


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 6, 2022

RE: Notice of intent to move an amendment in the nature of a substitute to the FY23 Budget Support Act at the June 7 Legislative Meeting

This memorandum is to provide notice of my intent to move an Amendment in the Nature of a Substitute (ANS) for Bill 24-714, the Fiscal Year 2023 Budget Support Act of 2022 (FY23 BSA) at the legislative meeting. The ANS is attached. It makes several substantive 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. The substantive changes are described briefly below.

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

The ANS includes only technical and clarifying changes to Title I. Please note that section 1033 has been deleted as duplicative; the provision already appears in subtitle VII-N.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

Subtitle D. Deputy Mayor for Planning and Economic Development Grants Amendment Act of 2022: The ANS adds BIDs and Main Streets to the potential recipients of grants to enhance attractions in the Central Business District and expands the types of uses for the grants; and includes a new section authorizing the Deputy Mayor for Planning and Economic Development to make additional grants to the Fund Manager for deposit into the Equity Impact Fund and adds a related applicability provision.

Subtitle G: Home Purchase Assistance Program Amendment Act of 2022: As amended, the subtitle allows qualifying applicants to the Home Purchase Assistance Program to use financial assistance for mortgage rate buydown; increases the amount of home repair grant funding available to qualifying applicants from \$15,000 to \$25,000; requires DHCD to advance funds to grantees each quarter rather than doing reimbursements; removes requirements on timing for contractor payment and work; and requires the Mayor to issue updated rules subject to Council approval.

Subtitle K: Housing Production Trust Fund Accountability and Transparency Amendment Act of 2022: As amended, the subtitle requires the Mayor to submit any requests to waive Fund disbursement requirements under § 42-2802(b-1) to Council for approval or disapproval; requires DHCD to submit a written report to Council with specific information about projects selected by DHCD for underwriting; makes technical corrections to annual reporting requirements to better

reflect how selected projects are funded; and includes language to ensure that projects benefiting extremely low-income residents are not impacted by the budget reduction of \$54 million that was used in the FY23 budget to fund the TAF vouchers and shallow subsidies for seniors.

Subtitle L: Arts and Humanities Grant Funding Amendment Act of 2022: This new subtitle extends authority to use certain grant funds for rent through Fiscal Year 2023.

Subtitle M: TOPA Study Timeline Extension Amendment Act of 2022: This new subtitle extends the deadline from September 30, 2022 to June 30, 2023 for the Coalition for Non-Profit Housing and Economic Development to deliver a TOPA study to the Council. The grant was funded in the FY22 budget but was only approved by DHCD on May 10, 2022.

Subtitle N: Key Bridge Exxon Eminent Domain Authority Act of 2022: This new subtitle states Council findings and authorizes the Mayor to exercise eminent domain in accordance with law to acquire the Key Bridge Exxon Property.

TITLE III. PUBLIC SAFETY AND JUSTICE

Subtitle E: Access to Justice Initiative Amendment Act of 2022: The ANS removes reference to congressional authorization; adds standard language for nonlapsing funds; and amends the Civil Legal Counsel Projects Program to expand its scope beyond eviction filing matters to include representing clients in eviction-related matters, aligns the income restrictions with those of the Access to Justice Initiative grant and makes conforming amendments, and allows the D.C. Bar Foundation to make subgrants to nonprofit organizations that support the legal services providers.

Subtitle G. Criminal Code Reform Commission Amendment Act of 2022: As amended, the subtitle sets the Executive Director's salary at no lower than a grade 10 on the Excepted Service scale; provides retroactive salary to March 26, 2022 to correct a fringe calculation error; repeals a related temporary act; and adds an applicability provision.

Subtitle H. Metropolitan Police Department Budget and Staffing Transparency Amendment Act of 2022: This subtitle, as amended, includes a delayed applicability of April 1, 2023 for when MPD must begin collecting bureau, unit, and division data related to stops.

TITLE IV: PUBLIC EDUCATION

Subtitle A. Funding for Public Schools and Public Charter Schools Increase Amendment Act of 2022: As amended, the subtitle makes several clarifying changes to the Pandemic Supplement Fund, including specifying the amount included in the FY23 budget, the breakdown of the percentages, and how the Mayor shall make the payments.

Subtitle B. Universal Paid Leave Amendment Act of 2022: As amended, the substance of the subtitle is unchanged; however, the drafting related to the elimination of the one-week waiting period has been changed to preserve the legislative history of the subsection.

Subtitle C. Recreation Programming Funding Expansion Amendment Act of 2022: The ANS removes the grant to Friends of Carter Barron Amphitheatre because that language was instead included in Bill 24-719, the Second Revised Fiscal Year 2022 Local Budget Adjustment Emergency Act of 2022.

Subtitle F. School Year Internship Program Amendment Act of 2022: The ANS includes changes to increase flexibility in the issuing of host employer grants and removes the “at-risk” label from youth whose applications the agency will prioritize.

Subtitle G. University of the District of Columbia IT and Nursing Education Enhancement Amendment Act of 2022: The ANS includes a new section that expands the program eligibility for academic year 2022-2023; moves the current program eligibility requirements to begin in academic year 2023-2024; and adds an applicability date.

Subtitle H. Early Childhood Educator Pay Equity Fund Amendment Act of 2022: The ANS makes several technical and clarifying changes; expands the requirements of the OSSE February 1, 2024 and triennial thereafter report; and adds an applicability date.

Subtitle J. Attendance Zone Boundaries Amendment Act of 2022: The ANS includes several technical and clarifying changes to this subtitle.

Subtitle K. Public School Healthy Food Curriculum Grants Amendment Act of 2022: The ANS includes an applicability date of the effective date of the Fiscal Year 2023 Budget Support Emergency Act of 2022.

Subtitle L. Structured Literacy Action Plan Amendment Act of 2022: The ANS includes several structural, technical, and clarifying changes to this subtitle.

Subtitle M. Research Practice Partnership Clarification Amendment Act of 2022: This new subtitle authorizes the Deputy Mayor for Education to issue the grant included in the FY23 budget to the Partnership and includes language previously approved by the Council authorizing the Partnership and its executive director to provide staff support to the Advisory Committee.

Subtitle N. UPSFF Adequacy Study: This new subtitle requires the Mayor to submit a study to the Council by September 30, 2023 and every five years thereafter on the adequacy of education funding, including reviewing the UPSFF method for allocating operating funds.

Subtitle O. New Funding and Organizational Model for the Duke Ellington School of the Arts Amendment Act of 2022: This new subtitle requires the Chancellor to enter into discussions with the Duke Ellington School of the Arts Project (DESAP) regarding a new funding and

organizational model for the Duke Ellington School of the Arts that addresses certain issues; to meet until a Memorandum of Agreement is signed by both parties; and requires DCPS and DESAP to present the new model to the Council by December 31, 2022 in the event an MOA is not attained.

TITLE V. HEALTH AND HUMAN SERVICES

Subtitle B. Opioid Abatement Fund Establishment Act: The ANS corrects the names of cases that have been settled and amends the Litigation Support Fund to authorize the Attorney General to transfer funds received prior to October 1, 2022 to the new fund.

Subtitle M. School-Based Mental Health Implementation and Funding Analysis Act of 2022: This new subtitle requires the Department of Behavioral Health to submit a cost and program analysis of the Department's School-Based Behavioral Health Expansion Program that meets certain requirements.

TITLE VI. OPERATIONS AND INFRASTRUCTURE

Subtitle C. Climate Change Resilience Expenditure Authority Amendment Act of 2022: The ANS strikes the provision that amends the Sustainable Energy Trust Fund and adds it instead to subtitle F of this title.

Subtitle F. Sustainable Energy Trust Fund Amendment Act of 2022: As amended, the subtitle includes a provision previously in subtitle VII-C and the entirety of the engrossed version's subtitle J; and strikes the language related to funding the Solar for All tax exemption (moved to subtitle VIII-A).

Subtitle H. Vision Zero Amendment Act of 2022: The ANS renames the subtitle and adds a provision updating the applicability provision of the Vision Zero Enhancement Omnibus Amendment Act of 2020.

(Old) Subtitle J. (engrossed) Renewable Energy Storage Grant Program Amendment Act of 2022: The ANS strikes this subtitle, which has been incorporated into subtitle F, above.

(New) Subtitle J. (ANS) Fast Ferry Grant Act of 2022: The ANS reorders this subtitle from subtitle M to subtitle J.

TITLE VII. FINANCE AND REVENUE

Subtitle B. Earned Income Tax Credits Expansion Amendment Act of 2022: The ANS includes technical and clarifying changes at the request of the OCFO.

Subtitle E. Gross Income Exclusion Amendment Act of 2022: The ANS includes a new provision to extend the exemption for excluded worker payments through December 31, 2023 and adds an applicability date of January 1, 2022.

Subtitle G. Rule 736 Repeals Amendment Act of 2022: The ANS removes the repeal of the Public School Health Services Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-61; 65 DCR 127).

Subtitle H. Disabled Veterans Homestead Exemption Amendment Act of 2022: As amended, the subtitle increases the deduction amount from \$250,000 to \$445,000, due to a lower anticipated revenue loss; adds language regarding apportionment, at the request of the OCFO, that mirrors language in the homestead deduction statute; and amends the minimum taxable assessment statute to exclude this exemption.

Subtitle I. Tax Abatement for Housing in Downtown Act of 2022: The ANS expands the geographical area for the abatement; increases the percentage of affordable housing units from 8 percent to 15 percent; requires the Mayor to set the annual amount for the abatement; and restores the maximum abatement amount and timing as approved by the Committee on Business and Economic Development.

Subtitle K. Community for Creative Non-Violence Real Property Tax Relief Act of 2022: The ANS adds an August 15, 2022 applicability date.

Subtitle L. Affordable Housing Opportunities, Inc. Tax Abatement Act of 2022: The ANS adds an August 15, 2022 applicability date.

Subtitle M. Events DC Grantmaking Act of 2022: The ANS corrects a typographical error in the amount of matching funds for the National Cherry Blossom Festival; and updates the year for certain grants.

Subtitle O. Flavored Tobacco Prohibition Implementation Act of 2022: The ANS adds a June 15, 2022 applicability date.

Subtitle P. Revised Revenue Funding Priority Act of 2022: This new subtitle includes directions for the implementation of the Appropriation of Additional Resources section of the FY23 Local Budget Act, which directs up to \$20 million of additional FY22 revenue identified in the September or December 2022 revenue estimates to assistance for excluded workers. The subtitle also directs \$2,419,000 of additional FY24-FY26 revenue identified in the September or December 2022 revenue estimates to offset the revenue loss attributable to the Clean Hands Certification Equity Amendment Act, provided it receives two readings by December 31, 2022 and subsequently becomes law. The subtitle includes a September 1, 2022 applicability provision.

TITLE VIII. SPECIAL PURPOSE REVENUE AND DEDICATED REVENUE

Subtitle A. Designated Fund Transfer: The ANS strikes the Fiscal Year 2022 sweeps that were included in the FY 2022 Second Revised Local Budget Adjustment Emergency Act of 2022

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and its corresponding temporary; and updates the table to reflect the movement of funds made in the FY23 budget and financial plan.

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Subtitle B. Fiscal Year 2023 Capital Project Reallocation Approval Act of 2022: The ANS strikes this subtitle because it was included in the FY 2022 Second Revised Local Budget Emergency Adjustment Act of 2022 and the corresponding temporary.

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