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10 A BILL
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15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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20 To amend the Tax Increment Financing Authorization Act of 1998 to require a development
21 sponsor to provide additional information in an application for Tax Increment Financing if
22 the project will use those funds to build automobile parking, to require the Chief Financial
23 Officer to consider whether a Tax Increment Financing-financed project is consistent with
24 applicable small area plans and the Sustainable DC Plan before certifying the Tax
25 Increment Financing, to require the Chief Financial Officer to notify a development
26 sponsor if the Tax Increment Financing application does not meet established criteria and
27 give the development sponsor 60 days to cure any defects in the application, to require the
28 Deputy Mayor for Planning and Economic Development to issue a public benefits
29 certification, to define information that shall be included in the public benefits certification
30 and require that information to be in an approval resolution sent to the Council.
31

32 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
33 act may be cited as the “Tax Increment Financing Transparency Amendment Act of 2017”.

34 Sec. 2. The Tax Increment Financing Authorization Act of 1998, effective September 11,
35 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01 *et seq.*), is amended as follows:

36 (a) Section 2(22) (D.C. Official Code § 2-1217.01(22)) is amended by striking the phrase
37 “Real property tax” and inserting the phrase “Property tax”.

38 (b) Section 4 (D.C. Official Code § 2-1217.03) is amended as follows:

39 (1) Subsection (a) is amended as follows:

40 (A) Paragraph (3) is amended to read as follows:

41 “(3) The use of the financing proceeds made available pursuant to this subchapter;
42 provided, that if a project proposes use of TIF revenue for automobile parking, will include
43 below-grade parking, or will include parking in excess of the minimum amount required by
44 applicable zoning regulations the application also shall include:

45 “(A) The number of automobile parking spaces intended for the project
46 overall and an explanation of how that number was developed;

47 “(B) The number of automobile parking spaces proposed that will use TIF
48 proceeds;

49 “(C) The impact the automobile parking spaces proposed in the
50 application will have on the current number of automobile vehicle trips in the TIF
51 area;

52 “(D) Why the automobile parking spaces proposed in subparagraph (B)
53 can only be built using financing proceeds; and

54 “(E) The amount of revenue expected to be generated by parking and the
55 amount of parking tax the project expects to generate annually.”.

56 (B) Paragraph (7) is amended by striking the phrase “Comprehensive
57 Plan;” and inserting the phrase “Comprehensive Plan; any applicable small area plans, design
58 guidelines, or overlays; and the most recent version of the Sustainable DC Plan;” in its place.

59 (C) Add new paragraphs (7A) and (7B) to read as follows:

60 “(7A) A description of compatibility of the project with District Department of
61 Transportation plans for the geographic area of and adjacent to the project;

62 “(7B) A summary of the project’s transportation demand management plan;”.

63 (2) Subsection (b)(3) is amended by striking the phrase “Comprehensive Plan and
64 will achieve” and inserting the phrase “Comprehensive Plan, any applicable small area plans,
65 and the most recent version of the Sustainable DC Plan and will achieve” in its place.

66 (3) Subsection (d) is amended to read as follows:

67 “(d)(1) If, upon consideration of the criteria set forth in subsections (b) and (c) of this
68 section, the CFO determines:

69 “(A) The project does not comply with the criteria, the CFO shall so notify
70 the development sponsor in writing stating in what areas the project fails to meet the criteria. The
71 CFO shall allow the development sponsor up to 60 days to comply and cure any defects.

72 “(B) The project complies with the criteria and determines to certify the
73 project for Council approval, the Mayor shall enter into negotiations with the development
74 sponsor to determine the:

75 “(i) Boundaries of the TIF area for the project;

76 “(ii) Amount of tax increment allocation;

77 “(iii) Type of tax to be allocated;

78 “(iv) Terms and conditions of the agreement between the District
79 and the development sponsor, and

80 “(v) Termination dates for the tax increment revenues to be
81 allocated to the project.

82 “(2) Upon completion of negotiations, the CFO shall certify the project, and
83 prepare a proposed resolution for the approval of the Council consistent with the results of the
84 negotiations and with section 5 of this act. The CFO’s certification analysis shall accompany the
85 proposed resolution transmitted to Council pursuant to section 5.”.

86 (4) Subsection (e) is amended as follows:

87 (A) The existing text is designated paragraph (1).

88 (B) Paragraph (1) is amended by striking the phrase “the Director, Office
89 of Planning; the Corporation Counsel; the Director, Department of Housing and Community
90 Development; and” and inserting the phrase “the Deputy Mayor for Planning and Economic
91 Development; the Director of the Office of Planning; the Attorney General; the Director of the
92 Department of Housing and Community Development; the Director of the Department of
93 Transportation; the Director of the Department of Energy and Environment; and” in its place.

94 (C) A new paragraph (2) is added to read as follows:

95 “(2) The Deputy Mayor for Planning and Economic Development shall prepare a
96 public benefits analysis and certification pursuant to section 4a of this act. The public benefits
97 analysis and certification shall include a response to information furnished by agencies listed in
98 paragraph (1).”.

99 (b) A new section 4a is added to read as follows:

100 “Section 4a. Public benefit analysis and certification.

101 “(a) The Deputy Mayor for Planning and Economic Development shall prepare an
102 analysis and certification of the public benefits of the project, which shall include:

103 “(1) A description of the public policy goal achieved by the TIF, including any
104 expected results;

105 “(2) An analysis of how the proposed uses of the financing proceeds are
106 consistent with the Comprehensive Plan, any applicable small area plans, design guidelines and
107 transportation plans for the area and immediately adjacent areas, and the most recent version of
108 the Sustainable DC Plan;

109 “(3) The number of affordable housing units included in the project as a
110 percentage of the total units, and for what level of Area Median Income, as defined by § 47-
111 858.01(1)(A)(i), the units will be affordable;

112 “(4) The number of jobs that will be created, delineated by status as to whether a
113 job is permanent, temporary, full time, or part time, including the estimated wages and benefits
114 for each job created;

115 “(5) Any commitment made to hiring District residents;

116 “(6) A description of infrastructure and public space improvements;

117 “(7) A description of transit investments and other non-automobile mode
118 improvements;

119 “(8) For a project that includes automobile parking as a proposed use of financing,
120 below-grade parking, or parking in excess of the minimum amount required by applicable zoning
121 regulations a justification for why automobile parking is included, how many parking spaces are
122 proposed overall and also specifically with the financing proceeds, how that amount of parking
123 spaces was developed, the impact that number of spaces will have on the current number of
124 automobile vehicle trips in the TIF area, what impact that amount of parking will have on area
125 streets and congestion; and why the proposed parking can only be built with financing proceeds;
126 and

127 “(9) An analysis of any other public benefits provided by the project.

128 “(b) The summary shall state which public benefits are already required by law, such as
129 inclusionary zoning; the community amenities that have already been negotiated as part of a
130 planned-unit-development approval; and the requirements or incentives already included in law
131 or regulation, such as environmental standards.

132 “(c) The public benefits analysis and certification shall accompany the proposed
133 resolution transmitted to Council pursuant to section 5.”.

134 (c) Section 5 (D.C. Official Code § 2-1217.04) is amended to read as follows:

135 “Section 5. Approval by the Council.

136 “(a) Upon completion of negotiations with the development sponsor, the CFO may
137 certify the project and submit such certification and the proposed resolution referred to in § 2-
138 1217.03(d) to the Mayor.

139 “(b) If the Mayor determines that the resolution is consistent with the requirements of this
140 section, the Mayor shall transmit to the Council a proposed resolution to approve the project, the
141 TIF area, the development agreement, and the amount to be financed.

142 “(c) The proposed resolution shall define the TIF area for the eligible project, a summary
143 description of the eligible project and its compliance with the criteria, a listing of the public
144 benefits to be derived from the eligible project, the portion of real property tax or sales revenues
145 increment to be allocated to the project; and a summary of the terms of the TIF bonds to be
146 issued with respect to the project.

147 “(d) The Council shall approve or disapprove the proposed resolution within 60 days;
148 provided, that the Council shall hold a public hearing on the resolution, and, provided further, that
149 a resolution shall not receive a hearing until the public benefit analysis and certification required
150 by section 4a is provided to the Council and made available to the public.”.

151 Sec. 3. Section 2253(a)(2) of the Unified Economic Development Budget Transparency
152 and Accountability Act of 2010, effective September 24, 2010 (D.C. Law 18-223; D.C. Official
153 Code § 2-1208.02(a)(2)) is amended as follows:

154 (a) Subparagraph (E) is amended by striking the word “and”.

155 (b) Subparagraph (F) is amended by striking the phrase “body’s name.” and inserting the
156 phrase “body’s name; and” in its place.

157 (c) Add a new subparagraph (G) to read as follows:

158 “(G) For tax increment financing projects that include use of funds for
159 parking spaces, the number of parking spaces by project.”.

160 Sec. 4. Fiscal impact statement.

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

164 Sec. 5. Effective date.

165 This act shall take effect following approval by the Mayor (or in the event of veto by the
166 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
167 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
168 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
169 Columbia Register.