

AMENDMENT IN THE NATURE OF A SUBSTITUTE

Bill 24-717

April 19, 2022

Chairman Phil Mendelson  
at the request of the Mayor

A BILL

24-717

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To adjust, on an emergency basis, certain allocations in the Fiscal Year 2022 Local Budget Act of 2021 to maintain a balanced budget for the fiscal year ending September 30, 2022.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Fiscal Year 2022 Revised Local Budget Adjustment Emergency Act of 2022”.

Sec. 2. The appropriations set forth in the Fiscal Year 2022 Local Budget Act of 2020, effective November 3, 2021 (D.C. Law 24-43; 68 DCR 9702), are increased by \$430,932,806213,059,946 (including \$164,482,51057,451,106 in local funds and \$266,450,296155,608,840 in federal payment funds for COVID relief), to be allocated as follows:

**Governmental Direction and Support**

The appropriation for Governmental Direction and Support is increased by \$7,050,0573,845,266 (~~including \$5,032,966 in local funds and \$2,017,091 in federal payment funds for COVID relief~~), to be allocated as follows:

~~(1) Board of Elections. \$14,000 is added to local funds;~~

(12) Executive Office of the Mayor. \$1,126,396 is added to federal

33 payment funds for COVID relief;

34 ~~(23)~~ Department of Human Resources. \$890,695 is added to federal

35 payment funds for COVID relief;

36 ~~(4) Office of the Chief Financial Officer. \$5,018,966 is added to local~~

37 ~~funds;~~ and

38 ~~(543)~~ Office of the Chief Technology Officer. \$1,828,176 is added to

39 federal payment funds for COVID relief.

### 40 **Economic Development and Regulation**

41 The appropriation for Economic Development and Regulation is increased by

42 ~~\$43,427,538~~21,306,393 (including ~~\$34,915,858~~12,794,713 in local funds and \$8,511,680

43 in federal payment funds for COVID relief), to be allocated as follows:

44 (1) Office of the Deputy Mayor for Planning and Economic Development.

45 ~~\$42,915,858~~8,794,716 ~~20,794,713~~ is added (including ~~\$34,915,858~~12,794,713 to local

46 funds and \$8,000,000 to federal payment funds for COVID relief); and

47 (2) Office of the Tenant Advocate. \$511,680 is added to federal payment

48 funds for COVID relief.

### 49 **Public Safety and Justice**

50 The appropriation for Public Safety and Justice is increased by

51 ~~\$1,561,344~~611,344 (~~including \$995,000 in local funds and \$556,344~~ in federal payment

52 funds for COVID relief), to be allocated as follows:

53 ~~(1) Fire and Emergency Medical Services Department. \$995,000 is added~~

54 ~~to local funds;~~

55 ~~(12)~~ Office of Administrative Hearings. \$250,000 is added to federal

56 payment funds for COVID relief; and

57 (23) Office of Neighborhood Safety and Engagement. \$3~~61~~<sup>6</sup>,344 is

58 added to federal payment funds for COVID relief.

59 **Public Education System**

60 The appropriation for Public Education System is increased by \$~~64,432,333~~

61 ~~(including \$5,071,500 in local funds and~~ \$57,360,833 in federal payment funds for

62 COVID relief), to be allocated as follows:

63 ~~(1) Department of Parks and Recreation. \$5,071,500 is added to local~~

64 ~~funds;~~

65 (12) District of Columbia Public Schools. \$29,930,833 is added to federal

66 payment funds for COVID relief; and

67 (23) Office of the State Superintendent of Education. \$27,430,000 is

68 added to federal payment funds for COVID relief.

69 **Human Support Services**

70 The appropriation for Human Support Services is increased by

71 ~~\$168,079,221~~<sup>120,379,716</sup> (including ~~\$84,399,505~~<sup>35,100,000</sup> in local funds and

72 ~~\$83,679,716~~<sup>85,279,716</sup> in federal payment funds for COVID relief), to be allocated as

73 follows:

74 (1) Department of Behavioral Health. \$4,161,767 is added to federal

75 payment funds for COVID relief;

76 (2) Health Benefit Exchange Subsidy. \$1,600,000 is added to federal

77 payment funds for COVID relief;~~Department of Health Care Finance. \$49,299,505 is~~

78 added to local funds; provided, that all funds deposited, without regard to fiscal year, into

~~the Home and Community-Based Services Enhancement Fund are authorized for expenditure and shall remain available for expenditure until September 30, 2023;~~ and

(3) Department of Human Services. \$114,617,949 is added (including \$35,100,000 to local funds and \$79,517,~~967~~949 to federal payment funds for COVID relief).

### **Operations and Infrastructure**

~~—————The appropriation for Operations and Infrastructure is increased by \$4,873,902 in local funds, to be allocated as follows:~~

~~—————(1) Department of For Hire Vehicles. \$4,873,902 is added to local funds.~~

### **Financing and Other**

The appropriation for Financing and Other is increased by \$9,556,393 ~~136,161,235 (including \$29,193,779 in local funds and \$106,967,456 in federal payment funds for COVID relief)~~, to be allocated as follows:

~~(1) Non-Departmental Account. \$126,604,842 is added (including \$19,637,386 to local funds and \$106,967,456 to federal payment funds for COVID relief); and~~

~~(2) Repay Emergency and Contingency Reserve Funds. \$9,556,393 is added to local funds.~~

### **Enterprise and Other**

~~—————The appropriation for Enterprise and Other is increased by \$5,474,000 in federal payment funds for COVID relief, to be allocated as follows:~~

~~(1) Health Benefit Exchange Authority. \$5,474,000 is added to federal payment funds for COVID relief.~~

102 ~~Sec. 3. Capital project rescissions and increases.~~

103 ~~In Fiscal Year 2022, the Chief Financial Officer shall rescind or increase~~  
104 ~~capital project allotments as set forth in the following tabular array:~~

<del>Project No</del>	<del>Project Title</del>	<del>Fund Detail</del>	<del>Total</del>
<del>GM121C</del>	<del>Major Repairs/Maintenance</del>	<del>300</del>	<del>\$1,500,000</del>
<del>HM1CM</del>	<del>OHR Case Management</del>	<del>300</del>	<del>\$450,000</del>
<del>W601C</del>	<del>Senior Wellness Center Renovation Pool</del>	<del>300</del>	<del>\$400,000</del>
<del>LMB28C</del>	<del>S Street NW Streetscape</del>	<del>300</del>	<del>\$9,124,500</del>
<del>LMFAC</del>	<del>Facilities</del>	<del>300</del>	<del>\$2,000,000</del>
<del>N2522C</del>	<del>Data Center Relocation (Reeves Center)</del>	<del>300</del>	<del>\$5,000,000</del>
<del>EB016</del>	<del>Park Morton Redevelopment Initiative</del>	<del>300</del>	<del>\$20,000,000</del>
<del>LMJKBC</del>	<del>Key Bridge Exxon Property</del>	<del>300</del>	<del>(\$10,000,000)</del>
<del>EB432</del>	<del>Frank D. Reeves Center</del>	<del>300</del>	<del>(\$5,000,000)</del>
<del>EB012</del>	<del>33 K Street NW</del>	<del>309</del>	<del>(\$20,000,000)</del>
<del>EB007</del>	<del>1234 Good Hope Road SE</del>	<del>300</del>	<del>(\$2,500,000)</del>
<del>PLSISC</del>	<del>FY 2021 Inaugural Reviewing Stands</del>	<del>300</del>	<del>(\$974,500)</del>

105  
106  
107 ~~Sec. 4. Medicaid Home and Community Based Services Enhancement Fund.~~

108 ~~— The Department of Health Care Finance Establishment Act of 2007,~~  
109 ~~effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 et seq.), is~~  
110 ~~amended by adding a new section 8d to read as follows:~~

111 ~~— “Sec. 8d. Home and Community Based Services Enhancement Fund.~~

112 ~~— “(a) There is established as a special fund the Medicaid Home and~~  
113 ~~Community Based Services Enhancement Fund (“Fund”), which shall be administered by~~  
114 ~~the Department in accordance with subsections (c) and (d) of this section.~~

115 ~~— “(b)(1) On or before October 1, 2022, the Chief Financial Officer shall~~

116 deposit into the Fund an amount of local funds equal to the amount of federal funds  
117 received by the District attributable to the increase in the federal medical assistance  
118 percentage authorized by section 9817 of the American Rescue Plan Act of 2021,  
119 approved March 11, 2021 (135 Stat. 216; 42 U.S.C. 1396d note) (the “Section 9817  
120 Enhancement Amount”), minus the amount of the Section 9817 Enhancement Amount  
121 expended by the District before the date the Chief Financial Officer makes the deposit  
122 required by this paragraph.

123           ~~—————“(2) There shall be deposited into the Fund after the date the Chief~~  
124 ~~Financial Officer makes the deposit required by paragraph (1) of this subsection an~~  
125 ~~amount of local funds equal to the amount of any additional federal funds received by the~~  
126 ~~District attributable to the increase in the federal medical assistance percentage~~  
127 ~~authorized by section 9817 of the American Rescue Plan Act of 2021, approved March~~  
128 ~~11, 2021 (135 Stat. 216; 42 U.S.C. 1396d note).~~

129           ~~—————“(c) Money in the Fund shall be used only to fund the implementation of~~  
130 ~~activities that enhance, expand, or strengthen Medicaid home and community-based~~  
131 ~~services, as described in the Initial Spending Plan and Narrative for Enhanced Funding~~  
132 ~~for Medicaid Home and Community-Based Services under Section 9817 of the American~~  
133 ~~Rescue Plan Act of 2021, as such plan may be updated from time to time, or as otherwise~~  
134 ~~authorized by the Centers for Medicare and Medicaid Services.~~

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

138           ~~—————“(2) Subject to authorization in an approved budget and financial~~

139 ~~plan, any funds appropriated in the Fund shall be continually available without regard to~~  
140 ~~fiscal year limitation.”.~~

141 ~~Sec. 5. Universal paid leave expansion.~~

142 ~~The Universal Paid Leave Amendment Act of 2016, effective April 7,~~  
143 ~~2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 et seq.), is amended as follows:~~

144 ~~(a) Section 104 (D.C. Official Code § 32-541.04) is amended as follows:~~

145 ~~(1) Subsection (b) is amended by adding a new paragraph (3) to~~  
146 ~~read as follows:~~

147 ~~“(3) This subsection shall not apply to claims filed on or after July~~  
148 ~~25, 2022.”.~~

149 ~~(2) Subsection (e-1)(3) is amended to read as follows:~~

150 ~~“(3) For claims filed on or after October 1, 2022, the maximum~~  
151 ~~duration for each type of paid leave benefits within a 52 workweek shall be:~~

152 ~~“(A) 12 workweeks of qualifying parental leave;~~

153 ~~“(B) 12 workweeks of qualifying family leave;~~

154 ~~“(C) 12 workweeks of qualifying medical leave; and~~

155 ~~“(D) 2 workweeks of qualifying pre-natal leave.”.~~

156 ~~(b) Section 104a (D.C. Official Code § 32-541.04a) is amended as~~  
157 ~~follows:~~

158 ~~(1) Subsection (b)(3) is amended to read as follows:~~

159 ~~“(3) An employer contribution rate change provided for in~~  
160 ~~subsection (c)(2) of this section shall apply as of July 1 of the year in which the employer~~  
161 ~~contribution rate change will not cause the projected fund balance of the Universal Paid~~

162 ~~Leave Fund to fall below the equivalent of 9 months of benefits at the expanded tier, as~~  
163 ~~certified pursuant to paragraph (1) of this subsection.”.~~

164 ~~—————(2) Subsection (c) is amended as follows:~~

165 ~~—————(A) Paragraph (1) is repealed.~~

166 ~~—————(B) Paragraph (2) is amended by striking the phrase~~  
167 ~~“Beginning with July 1 of the first year in which all paid leave benefit expansions set~~  
168 ~~forth in paragraph (1) of this subsection have been implemented, and annually~~  
169 ~~thereafter,” and inserting the phrase “Beginning with July 1, 2022, and annually~~  
170 ~~thereafter,” in its place.~~

171 Sec. 63. Fiscal impact statement.

172 The Council adopts the fiscal impact statement of the Chief Financial  
173 Officer~~Officer~~Budget Director as the fiscal impact statement required by section 4a of the  
174 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038;  
175 D.C. Official Code § 1-301.47a).

176 Sec. 74. Effective date.

177 This act shall take effect following approval by the Mayor (or in the event of veto  
178 by the Mayor, action by the Council to override the veto), and shall remain in effect for  
179 no longer than 90 days, as provided for emergency acts of the Council of the District of  
180 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved  
181 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).