

A BILL

23-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Small and Certified Business Enterprise Development and Assistance Act of 2005 to authorize emergency financial assistance to eligible small businesses affected by District-financed capital infrastructure projects 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 Temporary 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).

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

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

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

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

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

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

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

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

“Sec. 2316. Financial distress determination.

“(a)(1) The Mayor, in the Mayor’s sole discretion, may disburse a grant from the ~~Small Business Capital Access Fund, established by section 2375~~ Robust Retail Grant Program, as established by the Department of Small and Local Business Development, to an eligible small

business; provided, that the eligible small business:

“(A) Submits a grant application in the form and with the information required by the Mayor; and

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

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

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

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

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

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

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

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

Sec.3. Section 3(b) of the District of Columbia Uniform Law Commission Act of 2010, effective March 12, 2011 (D.C. Law 18-313; D.C. Official Code § 3-1432(b)), is amended by

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striking the phrase “District of Columbia Bar.” and inserting the phrase “District of Columbia Bar; provided, that the Commissioner appointed by the Council of the District of Columbia pursuant to subsection (a)(2) of this section need not be a member in good standing of the District of Columbia Bar if he or she is a member in good standing of any state Bar.” in its place.

Sec. 34. Fiscal impact statement.

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

Sec. 45. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.