


Councilmember Kenyan R. McDuffie

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to authorize emergency financial assistance to an eligible small business affected by a District-financed capital infrastructure project of District-owned property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Small and Certified Business Enterprise Development and Assistance Emergency Amendment Act of 2019”.

Sec. 2. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“Sec. 2316. Financial distress determination.”.

(b) Section 2302 (D.C. Official Code § 2-218.02) is amended as follows:

(1) Paragraphs (1D), (1E) (1F), and (1G) are redesignated, respectively, (1E), (1F), (1G) and (1H).

34 (2) A new paragraph (1D) is added to read as follows:

35 “(1D)“Capital infrastructure project” means the renovation, construction,
36 replacement, maintenance, or improvement of a District-owned property, facility, building, or
37 infrastructure that is financed by the District government.”.

38 (3) A new paragraph (7A) is added to read as follows:

39 “(7A) “Eligible small business” means a business certified, or eligible to be
40 certified, as a small business enterprise pursuant to section 2332 or a disadvantaged business
41 enterprise pursuant to section 2333 that is experiencing financial distress as a result of a capital
42 infrastructure project that is adjoined, inside, or within 500 feet of a capital infrastructure
43 project.”.

44 (4) Paragraph (9A) is designated as paragraph (9B).

45 (5) A new paragraph (9A) is amended to read as follows:

46 “(9A) “Financial distress” means a condition that occurs to an eligible small
47 business as a result of a capital infrastructure project causing such a disruption in business that
48 the eligible small business has a demonstrable loss of revenue and as a consequence is having
49 difficulty in paying, or is unable to pay, its creditors, lenders, and other obligations, including
50 utility costs, rent, and other overhead costs.”.

51 (c) A new section 2316 is added to read as follows:

52 “Sec. 2316. Financial distress determination.

53 “(a)(1) The Mayor, in the Mayor’s sole discretion, may disburse a grant from the Small
54 Business Capital Access Fund, established by section 2375, to an eligible small business;
55 provided, that the eligible small business:

56 “(A) Submits a grant application in the form and with the information

57 required by the Mayor; and

58 “(B) Provides records that demonstrate, to the satisfaction of the Mayor,
59 financial distress caused by a capital infrastructure project.

60 “(2) A grant issued pursuant to this section shall not exceed beyond the
61 completion of the capital infrastructure project.

62 “(b) The Mayor, pursuant Title I of the District of Columbia Administrative Procedure
63 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
64 rules to implement the provisions of this section.”.

65 (d) Section 2375(b) (D.C. Official Code § 2-218.75(b)) is amended as follows:

66 (1) Paragraph (2) is amended by striking the word “and”.

67 (2) Paragraph (3) is amended by striking the period and inserting the phrase
68 “; and” in its place.

69 (3) A new paragraph (4) is added to read as follows:

70 “(4) To provide financial assistance, including grants, loans, and loan
71 guarantees to an eligible small business experiencing financial distress, as that term is defined in
72 section 2302(9A).”.

73 Sec. 3. Fiscal impact statement.

74 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
75 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
76 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

77 Sec. 4. Effective date.

78 This act shall take effect following approval by the Mayor (or in the event of veto by the
79 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

80 90 days, as provided for emergency acts of the Council of the District of Columbia in section
81 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
82 D.C. Official Code § 1-204.12(a)).