



Councilmember Brooke Pinto

Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to require that for a business enterprise to be certified as a local business enterprise it must be either independently owned, operated, and controlled, independently owned, operated, and controlled by a District-based enterprise, or a non-District based business enterprise that is more than 50% owned by District residents; and to require currently certified local business enterprises that do not meet this requirement to be recertified by a time specified to remain a certified local business enterprise.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Business Enterprise Clarification Amendment Act of 2020”.

Sec. 2. Section 2331 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.31), is amended by adding a new paragraph (1A) to read as follows:

“(1A) Is either independently owned, operated, and controlled, owned, operated, and controlled by a District-based enterprise; or owned by a non-District based business enterprise that is more than 50% owned by District residents;”.

Sec. 3. Grace period for compliance.

36 (a) Except as provided in subsection (b) of this section, a business enterprise currently  
37 certified as a local business enterprise pursuant to the Small and Certified Business Enterprise  
38 Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C.  
39 Official Code § 2-218.01 *et seq.* ), (“CBE Act”) that does not meet the requirements of section  
40 2331(1A) of the CBE Act and does not submit a new application to the Department of Small  
41 and Local Business Development to be recertified as a local business enterprise within 90 days  
42 of the effective date of this act shall have its certification revoked pursuant to section  
43 2363(a)(2)(B) of the CBE Act.

44 “(b) If a business enterprise certified as a local business enterprise pursuant to the CBE  
45 Act before the effective date of the Local Business Enterprise Clarification Emergency  
46 Amendment Act of 2020, passed on emergency basis on September 22, 2020 (Bill 23-\_\_\_), has  
47 an existing contract with the District, subsection (a) of this section shall not apply to the  
48 business enterprise for the duration of its existing contract with the District, including any  
49 extensions of the contract through the exercise of option years.”.

50 Sec. 3. Fiscal impact statement.

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

54 Sec. 4. Effective date.

55 This act shall take effect following approval by the Mayor (or in the event of veto by the  
56 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
57 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

58 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
59 Columbia Register.