

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 27B of Title 47 of the District of Columbia Official Code to establish the Ballpark Fee Forgiveness Fund to provide for the forgiveness of the ballpark fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ballpark Fee Forgiveness Act of 2017”.

Sec. 2. Chapter 27B of the District of Columbia Official Code is amended as follows:

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

“47-2762.01. Ballpark Fee Forgiveness Fund.”.

(b) A new section 47-2762.01 is added to read as follows:

“§ 47-2762.01. Ballpark Fee Forgiveness Fund.

“(a) There is established as a special fund the Ballpark Fee Forgiveness Fund (“Fund”), which shall be administered by the Chief Financial Officer and used for the purpose set forth in subsection (c) of this section.

“(b) There shall be deposited into the Fund an appropriation of \$500,000.

“(c) Money in the Fund shall be used to forgive certain payments of the ballpark fee required pursuant to § 47-2762 as follows:

“(1) If a Real Estate Investment Trust (“REIT”), which consists of and operates through multiple related entities at a particular property, has paid the ballpark fee based on the gross receipts derived from the income produced from that particular property as required by § 47-2762, and another such related entity or partnership (“subsequent payor”) of that same REIT makes a subsequent, equal payment of the ballpark fee for the same period and property (“subsequent payment”), the subsequent payor may apply for forgiveness of the subsequent payment, which shall be paid from the Fund, as provided in paragraph (2) of this subsection; provided, that the REIT, or the subsequent payor, is the fee simple owner of the particular property.

“(2)(A) On or after the date that this section is applicable, a subsequent payor may submit an application for forgiveness of the asserted subsequent payment with his or her annual ballpark fee return, but not later than June 15 of the year in which the payment of the ballpark fee is due; provided, that the asserted subsequent payment was remitted pursuant to § 47-2762 on or after the applicability of this section.

“(B) If at any time forgiveness amounts applied for exceed the funds available in the Fund, approved forgiveness shall be ratably reduced in proportion to the amount of each subsequent payor’s subsequent payment.

“(d) (1) The funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available for the purpose set forth in subsection (c) of this section without regard to fiscal year limitation.

Sec. 3. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia