



Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize the Business Improvement District Council, on behalf of business improvement district corporations, to enter a master license agreement with a third-party provider for the deployment of interactive wayfinding kiosks in commercial areas served by business improvement district corporations, to amend the Business Improvement Districts Act of 1996 to require a community member or resident is a member of the of the BID Board.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Business Improvement District Resiliency Act of 2024”.

Sec. 2 Definitions

(a) “Interactive wayfinding kiosk” means an interactive informational wayfinding platform for use by pedestrians and erected in the public right-of-way, on public space or on private property in the form of a kiosk capable of providing or generating wireless internet at no cost to users and electronically-displayed content including, but not limited to, weather updates, multimodal mapping to event destinations with mobile integration, shopping, dining, and medical points of interest, job postings, real time transportation information, public opinion surveys, public safety and police emergency notifications, kiosk usage information, public service announcements, and digital advertisements.

(b) “BID Council” means the association of the District of Columbia’s Business Improvement Districts.

(c) “BID corporation” has the same meaning as in § 2-1215.02(4).

27 (d) “Business Improvement District” or “BID” has the same meaning as in § 2-
28 1215.02(7).

29 (e) “Commercial district” has the same meaning as in § 1–328.04(j)(1).

30 Sec. 3. The master license agreement.

31 (a) Notwithstanding any other provision of law, a BID corporation, subject to a
32 master license agreement with the DC BID Council, may contract with one or more providers of
33 interactive wayfinding kiosks to install and operate interactive wayfinding kiosks, provided:

34 (1) the interactive wayfinding kiosk is located in the commercial district of
35 such BID corporation; and

36 (2) the BID corporation receives a percentage of the revenue derived from
37 the digital advertisement displayed on any interactive wayfinding kiosk located in the commercial
38 district of such BID corporation; and

39 (3) the master license agreement shall, for its term, be the exclusive agreement in
40 the District of Columbia for private installation and maintenance of interactive wayfinding kiosks,
41 which display commercial advertisements, in public spaces in the commercial districts of BID
42 corporations.

43 (b) The Mayor shall permit the interactive wayfinding kiosk provider to place
44 advertisements on interactive wayfinding kiosks installed pursuant to the master license
45 agreement.

46 (c) The master license agreement shall be for an initial period of 20 years and
47 10 years for renewal thereafter. One year prior to the termination of the master license agreement
48 each party shall notify the other, in writing, as to whether or not it wants to renegotiate the master
49 license agreement for an additional period of time.

50 (d) Under the terms of the master license agreement, the interactive wayfinding
51 kiosk provider shall be responsible for:

52 (1) All of the costs and expenses for the interactive wayfinding kiosk
53 design;

54 (2) The construction, maintenance, and lighting of the interactive
55 wayfinding kiosks and repair of all structures including sidewalks, curbs, streets or utilities which
56 shall in any way be disturbed by the installation of the interactive wayfinding kiosks; and

57 (3) The costs associated with changing, within 3 months, the location of any
58 interactive wayfinding kiosks which are no longer needed where originally placed due to changes
59 in the boundaries of BID corporations or other factors.

60 (e) The master license agreement shall establish:

61 (1) The minimum number of interactive wayfinding kiosks, which are to be
62 installed in the District of Columbia pursuant to the master license agreement;

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64 (2) The design of the interactive wayfinding kiosks; and

65 (3) Standards which the interactive wayfinding kiosk provider is to follow
66 for the minimum maintenance and replacement of the interactive wayfinding kiosks installed
67 pursuant to the master license agreement.

68 (f) The BID Council shall include in the master license agreement those provisions
69 which are so specified in this chapter and any other provisions which the Mayor deems appropriate
70 to carry out the purposes of this chapter.

71 (g) Upon the expiration of the master license agreement, or upon the expiration of
72 the renewal term provided for herein, or if the master license agreement is terminated in accordance

73 with section 9 of this act, whichever shall occur first, the interactive wayfinding kiosks installed
74 pursuant to the master license agreement shall be removed by, and returned to, the interactive
75 wayfinding kiosk provider without cost to the District of Columbia.

76 Sec. 4. Location of interactive wayfinding kiosks; review of application.

77 (a)(1) Prior to the installation of one or more interactive wayfinding kiosks pursuant
78 to the master license agreement, the BID Council shall submit an application to the Mayor for
79 review that includes:

80 (A) The proposed locations for the installation of interactive
81 wayfinding kiosks, which shall include a permitted installation radius of one thousand feet from
82 such proposed locations;

83 (B) A description of the information, features and services provided
84 to residents, workers, visitors, and businesses by the interactive wayfinding kiosks, which shall
85 include, at a minimum:

86 (i) Crime deterrence functions and public safety
87 enhancements;

88 (ii) Programs available through District government
89 agencies and direct service providers, such as prevention and treatment for substance abuse and
90 addiction and shelter options for homelessness; and

91 (iii) Promotion and marketing of small and local
92 businesses, such as minority-owned and women businesses and certified business enterprises;

93 (C) A description of the programming and services to be provided
94 through the revenue derived by the BID corporations from the digital advertisement displayed on

95 the interactive wayfinding kiosks, including 5% of the increased revenue realized by the BID
96 corporations directed towards [one of the following programs, services or activities:

97 (i) Arts and Humanities Fund/grants and administration,
98 improvement, and maintenance of property and programs managed by the Arts and Humanities
99 Commission; or

100 (ii) Equity Impact Fund/ support businesses eligible to be
101 equity impact enterprises (EIE) with training and investment in the form of revenue or equity-
102 based financing]; and

103 (D) Any other data or information requested by the Mayor.

104 (2) The selection of locations and the sequence for installation of interactive
105 wayfinding kiosks shall take into account, first, the various needs of the different commercial
106 districts of the BID corporations for interactive wayfinding kiosks, and second, the advertising
107 market potential in these areas.

108 (b) In establishing the locations for the interactive wayfinding kiosks, the BID
109 Council shall consult with the District of Columbia Department of Transportation.

110 (c) The Mayor shall have 30 days from the date of the filing of the application to
111 conduct a preliminary review of the application to determine if the filing criteria set forth in this
112 section have been met and if the application is otherwise in conformity with this chapter. If the
113 Mayor fails to make a determination that the application is either not in conformity with this
114 chapter or that the application requirements have been met within 30 days, such inaction shall
115 constitute an affirmative preliminary determination that the application requirements have been
116 met. The Mayor may designate the District of Columbia Department of Transportation, or a

117 successor thereto, to perform the review functions described by this section.

118 (d)(1) If the Mayor determines that the application is not in conformity with this
119 chapter, the Mayor shall specify the particular items that need to be corrected and notify the
120 applicant that the application can be corrected and resubmitted within 30 days from the date of this
121 notification. If a corrected application is not submitted within the 30-day period, the Mayor shall
122 reject the application.

123 (2) Once the Mayor affirmatively determines that the application
124 requirements have been met, the Mayor shall approve the application.

125 Sec. 5. Advertising.

126 (a) The interactive wayfinding kiosk provider is authorized to sell commercial
127 advertisement space on no more than 2 sides of a single end of the interactive wayfinding kiosks
128 which have been designated by the master license agreement to contain advertisement.

129 (b) An interactive wayfinding kiosk shall not display any advertisement that is:

130 (1) contrary to any applicable laws, rules or regulations;

131 (2) promotes or advertises tobacco products;

132 (3) promotes or advertises a “sexually-oriented business establishment,” as

133 defined in

134 Section 100 of Title 11-B of the District of Columbia Municipal Regulations (11-B DCMR §
135 100); or

136 (4) considered “political advertising,” as defined in § 1-1163.15(d).

137 (c) The interactive wayfinding kiosk provider shall remove any advertisement
138 which the Mayor determines to be deceptive, misleading, untruthful, obscene, or in violation of
139 Chapter 39 of Title 28 within 15 days from receipt of a request from the Mayor.

140 (d) No interactive wayfinding kiosks with advertisements shall be permitted in
141 public spaces which are immediately adjacent to residential districts of the City zoned R-1, R-2,
142 R-3, or R-4 by the Zoning Commission.

143 Sec. 6. Permitting.

144 (a) For purposes of this chapter, the Mayor shall issue a permit or renewal permit
145 to a BID corporation or BID Council for the installation of an interactive wayfinding kiosk for a
146 period of 20 years, unless sooner revoked by the Mayor for non-compliance with the provisions
147 of the permit. The Mayor may establish the appropriate permit fee according to costs associated
148 with its issuance.

149 (b) It is unlawful to own, construct, substantially alter, or operate any interactive
150 wayfinding kiosk except in accordance with the terms of the permit, including any maintenance
151 provisions, issued by the Mayor to the BID corporation or BID Council for such interactive
152 wayfinding kiosk.

153 (c)(1) A permit granted by the Mayor to a BID corporation pursuant to this chapter
154 shall transfer for the remaining term of such permit to the BID Council in the event of a
155 termination, dissolution or order revoking the registration of such BID corporation's BID;
156 provided, however, a successor BID corporation of such BID may request, and the BID Council
157 shall approve, the transfer of the permit for the remaining term of the permit to such successor
158 BID.

159 Sec. 7. Insurance and bonds.

160 (a) Prior to the installation of the first interactive wayfinding kiosk, the interactive
161 wayfinding kiosk provider shall file with the District of Columbia and shall maintain throughout
162 the life of the master license agreement, liability insurance policies and performance bonds

163 acceptable to the Mayor in the minimum amounts as follows:

164 (1) For bodily injury, including death, (A) \$250,000 for any one person, and

165 (B) \$1,000,000 for any one accident;

166 (2) For property damage, \$100,000 per accident; and

167 (3) For performance of maintenance and repairs, and other provisions of the

168 master license agreement, \$5,000, provided such amount shall increase by \$250 per interactive

169 wayfinding kiosk after the installation of 20 interactive wayfinding kiosks by such provider.

170 (b) The interactive wayfinding kiosk provider shall assure any legal responsibility

171 for, and shall hold the District of Columbia harmless from, any liability that arises because of

172 injury to persons or property, including sidewalks, curbs, streets and structures by reason of the

173 construction, operation, or maintenance of the interactive wayfinding kiosks installed or moved

174 pursuant to the master license agreement.

175 Sec. 8. Termination of master license agreement.

176 (a)The Mayor shall notify the BID Council and interactive wayfinding kiosk

177 provider in writing of any violations of the master license agreement and establish a compliance

178 schedule for correcting the violations. In the event that the compliance schedule is not met, the

179 Mayor may revoke any permits in connection with such violations after 60 days written notice to

180 the BID Council and interactive wayfinding kiosk provider of the Mayor's intent to revoke such

181 permits, setting forth the reasons for the revocation.

182 (b) In the event of bankruptcy of the interactive wayfinding kiosk provider the BID

183 Council shall terminate the master license agreement, providing the interactive wayfinding kiosk

184 provider with written notice of the BID Council's action.

185 Sec. 9. Relation to other provisions of law.

186 The provisions of [Title 5A-1, Article 14 of the Building Code of the District of
187 Columbia], and rules issued pursuant to those sections, pertaining to outdoor signs in the District
188 of Columbia, shall not pertain to the advertisement resulting from this act.

189 Sec. 10. Rules.

190 Pursuant to title 1 of the District of Columbia Administrative Procedures Act,
191 approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 et seq.), the Mayor is authorized
192 to issue any rules that may be necessary to implement the provisions of this act.

193 Sec. 11. Severability.

194 If a provision of this act or its application to a particular person or circumstance
195 is held invalid, such invalidity does not affect other provisions or applications.

196 Sec. 12 Business Improvement Districts Act of 1996, effective May 29, 1996, (D.C.
197 Law 11-312; D.C. Official Code § 2-1215.07), is amended as follows:

198 (a) Section 8 is amended as follows:

199 (1) Paragraph (a) is amended as follows:

200 “(a) The powers of each BID corporation shall be vested in a Board of Directors
201 (“Board”). Board members shall include owners, or principals, agents, partners, managers,
202 trustees, stockholders, officers, or directors of owners, and commercial tenants, residents,
203 community members, and also may include governmental officials; provided, that at least one
204 voting member of the Board is a community member or resident who lives in or within close
205 proximity to the BID and not less than a majority of all Board members shall represent owners.”

206 Sec. 13. Fiscal impact statement.

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

210 Sec. 14. Effective date.

211 This act shall take effect following approval by the Mayor (or in the event of veto
212 by the Mayor, action by the Council to override the veto), a 30-day period of congressional
213 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved
214 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the
215 District of Columbia Register.