

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 47 of the District of Columbia Official Code, to establish neighborhood impact penalties for contractors that fail to meet contract deadlines on neighborhood streetscape construction projects; to establish a fund within the District Department of Transportation, where all such penalties shall be directed; to designate construction impact zones during the planning phase of a project, which shall include all businesses that, due to the nature and duration of anticipated roadway construction, may experience a significant decline in revenue during the construction period; to defer the District portion of certain taxes owed the District of Columbia during active streetscape construction projects to protect the viability of small businesses currently operating in neighborhood commercial corridors; and to make the DDOT Construction Small Business Survival Fund available to help businesses within the impact zone of the road construction projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Department of Transportation Streetscape Construction Small Business Relief Act of 2010”.

Sec. 2. District Department of Transportation Streetscape Construction Monitoring and Impact Offsets.

(a) The District Department of Transportation shall establish neighborhood impact penalties for contractors that fail to meet contract deadlines on neighborhood streetscape construction projects.

(b) A DDOT Construction Small Business Survival Fund is established within the District Department of Transportation. All penalties described in paragraph (a) of this section shall be directed to this fund.

(c) For roadway construction undertaken by the District Department of Transportation, the Director of the District Department of Transportation shall designate a construction impact zone during the planning phase of the project. The impact zone shall include all businesses that, due to the nature and duration of anticipated roadway construction, may experience a significant decline in revenue during the construction period.

1 (d) Prior to the start of construction, the Director of the District Department of
2 Transportation shall determine if the proposed work is likely to result in reduced
3 revenues for businesses in the impact zone.

4 (e) Throughout the construction project, the District Department of Transportation
5 shall monitor business disruptions within the impact zone and document such findings in
6 a monthly report.

7 (f) When it is determined that construction will impact business revenues, parking
8 meter revenues collected within the impact zone shall be directed to the Small Business
9 Road Construction Survival Fund described in paragraph b.

10 (g) The DDOT Construction Small Business Survival Fund described in
11 paragraph (b) shall be available to help businesses within the impact zone of the road
12 construction projects, including the costs of tax deferrals described in this act.

13 Sec. 3. Chapter 8 Section 846.01 of Title 47 of the District of Columbia Code is
14 amended by adding as follows:

15 “(a) Upon application, the Mayor shall defer without interest or penalty all
16 billing of sales, real property and withholding taxes owed to the District of Columbia
17 with respect to any small commercial businesses, located within an active streetscape
18 construction corridor, until the completion of the construction.

19 “(b) All such taxes shall become due to the District starting the first day of
20 the fiscal year following the completion of the streetscape construction project, payable,
21 without interest or penalty, in 12 equal monthly installments.”.

22 Sec. 3. Fiscal impact statement.

23 The Council adopts the attached fiscal impact statement as the fiscal impact
24 statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
25 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

26 Sec. 4. Effective Date.

27 This act shall take effect following approval by the Mayor (or in the event of veto
28 by the Mayor, action by the Council to override the veto), and shall remain in effect for
29 no longer than 90 days, as provided for emergency acts of the Council for the District of
30 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
31 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).