

B 23-0473 -- Redline

Signed Act to Enrolled -- MLK Gateway Real Property Tax Abatement Congressional Review Emergency Amendment Act of 2019

Deletions ~~struck~~ · Insertions underlined

ENROLLED ORIGINAL AN ACT ~~23-139~~ D.C. IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, Chapter 46 of Title 47 of the District of Columbia Official Code to provide an abatement of real property taxes for property located at 1201-1215 Good Hope Road, S.E., and known for tax and assessment purposes as Lots 1017, 847, 867, 866, and 864 in Square 5769.

~~ACT BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, OCTOBER 23, 2019, that this act amend, may on be cited emergency as basis, the due to "MLK congressional Gateway review, Real Chapter Property 46 Tax of Abatement Title 47 Congressional of the Review District Emergency of Columbia Amendment Official Code Act to provide an abatement of real 2019". property taxes for property located at 1201-1215 Good Hope Road, S.E., and known for tax and assessment purposes as Lots 1017, 847, 867, 866, and 864 in Square 5769.~~

~~BE Sec. IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "MLK Gateway Real Property Tax Abatement Congressional Review Emergency Amendment Act of 2019".~~

~~Sec. 2-2.~~

Chapter 46 of ~~Title 47~~ Title 47 of the ~~District of~~ District of Columbia ~~Official Code~~ Official Code is amended as follows:

(a) The table ~~of contents of~~ is amended contents is amended by adding a new section designation to read as follows:

~~"E"~~ "Sec. 47-4671.

MLK Gateway real property tax ~~abatement.~~ abatement."

(b) A new section ~~47-4611~~ 47-4671 ~~is added~~ is added to read ~~as follows:~~ as follows:

~~"5"~~ "Sec. 47-4671. — 4671.

MLK Gateway real property ~~tax abatement.~~ tax abatement.

~~"(a)"~~ (a) For the purposes of ~~this section, the~~ this section, the term:

~~"(1)"~~ "(1) "CBE" means a ~~certified business certified enterprise or joint business enterprise or joint venture certified pursuant to the CBE the CBE Act.~~

~~"(2)"~~ "(2) Act" "CBE Act" means the Small and Certified Enterprise Development and Assistance Act of 2005, effective October ~~effective October 20, 2005 (D.C.~~

~~Official Code~~ Official Code ~~Sec. 2- 218.01 et seq.).~~

~~"(3)"~~ "(3) "Developer" means MLK Gateway Partners LLC, a District of Columbia District of Columbia limited liability company, liability company, with a business address of 3401 8th Street, N.E., Street, N.E., comprised of the of the Menkiti Group, with a business address of 3401 of 3401 8th Street, N.E., Street N.E., or its successors, or its successors, or one of its affiliate or affiliates or assignees and Enlightened Inc., with Inc., with a business address of 1101 1101 Connecticut Avenue, N.W., Washington D.C.

20036, or ~~its successors, or its successors, or one of its affiliate or its assignees, as~~ assignees, as approved by the Mayor.

~~"(4)"~~ "(4) "First Source" First Agreement" Source Agreement" means an agreement with the District governing the certain obligations District of the governing certain obligations of the Developer pursuant to section 4 of the 4 First Source of the First Source Employment Agreement Act of 1984, effective June ~~effective June 29, 1984 (D.C.~~

~~Law 5-93; D.C. 5-93;~~

~~Official Code D.C. g 2- I ENROLLED ORIGINAL 219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.~~

~~"(5)"~~ "(5) "Project" Official means Code a Sec. mixed-use 2- commercial ENROLLED project, including ORIGINAL renovating 219.03), the and historic store fronts, Mayor's new Order office and 83-265, retail space, dated November 9, 1983, regarding job creation and any employment ancillary generated uses as allowed a under result applicable of law. the construction on the Property.

~~"(6)"~~ "(5) "Property" "Project" means a mixed-use commercial project, including renovating the real property historic described store fronts, as new 1201-1215 Office Good and Hope retail Road space, and any ancillary uses allowed under applicable law.

~~"(6) "Property" means the real property described as 1201-1215 Good Hope Road, S.E., known for tax and tax and assessment purposes as Lots 1017, 1017, 847, 867, 866, and 864 in Square 5769, and any improvements on that real property.~~

~~847,867,866-~~ "(b)(1) Beginning with the tax year immediately following the tax year during which a certificate of occupancy (whether temporary or final) is issued authorizing Enlightened Inc., or another locally owned and operated business with employees in the District of Columbia approved by the Mayor, any use of the Property, the tax imposed by Chapter 8 of this title on the Property, subject to funding, shall be abated for 15 real property tax years.

~~andThe 864total inamount Squareof 5769,the andabatment anyshall improvementsnot onexceed that\$3 realproperty,million.~~

~~"(b)(1)"(2) BeginningThe withProject thetaxshall yearbe immediatelyexempt followingfrom thetaxrecordation year taxation during which a certificateofoccupancy (whether temporary orfinal) isissued authorizing Enlightened Inc.,or another locallyowned and operated business with employees inthe Districtof Columbia approved by the Mayor, any useof the Property, thetax imposed bypursuant to Chapter 811 of thistitleonTitle the42. Property, subject to lunding, shallbe abated for 15 realpropefty tax years.~~

~~"(3) The totalProject amountshall ofbe theexempt abatmentfrom shalltransfer notexceedtaxes million,imposed pursuant to Chapter 9 of this title.~~

~~\$3"(4) "(2)Notwithstanding Theparagraph Project(1) shallof be this exemptsubsection, fromin recordationno taxationcase imposedshall pursuantthe toabatment Chapterprovided 11in paragraph (1) of Titlethis 42,subsection begin before October 1, 2020.~~

~~"(3)"(c) TheFor Projectthe shallProperty be to exemptreceive liomthe transferabatment taxesdescribed imposedin pursuant to Chapter 9 of this title.section, the:~~

~~"(4)"(1) NotwithstandingDeveloper paragraphshall (1)maintain ofthisa subsection,lease innoagreement casewith shallEnlightened Inc., or another locally owned and operated business with employees in the abatmentDistrict providedof inparagraphColumbia (1)approved ofthisby subsectionthe beginMayor, beforefor Octoberapproximately 1,2020-20,000 square feet of office space within the Project.~~

~~"(c)For"(2) theProject Propertyshall toinclude receive35% theCBE abatmentparticipation;described in thissection, the:~~

~~"(1)"(3) DeveloperProject shall maintaincomply a leaseagreement with Enlighteneda Inc.,orFirst anotherSource locallyHiring ownedAgreement;and operated business with employees in theDistrict ofColumbia approved by the Mayor, for approximately 20,000 square footsoffice space within the Project. Projectand "(2)"(4) shallincludeDeveloper 35%shall CBEconduct participation;2 employment fairs in Ward 8 to encourage local participation in the redevelopment of the Property and make local residents aware of job opportunities in the redevelopment of the Property and in the businesses that will occupy the Property after completion of the redevelopment.~~

~~"(3)"(d)(1) ProjectThe shallcomplyMayor withshall acertify FirstSource to Hiringthe Agreement;Office of Tax and Revenue the Property's eligibility for the abatment provided pursuant to this section.~~

~~andThe "(4)Mayor's Developer certification shall conductinclude: 2 employment fairs in Ward 8 to encourage local participation in the redevelopment ofthe Property and make localresidents aware ofjob opportunities in the redevelopment ofthe Property and inthe businesses that will occupy the Property aftercompletion of the redevelopment.~~

~~"(d)(1)The"(A) MayorA shalldescription certifytoof theOffice the ofTaxProperty andby Revenue street theaddress, Property'ssquare, eligibilityforthe suffix, abatmentand providedlot, pursuantand tothisthe section.The date Mayor'sthe certilicationabatment shallbegins include:and ends;~~

~~"(A)"(B) AThe descriptiondate ofthea Propertycertificate byof streetoccupancy address,square,for suffix,andEnlightened lot,andInc., theor dateanother theabatmentlocally beginsowned and ends;operated business with employees in the District of Columbia as approved by the Mayor, authorizing any use of the Property was issued;~~

~~"(B)"(C) TheA datestatement atthat certificateofoccupancythe forEnlightenedconditions Inc.,specified or another locallyowned and operated business with employees in thesubsection Districtof(c) Columbiaof as this approvedsection byhave thebeen Mayor,satisfied; authorizing any use ofthe Property was issued;~~

~~"(C)and A statement that the conditions specifiedin (c) subsection ofthis section have been satisfied;and-ENROLLED ORIGINAL "(D)"(D) Any other information that theMayor,the Mayor considers necessary or appropriate.~~

~~"(2)"(2) IfatIf at any time the Mayor determines that the Property has become ineligible for the abatment provided pursuant tothis to section,the this section, the Mayor shall notifonotify the Office ofTaxof Tax and Revenue and shall specify the date thatthe that the Property became ineligible.Theineligible. entireProperty shall ineligible be forthe abatment on the firstday ofthe tax year following the date when ineligibilityoccurred.~~

~~"(e) The exemptionentire providedProperty by thissection shall be inineligible additionfor ro,the andnotabatment inon lieuthe of,anyfirst otherday taxof relieforthe assistance tax fromyear anyfollowing other source applicable to the MLKdate Gatewaywhen Disposition,ineligibility asoccurred.-approved by theMLK Gateway Disposition Approval Resolution of 2011, effectiveDecember 5,2017 (Res.~~

~~22-319;65"(e) DCRThe 33)."- exemption provided by this section shall be in addition to, and not in lieu~~

65 DCR 33).".

(b) The ~~Chief Financial~~Chief Financial Officer shall ~~certifythe~~certify the date oftheof the inclusion oftheof ~~fiscaleffect~~the fiscal effect in an approved budget and ~~financialplan,~~financial plan, and provide notice to the Budget Director oftheof the Council of the certification.

(2) The date ~~of publication of~~ the publication of the notice ~~of the of~~ certifications shall the certification shall not affect the applicability ~~of this of~~ this act.

Fiscal impact statement.

~~OfficialCode~~Official (Code 1-301.47a). Sec. 1-301.47a).

~~This Effective actdate. shall takeeffect lbllowing approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than days, as provided for emergency acts of the Council of the District of Columbia in section ENROLLED ORIGINAL (a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;~~

788;

~~Official code~~Official Code 1-204.12(a)). Sec. 1-204.12(a)).

~~Item 10 - Council of Chairman the District Council of Columbia of Mayor the District of Columbia APPRO Mayor October District 23, 2019 of COUNCIL Columbia OF 4 THE DISTRICT OF COLUMBIA WASHINGTON, DC, 20004 Docket No. 823[x73 IX] ITEM ON CONSENT CALENDAR 1x1cTron & DATE FINAL READING CC, Oct 8, 2019 1x1o1cE VOTE RECORDED VOTE ON REQUEST APPROVED ABSENT [] ROLL CALL VOTE - Result Council Member Ays Nay AB Council M6mb2r Ay6 Nay AB Councilrembsr Ayo Nay AB Chmn.lrendelson X Gray X Silverman x Allen x Grosso X T.Wh e X Bonds X McDuffie X Todd X Choh X Nadeau x Evans x R.~~

~~White X X -Indicate Yot? AB -Aba.nl NV -PBront, NotVotiw CERTIFICATION RECORD to ro'l? Secretaryo
thCouncil Dat6 Oct10, 2019 Page:1~~