

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman

DATE: June 25, 2018

RE: **Notice of intent to move an amendment in the nature of a substitute to the FY2019 Budget Support Act at the June 26, 2018 Legislative Meeting**

This memorandum is to provide notice of my intent to move an Amendment in the Nature of a Substitute (ANS) for Bill 22-753, the “Fiscal Year 2019 Budget Support Act of 2018” (FY19 BSA) at tomorrow’s Legislative Meeting. The ANS is attached. It makes several revisions, as well as technical and clarifying changes developed with the Council’s Office of the Budget Director and Office of the General Counsel, the Office of the Chief Financial Officer, and the Executive. Described briefly below are the major changes.

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

Subtitle E. Street Harassment Prevention Act of 2018: amended to include an individual’s housing status as part of the definition of “street harassment.”

Subtitle I. BEGA Amendment Act of 2018: amends removal process for directors to comply with *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*; adds applicability dates for specific provisions; removes the addition of attorney’s fees as a possible award in judicial action and as a source for the Open Government Fund; changes issuing advisory opinions on Open Meetings Act from required to permissive; and removes duty of issuing advisory opinions on the implementation of FOIA.

Subtitle J. Use of Public School Building By Civic Associations Act of 2018: limits a civic association to 12 regularly-scheduled meetings per year; requires the Department of General Services to reimburse a civic association for the cost of required liability insurance; and makes corresponding amendments to the D.C. Municipal Regulations.

Subtitle K. Interim Terms of the Deputy Mayor for Education, Chancellor, Chief Technology Officer, and Director of the Department of Employment Services Amendment Act of 2018: adds new subtitle to extend compensation and terms of service until January 31, 2019 for the following current interim appointments: Deputy Mayor for Education, the DCPS Chancellor, the Chief Technology Officer, and the Director of the Department of Employment Services.

Subtitle L. Eastern Market Fund Amendment Act of 2018: adds new subtitle to amend the existing Eastern Market Enterprise Fund to better conform to Council drafting style for special funds; extends the use of the Fund to include \$5,000 per fiscal year for the Eastern Market Community Advisory Committee; and prohibits the use of the Fund for capital expenditures.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

Subtitle G. Expedited Building Permit Review Program Fund Amendment Act of 2018: clarifies that the Fund shall be used to fund the Program before reverting to the General Fund.

Subtitle M. Retail Priority Area Amendment Act of 2018: amends the language of the boundaries for clarification.

Subtitle X. Common Interest Community Repairs Amendment Act of 2018: amends the subtitle to remove the grant component and instead have funding flow from the Department of Housing and Community Development to the contractors who are making the repairs; defines median family income; and makes several clarifying changes.

Subtitle Y. Affordable Housing Priorities Amendment Act of 2018: makes conforming amendments related to changes made in Subtitle X.

Subtitle Z. Disposal of Abandoned and Deteriorated Properties Amendment Act of 2018: adds new subsection (d) to require notice to Council of certain information related to property disposition.

Subtitle AA. Securities and Banking Regulatory Trust Fund Amendment Act of 2018: amends the established Fund to better conform to Council drafting style for special funds and to make clarifying changes.

Subtitle CC. Rental Housing Registration Update Amendment Act of 2018: this is a new subtitle, previously recommended by the Committee on Housing and Neighborhood Revitalization and funded in the Fiscal Year 2019 Local Budget Act of 2018 (FY19 LBA); requires housing providers to provide re-registration for rental housing; establishes an online portal for updating the registration statements as part of the larger rental housing database project.

TITLE III. PUBLIC SAFETY AND JUSTICE

Subtitle C. Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2018: amends the use of the Fund to include personnel costs. The intent is that this change be temporary, but such language is struck to avoid a subject-to-appropriation requirement regarding the 4-year financial plan.

Subtitle E. Clemency Board Establishment Act of 2018: this subtitle is struck as it would have triggered a 60-day review for the Fiscal Year 2019 Budget Support Act of 2018; the subtitle

will be moved as an amendment to Bill 22-451, the Youth Rehabilitation Amendment Act of 2018.

Subtitle F. Fatality Review Committee Amendment Act of 2018: makes clarifying amendments.

Subtitle H. Returning Citizens Opportunity to Success Amendment Act of 2018: strikes section 3083, which would have triggered a 60-day review for the Fiscal Year 2019 Budget Support Act of 2018; the subtitle will be moved as an amendment to Bill 22-451, the Youth Rehabilitation Amendment Act of 2018.

Subtitle K. Immigrant Legal Services Program Act of 2018: this is a new subtitle establishing the Immigrant Legal Services Program within the Office of Victim Services and Justice Grants to provide grants to legal services providers that deliver legal services to District residents who are immigrants.

TITLE IV: PUBLIC EDUCATION

Subtitle E. District of Columbia Public Schools Sales and Licensing Authority Amendment Act of 2018: adds language to make the District of Columbia Public Schools Sales and Sponsorship Fund nonlapsing.

Subtitle F. DCPL Lease and Permitting Authority Amendment Act of 2018: makes clarifying changes regarding consultation with the Department of General Services and limits authority to issue lease agreements for the use of the Martin Luther King Jr. Memorial Library.

Subtitle G. Student Fair Access to School Applicability and Technical Amendment Act of 2018: adds language authorizing OSSE to award contracts or grants for the purpose of providing local education agencies and schools the services set forth in subsection (a) of the underlying legislation (Bill 22-594).

TITLE V. HEALTH AND HUMAN SERVICES

Subtitle A. Health Insurance Requirement Amendment Act of 2018: makes several revisions at the request of the Health Benefit Exchange, including clarifying language related to the District shared responsibility payment and exemptions from the mandate.

Subtitle G. Health Care Finance Grant-Making Amendment Act of 2018: adds the requirement to award an additional grant, funded in the FY19 LBA, not to exceed \$200,000, to an entity to provide multi-disciplinary, patient-centered preventative health and perinatal educational services to high-risk expectant mothers who reside in Wards 7 or 8 who receive Medicaid or are Medicaid eligible.

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT

Subtitle A. WMATA Dedicated Funding and Tax Changes Affecting Real Property and Sales Amendment Act of 2018: removes the sunset clause of the dedicated funding for WMATA; adds a mid-level commercial property tax rate for properties with an assessed value more than \$5 million but not greater than \$10 million; and makes several clarifying and technical changes to the dedicated arts funding to reflect the funding provided in the FY19 LBA and directs those funds to the Commission on the Arts and Humanities to support its functions, purposes, and costs.

Subtitle D. Rail Safety and Security Amendment Act of 2018: makes several technical and clarifying changes; amends the special fund name to the Rail Safety and Security Fund; and expands the use of the Fund to the uses previously proposed by the Mayor in the FY19 BSA, as introduced.

Subtitle F. District of Columbia Water and Sewer Authority Rate Increases Mitigation Amendment Act of 2018: concerns the CRIAC and makes several substantive, clarifying, and technical changes, including the parameters of the financial assistance program, eligibility for the program, and its establishment; and includes the dedication of at least \$4 million of the funds allocated to the Department of Energy and the Environment to assist nonprofit organizations.

Subtitle N: Pilot Passenger Loading Zone Program Act of 2018: amends the pilot to authorize, but not require, the District Department of Transportation to establish additional passenger loading zones and to designate prohibited pick-up and drop-off areas near passenger loading zones; establishes a civil fine of \$75 for violation of the pilot zone; authorizes the Mayor to determine the fine for other violations; and limits the pilot in the Golden Triangle BID to seven months.

Subtitle O: Private Vehicle-For-Hire Data Sharing Amendment Act of 2018: clarifies the type of trip data that private vehicle-for-hire companies must share with District Department of Transportation and the Department of For-Hire Vehicles; provides that rules issued pursuant to this subtitle may only be promulgated for certain purposes; grants the Mayor the authority to request information as it relates to criminal incidents alleged to have occurred; clarifies information that may be shared by the District with WMATA and Metropolitan Washington Council of Governments (MWCOG) pursuant to a confidential data sharing agreement; and allows the Mayor, WMATA, and MWCOG to share conclusions and analysis of information received from private vehicle-for-hire companies.

Subtitle P. Danbury Station Water Meter Installation Amendment Act of 2018: this new subtitle authorizes the District of Columbia Water and Sewer Authority (DC Water) to install individual water meters and appurtenances and any related excavation and restoration work for dwelling units at Danbury Station, provided that such work shall only begin when DC Water receives necessary funding to satisfy all costs from the Department of Energy and the Environment (DOEE) or other sources. The DOEE funds were provided in the FY19 LBA.

TITLE VII. FINANCE AND REVENUE

Subtitle F. Commission on the Arts and Humanities Amendment Act of 2018: removes all references to the Creative Economy and the cohorts of individuals and groups; and revises amendments to the Arts and Humanities Enterprise Fund. It is expected that freestanding legislation will be introduced to consider the deleted provisions.

Subtitle H. Real Property Tax Clarification Amendment Act of 2018: limits real property tax exemption for grounds used for urban farms to properties approved for such use by the Department of General Services to facilitate administration of the urban farming abatement; and revises two deadlines to provide ample notice to affected taxpayers.

Subtitle L. Delinquent Debt Amendment Act of 2018: amends the established Fund to better conform to Council drafting style for special funds and to make clarifying changes to the additional funding for the Commission on the Arts and Humanities.

Subtitle M. Commission on the Arts and Humanities Grants Act of 2018: adds a grant of up to \$1 million in FY 2019 to an existing non-profit performing arts center within the H Street, N.E. Strategic Development Plan; and adds a Fiscal Year 2023 grant of up to \$1 million to a nonprofit tax-exempt museum dedicated to children's education and located in the Fort Totten neighborhood.

Subtitle Q. St. Elizabeths Job Creation Incentive Amendment Act of 2018: this subtitle is struck to provide the executive the opportunity to refine the proposal and submit it as stand-alone legislation.

Subtitle W. Estate Tax Clarification Amendment Act of 2018: clarifies the calculation for cost-of-living adjustment.

Subtitle X. Columbian Quarter Local Jobs and Tax Reduction Incentive Amendment Act of 2018: adds the lots and squares associated with this project and corrects a typographical error in the tax rate.

Subtitle DD. Union Market TIF Amendment Act of 2018: this new subtitle eliminates the escalating real property tax and sales tax base starting in Fiscal Year 2023. A portion of tax increment over this base amount will be dedicated toward the repayment of the TIF.

TITLE VIII. CAPITAL BUDGET

Subtitle A. Capital Project Financing: amends the authorization for reallocation in general obligation/income-tax secured bond proceeds from existing capital projects to DCPS modernization projects to include additional projects and amounts. Note: this relates to financing only and does not reduce or increase capital project budgets.

Subtitle E: Fiscal Year 2019 Capital Project Reallocation Approval Act of 2018: this subtitle is struck because it was enacted on an emergency basis in the FY 2018 Revised Local Budget Adjustment Act of 2018.

TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

Subtitle A. Designated Fund Transfer: this subtitle is struck because it was enacted on an emergency basis in the FY 2018 Revised Local Budget Adjustment Act of 2018.

A copy of the proposed ANS is attached. Please contact Jennifer Budoff, Council Budget Director, at 724-5689 if you have any questions.

cc: All Councilmembers
Council Officers