squares.”.

(b) Section 102 (to be codified at D.C. Official Code § 10-1651.02) is amended as follows:

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

“(1A) The acquisition of land for, construction of, and operation of a new stadium for D.C. United in itself serves a public purpose, in particular because the stadium will promote the recreation, entertainment, and enjoyment of the public.”.

(2) Paragraph (2) is amended by striking the phrase “Without the development” and inserting the phrase “In addition, without the development” in its place.

(c) Section 103 (to be codified at D.C. Official Code § 10-1651.03) is amended as follows:

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

(A) Strike the phrase “shall acquire” and insert the phrase “is authorized to acquire” in its place.

(B) Strike the phrase “as described in the letter of intent between the District and Potomac Electric Power Company (“PEPCO”) dated December 27, 2013”.

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



“(d) The Mayor shall transmit to the Council any agreement to acquire any portion of Squares 605, 607, or 661, or the northwest portion of Lot 24 in Square 665 that requires the approval of the Council pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), not later than 30 days before the effective date of the agreement. Any such agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”.

(3) Subsection (e) is amended by striking the phrase “as described in the letter of intent between the District and PEPCO dated December 27, 2013”.

(d) Section 104 (to be codified at D.C. Official Code § 10-1651.04) is amended as follows:

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

“(a) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Mayor may enter into a ground lease (“revised ground lease”) between the District of Columbia and DC Stadium LLC; provided, that:

“(1) The revised ground lease amends the ground lease between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original ground lease”) to:

“(A) Not contain any provision to abate District sales tax;

“(B) Include the labor peace provisions set forth in subsection (c) of this section; and

“(C) Contain modifications to conform the terms of the original ground lease to the provisions of this act;



“(2) The Mayor transmits the revised ground lease to the Council for its review not later than 30 days before the effective date of the revised ground lease;

“(3) The Mayor transmits simultaneously to the Council for its review pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), a revised development agreement (“revised development agreement”) that amends the development agreement between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original development agreement”), for the development of the soccer stadium site and that:

“(A) Extends the date by which the District shall acquire control of the soccer stadium site to September 30, 2015;

“(B) Extends the dates by which the District shall close streets and alleys, acquire fee title, demolish existing structures, perform infrastructure work (including all District obligations under article V of the original development agreement), and perform environmental remediation work (including all District obligations under article VI of the original development agreement), as such actions are described in articles III, IV, V, and VI of the original development agreement and may be described or referenced in other provisions of the original development agreement, each by 6 months;

“(C) Sets a date by which DC Stadium LLC shall complete the construction of a soccer stadium at the soccer stadium site;

“(D) Extends other dates as negotiated between the District and DC Stadium, LLC;

“(E) Amends section 5.9 of the original development agreement to read as follows: “Land Contribution. Within 30 days of the District’s acquisition of either Lot 7 or Lot



802 in Square 605, the Stadium Developer shall pay to the District, or its designee, Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to offset Land acquisition costs, unless the District acquires either Lot 7 or Lot 802 in Square 605 by the use of eminent domain and the aggregate price paid by the District for Lot 7 and Lot 802 is less than \$25,148,760.”;

“(F) Amends section 9.1(c) of the original development agreement to read as follows: “Designated Entertainment Area. The District shall grant to the Developer ‘signage rights’ with respect to the Land, such signage rights to be those rights described in the proposed Chapter 8 of Title 13 of the District of Columbia Municipal Regulations published in the DC Register on August 17, 2012.”;

“(G) Provides that no fees, proffers, or deposits shall be borne or waived by the District pursuant to section 7.6 of the original development agreement before October 1, 2015.”; and

“(H) Includes the labor peace provisions set forth in subsection (c) of this section; and

“(4) The Council does not adopt a resolution of disapproval pertaining to the ground lease within 30 days beginning on the day on which the ground lease is submitted to the Council, excluding days of Council recess.”.

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

“(b)(1) The revised ground lease and the revised development agreement each may provide an enhanced “Performance Assurance” without increasing the District's financial obligations.



“(2) The revised development agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”.

(3) Subsection (c) is amended by striking the phrase “DC Stadium, LLC and the District shall agree” and inserting the phrase “The District is authorized to agree” in its place.

(e) Section 107(b) (to be codified at D.C. Official Code § 10-1651.07(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “September 4, 2014;” and inserting the phrase “December 15, 2014;” in its place.

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

“(2A) Any payment made by D.C. United to the District government pursuant to the revised ground lease;”.

(f) Section 108 (to be codified at D.C. Official Code § 10-1651.08) is amended as follows:

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

“(a) The Mayor shall implement the Convention Center – Southwest Waterfront corridor as described in the “DC Circulator 2014 Transit Development Plan Update” dated September 2014.”.

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

“(c) The Mayor shall make capital improvements of at least \$250,000 to the Randall Recreation Center in Ward 6.”.



(3) Subsection (d) is amended by striking the phrase “provide ongoing operations and programming funding for” and inserting the phrase “operate and provide programmed activities for” in its place.

(4) A new subsection (e) is added to read as follows:

“(e) The Mayor is authorized to negotiate other community-benefit commitments from D.C. United and its affiliated entities, including those that promote youth soccer, education, employment opportunities, and job training programs.”.

Rationale:

The purpose of this amendment is to adopt, on a permanent basis, the same provisions included in Act 21-70, the Soccer Stadium Development Technical Clarification Temporary Act of 2015. This subtitle was recommended by the Committee of the Whole in its FY 2016 budget report on the agencies under its purview, but was mistakenly omitted from the circulated draft print.