

A RESOLUTION

24-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to amend the Business Improvement Districts Act of 1996 to statutorily establish the expiration date of the first term of the Adams Morgan BID.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adams Morgan Business Improvement District Emergency Declaration Resolution of 2021”.

Sec. 2. (a) Section 19 of the Business Improvement Districts Act of 1996, Effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.18), provides that the initial term of a BID corporation will begin from the date of its registration by the Mayor and terminate on the last day of the 5th full fiscal year unless it notifies the Mayor at least 180 days before the end of the BID’s term that it desires to extend its status as a registered BID for a subsequent 5-year term.

(b) Apparently due to confusion over the end date of the first term of the Adams Morgan BID (also known as the Adams Morgan Partnership BID) (“AMPBID”), the AMPBID failed to timely request an extension for a successive 5-year term.

(c) On November 9, 2010, the Extension of Time Emergency Amendment Act of 2010, effective November 17, 2010 (D.C. Act 18-605; 57 DCR 11050) (“Act 18-605”), was passed giving the AMPBID Board until December 31, 2010 to notify the Mayor of its desire for a successive 5-year term. However, the extension of time provided by Act 18-605 was too late. As a matter of law, the AMPBID’s first term had expired on September 30, 2010; therefore Act 18-605 was of no effect.

(d) The Extension of Time Emergency Declaration Resolution of 2010, effective November 9, 2010 (PR18-1183; Res.18-970), accompanying Act 18-605 states that “District law is unclear whether the BID has until the end of fiscal year 2010 or fiscal year 2011 to give notice of its application” for a successive term. But the law is clear.

(e) The AMPBID was authorized, with no gap in the law, by the Adams Morgan Business Improvement District Emergency Amendment Act of 2005, effective May 18, 2005

(D.C. Act 16-80; 52 DCR 5254; expiration August 16, 2005) (“Act 16-80”), the Adams Morgan Business Improvement District Congressional Review Emergency Amendment Act of 2005, effective July 26, 2005 (D.C. Act 16-142; 52 DCR 7169; expiration October 24, 2005), the Adams Morgan Business Improvement District Temporary Amendment Act of 2005, effective September 14, 2005 (D.C. Law 16-16; 52 DCR 6928; expiration April 27, 2006), and finally by permanent legislation, the Adams Morgan Business Improvement District Amendment Act of 2005, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56).

(f) Mayor’s Order 2005-121 dated August 22, 2005 registered the Adams Morgan BID pursuant to Act 16-80 “as well as any substantially identical successor law.” The Mayor’s order registered the AMPBID retroactively as of June 30, 2005. Notwithstanding that the order provides that AMPBID’s registration will expire on June 30, 2010, the law provides that it would expire on the last day of the 5th full fiscal year of registration. September 30, 2005, the year of its registration, does not count because it was not a full year of registration. The last day of the 5th year, a full one, for the AMPBID was September 30, 2010.

(g) Act 18-605 was honestly relied upon by the AMPBID and countless others. The Mayor issued Mayor’s Order 2011-158 extending the AMPBID term from September 30, 2011, to September 30, 2016, and Mayor’s Order 2016-110 extending the AMPBID term from September 30, 2016, to September 30, 2021, based on the validity of Act 18-605.

(h) The Office of Tax and Revenue (“OTR”) and the AMPBID need certainty, optimally by February 15, of the lawful existence of AMPBID to allow AMPBID to provide OTR an on-time listing of properties and persons subject to AMPBID taxes and for OTR to go forward in its normal manner, without delay, in its billing process for the AMPBID’s taxes.

(i) To right this inadvertent reliance and to prevent a myriad of unintended consequences, including the unintended termination of the AMPBID or preventing OTR from timely creating billing files and sending tax bills, legislation statutorily establishing September 30, 2011, as the end date of the first term of the Adams Morgan BID needs to be expeditiously enacted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Adams Morgan Business Improvement District Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.