

A BILL 3

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 5

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Councilmember Michael A. Brown introduced the following bill, which was referred to the 7  
Committee on \_\_\_\_\_ 8

To amend Title 47 of the District of Columbia Official Code to provide information requirements 9  
for the exemption or abatement of taxes and to provide for an annual certification by 10  
taxpayers for continued receipt of an exemption or abatement from real property taxation. 11

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act 12  
may be cited as the “Exemptions and Abatements Information Requirements Act of 2009 ”. 13

Sec. 2. Title 47 of the District of Columbia Code is amended as follows: 14

(a) The table of contents for the title is amended by adding the chapter designation “Chapter 15  
47. Exemptions and Abatements Approval Requirements.”. 16

(b) A new Chapter 47 is added to read as follows: 17

“CHAPTER 47. EXEMPTIONS AND ABATEMENTS APPROVAL REQUIREMENTS. 18

“Sec. 19

“47-4701. Exemptions and abatements approval requirements. 20

“47-4702. Annual certification of continuing eligibility from exemption for abatement from 21  
real property tax. 22

“§ 47-4701. Exemptions and abatements approval requirements. 23

“(a) An exemption or abatement of a tax imposed by this title or by § 42-1103 shall be 24

granted by an act which satisfies the requirements set forth in this chapter; provided, that this chapter shall not apply to a real property tax imposed by Chapter 8 of this title upon any person or entity which would have received an exemption under Chapter 10 of this title upon the filing of an application for exemption.

“(b) An act described in sub-section (a) of this section shall include the following:

“(1) The terms of the exemption or abatement;

“(2) The annual proposed value of the exemption or abatement;

“(3) (A) A summary of the proposed community benefits to be provided by the recipient of the exemption or abatement.

“(B) The summary shall specifically state which community benefits are already required by law, such as inclusionary zoning, or community amenities already negotiated as part of a planned unit development approval;

“(4) A financial analysis prepared by the Office of the Chief Financial Officer, which shall consist of the following:

“(A) (i) An estimate of the amount of tax revenue that will be lost to the District during the term of the exemption or abatement.

“(ii) The estimate shall be measured as the difference between the taxes that would be paid without the exemption or abatement and the taxes that would be paid with the exemption or abatement.

“(iii) For a real property tax exemption or abatement, the Chief Financial Officer shall take into account forecasted variations in the real property’s assessed value during the term of the exemption or abatement;

“(B) For existing buildings, a review and analysis of the financial condition 1  
of the recipient of the proposed exemption or abatement and an advisory opinion stating whether 2  
or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the 3  
proposed exemption or abatement; 4

(C) (i) For development projects, a review and analysis of the financing 5  
proposal submitted by the recipient of the proposed exemption or abatement and an advisory 6  
opinion stating whether or not it is likely that the project could be financed without the proposed 7  
exemption or abatement. 8

(ii) If, in the opinion of the Chief Financial Officer , it is unlikely that 9  
the project could be financed without the proposed exemption or abatement, the Chief Financial 10  
Officer shall provide an estimate of the amount of exemption or abatement necessary to enable the 11  
project to be financed. 12

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“§ 47-4702. Annual certification of continuing eligibility for exemption(s) and/or 14  
abatement(s) from real property tax. 15

“ On or before April, 2011 any taxpayer receiving a real property tax exemption or abatement 16  
pursuant to Chapter 10 or 46 of this title shall be required to file an annual report on or before 17  
April 1 each real property tax year with the Office of the Chief Financial Officer stating the 18  
square and lot and certifying that the real property has been used during the preceding real 19  
property tax year for the purpose for which the exemption or abatement was granted. Failure to 20  
certify that the property was still eligible for the exemption or abatement shall result in a 21  
termination of the exemption or abatement retroactive to the preceding tax year. This section 22

shall not apply to taxpayers who are required to file an annual report pursuant to §47-1007. 1

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Sec. 3. Fiscal impact statement. 4

The Council adopts the fiscal impact statement in the committee report as the fiscal 5

impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 6

approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 7

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Sec. 4. Effective date. 9

This act shall take effect following approval by the Mayor (or in the event of veto by the 10

Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 11

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 12

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 13

Columbia Register. 14