

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

MEMORANDUM

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TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: July 27, 2025

RE: Notice of intent to move an amendment in the nature of a substitute to the FY26 Budget Support Act at the July 28, 2025 Additional Legislative Meeting

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This memorandum is to provide notice of my intent to move an Amendment in the Nature of a Substitute (ANS) for Bill 26-265, the Fiscal Year 2026 Budget Support Act of 2025 (FY26 BSA) at tomorrow's additional 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 (OCFO), and the Executive (EOM). The changes are described briefly below.

**TITLE I. GOVERNMENT DIRECTION AND SUPPORT**

Subtitle A. Freedom of Information Act Clarification Amendment Act of 2025: The ANS extends the FOIA exemption to information or data provided by any court, federal agency, or federally established agency for the Criminal Justice Coordinating Council to also include the Sentencing Commission.

Subtitle D. Recreational Facilities Assessment Amendment Act of 2025: The ANS corrects a citation omission.

Subtitle E. Human Services Grant Administration Amendment Act of 2025: The ANS changes the date by which the new payment structure will begin from October 1, 2025 to October 1, 2026.

Subtitle F. Advisory Neighborhood Commissions Funding Flexibility Clarification Amendment Act of 2025: The ANS makes two clarifying changes.

Subtitle G. Community Legal Education and Resources Grant Program Act of 2025: At the request of the Mayor, this new subtitle establishes a Community Legal Education and Resources Grant Program to be administered by the Mayor; grants issued pursuant to this program support delivery of legal services, to include both direct legal representation of District residents, including the provision of legal advice, and training of attorneys on the provision of legal services and emergent legal issues. Language related to this grant program was previously included in subtitle 3-A.

Subtitle H. Budget Delay Accountability Act of 2025: This new subtitle prohibits any spending on nonpersonnel services in the Executive Office of the Mayor and the Office of the City Administrator if the Mayor does not submit the annual budget on the date designate, until the day after which the budget is delivered. It also amends the Council rules to prohibit the filing of reprogramming requests and grant budget modification requests during that time.

## **TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

Subtitle A. Building Conversion Permit Fee Establishment Amendment Act of 2025: The ANS makes a clarifying change and adds an applicability date for the subtitle of the effective date of the Fiscal Year 2026 Budget Support Emergency Act of 2025.

Subtitle E. Sidewalk Vending Zone Implementation Amendment Act of 2025: The ANS adds a coordinating conjunction.

Subtitle F. RFK Campus Infrastructure Fund Establishment Act of 2025: The ANS strikes this language from subtitle 7-E, the Ballpark Fee and Fund Amendment Act of 2025, and instead makes it a standalone subtitle. In addition, the ANS restores a provision in the uses section, and directs excess revenues of up to \$20 million be transferred to the RFK Transportation Improvement Fund, which will be established in the committee print of Bill 26-288, the Robert F. Kennedy Campus Redevelopment Act of 2025.

Subtitle G. Revised Game of Skill Machines Consumer Protections Amendment Act of 2025: The ANS makes several clarifying changes at the request of the Alcoholic Beverage and Cannabis Administration and adds commercial bingo to the exemptions for D.C. Official Code 16-1702.

Subtitle H. Commercial Bingo Amendment Act of 2025: The ANS makes clarifying changes to ensure that commercial bingo activities are compliant with federal law and that bingo games are played in-person with other players at licensed establishments.

Subtitle I. Economic Revitalization Initiatives Amendment Act of 2025: The ANS makes an additional change to the existing Chinatown Long-Term Lease Grant program to extend the program to eligible entities beyond businesses. It also incorporates elements of the first reading subtitle 4-G, the Rosemount Center Grant, changing the disbursement date to December 1, 2025, and including a partial matching grant. Finally, the subtitle makes corrections to the citation in the applicability provision.

Subtitle K. Funding for Theaters Amendment Act of 2025: The ANS modifies the grant award to GALA Hispanic Theater by converting \$50,000 of the grant into a matching program, whereby GALA will receive one dollar for every dollar it raises in private donations.

Subtitle N. Rock Creek Tennis Center Transfer of Jurisdiction and Funding Act of 2025: The ANS corrects the name of the capital project, adds a citation, and adds a sense of the Council provision that in accepting any transfer of jurisdiction, the Mayor should work with the community

impacted by the current and potential uses of the site, utilize past planning studies, and prioritize continued public access to as many of the facilities as possible.

Subtitle P. Community Land Trust Transfer and Recordation Amendment Act of 2025: In consultation with the OCFO, the ANS makes clarifying edits.

Subtitle R. Events DC Grants Act of 2025: The ANS corrects a typographical erroring the grant amount and adds a new provision providing a \$250,000 grant in FY26 to a nonprofit organization that collects, interprets, and shares the District's history.

Subtitle T. Downtown Business Improvement District Amendment Act of 2025: The ANS adds language allowing the Downtown BID to assess the tax increase flexibility between September 2025 and March 2026.

### **TITLE III. PUBLIC SAFETY AND JUSTICE**

Subtitle A. Immigrant Legal Services Program Amendment Act of 2025: At the request of the Mayor, the ANS repeals the program, rather than transferring the authority from OVSJG to the Mayor as in the committee print. A broader community legal services program is established in new subtitle 1-G, the Community Legal Education and Resources Grant Program Act of 2025.

Subtitle G. Deputy Mayor for Public Safety and Justice Grant-Making Authority Amendment Act of 2025: The ANS updates the grant amount from \$500,000 to \$750,000 to reflect the funding included at first reading.

Subtitle H. Access to Justice Initiative Amendment Act of 2025: The ANS makes technical, clarifying, and conforming changes to the Initiative, the ATJ program, LRAP, and CLCPP to ensure consistency among the statutory provisions.

### **TITLE IV: PUBLIC EDUCATION**

Subtitle F. Healthy Schools and Educator Wellness Amendment Act of 2025: The ANS moves the date by which OSSE must select grant recipients from December 19, 2025, to November 26, 2025, and makes clarifying changes as requested by the agency.

Subtitle Q. Rosemount Center Grant Act of 2025: The ANS strikes this subtitle and moves its language to subtitle 2-I Economic Revitalization Initiatives Amendment Act of 2025.

### **TITLE V. HEALTH AND HUMAN SERVICES**

Subtitle B. Office of the Ombudsperson for Children Amendment Act of 2025: The ANS changes the subtitle heading from Ombudsman to Ombudsperson.

Subtitle C. Environmental Health Amendment Act of 2025: The ANS reinstates a provision clarifying DOE's rulemaking authority and corrects the applicability section to apply to that rulemaking provision.

Subtitle E. DC Health Care Alliance Reform Amendment Act of 2025: The ANS clarifies that the one-time funding included at first reading raises the Alliance program moratorium age from 21 to 26, sets the moratorium start date as October 1, 2025, and states that these policy changes end when the one-time funding ends.

Subtitle J. Direct Care Professional Payment Rate Amendment Act of 2025: The ANS removes two unnecessary quotation marks.

Subtitle K. Homeless Service Reform Amendment Act of 2025: The ANS strikes provisions in the subtitle that allowed the Mayor to place homeless families in congregate shelter at Harbor Light; additional funding for housing supports at the Committee of the Whole made this change possible. The ANS also makes clarifying changes to the program exit provision.

Subtitle O. Truancy Pilot Expansion Amendment Act of 2025: The ANS adds a provision currently codified on a temporary basis, ensuring no gap in the law after the temporary legislation expires.

Subtitle S. Substance Use and Behavioral Health Services Targeted Outreach Grant Act of 2025: The ANS removes the descriptor for a recipient organization of the outreach grants.

Subtitle V. Health Care and Public Benefits Ombudsman Program Amendment Act of 2025: The ANS makes clarifying changes related to the goals of the program.

Subtitle X. Body Art Regulation Clarification Amendment Act of 2025: This new subtitle clarifies that DLCP, not DC Health, regulates the licensing and registration of body artists and body art establishments.

## **TITLE VI. OPERATIONS AND INFRASTRUCTURE**

Subtitle C. Sustainable Energy Trust Fund Amendment Act of 2025: The ANS provides the DOEE with the discretion, with respect to its contract with the DC Sustainable Energy Utility, to extend an existing option period by one year. It also lowers the surcharge on electricity, natural gas, and heating/fuel oil sales that are deposited into the Mayor's Energy Surcharge Fund (MESF) surcharges, and increases the surcharge on electricity, natural gas, and heating/fuel oil sales that are deposited into the SETF. This adjustment better reflects the District's anticipated energy expenses, which are paid from the MESF. The change does not impose a higher surcharge on sales, nor does it generate additional revenue for the District. Finally, the ANS only allows the Mayor to spend funds from the MESF for energy costs through Fiscal Year 2029.

Subtitle F. Distracted Driving Safety Amendment Act of 2025: At the request of the National Highway Traffic Safety Administration (NHTSA), the agency reviewing the law to determine the District's eligibility for federal grants, the ANS eliminates a proposed exception to the ban on using a cell phone or texting while operating a motor vehicle that would allow for the momentary use of a phone. NHTSA believes the proposed exception is too vague and would

undermine enforcement of the ban on distracted driving. The ANS removes the proposed exception from the subtitle.

Subtitle I. WMATA Board Stipend: The ANS makes structural drafting changes.

Subtitle L. PLAZA Program Implementation: This new subtitle adjusts various deadlines in the PLAZA Act in light of the funding included in the FY26 budget and financial plan.

Subtitle M. Office of Clean City Establishment: This new subtitle codifies the Office of Clean City, previously established by Mayor's Order in 2001, in the Department of Public Works; the budget for the Office has been moved from EOM to DPW in the LBA.

## **TITLE VII. FINANCE AND REVENUE**

Subtitle C. Hotel Surtax Amendment Act of 2025: The ANS updates the amounts listed in the subtitle to state what amount goes directly to the DMPED Economic Development Special Account pursuant to subtitle 2-I and directs the remainder to local funds.

Subtitle E. Ballpark Fee and Fund Amendment Act of 2025: The ANS strikes the RFK Campus Infrastructure Fund section, which is now subtitle 2-F, and updates the cross reference.

Subtitle H. Non-Lapsing Fund Modifications Amendment Act of 2025: The ANS strikes a lapsing provision for the Appraisal Fund, and makes clarifying changes to the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund.

Subtitle I. Non-Lapsing Fund Transfers Act of 2025: The ANS updates the transfer table, makes clarifying changes at the request of the OCFO, and strikes the applicability provision.

Subtitle K. Nonprofit Workforce Housing Properties Tax Exemption Amendment Act of 2025: The ANS adds one word to clarify the year referenced is the tax year.

Subtitle M. Subject-to-Appropriation Amendment Act of 2025: The ANS updates the applicability provision for a measure that was only partially funded at first reading, updates a provision in the Farmers Market Support Amendment Act of 2025 to reflect funding reduced at the Committee of the Whole markup, updates the applicability provision for Birth-to-Three for All DC, and repeals the applicability provision for the Amplified Sound Mitigation Amendment Act of 2024.

Subtitle N. Rule 736 Repeals Amendment Act of 2025: The ANS strikes seven measures from the repeal list and clarifies the provisions of another.

Subtitle Q. Reprogramming and TAFE Clarification Amendment Act of 2025: The ANS makes drafting and clarifying changes.

Subtitle R. D.C. Central Kitchen, Inc. Tax Rebate Amendment Act of 2025: This new subtitle expands the existing tax abatement to include an additional lease. Adding a new lease does not exceed the existing maximum allowed rebate.

## **TITLE VIII. TECHNICAL AMENDMENTS**

Subtitle A. Technical Corrections Amendment Act of 2025: The ANS adds a short title, updates the numbering, and adds a new technical amendment.

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