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2 Councilmember Brianne K. Nadeau

Councilmember Kenyan R. McDuffie

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7 A PROPOSED RESOLUTION
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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16 To declare the existence of an emergency with respect to the need to amend the Business
17 Improvement Districts Act of 1996 to statutorily establish the expiration date of the first
18 term of the Adams Morgan BID.
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20 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 resolution may be cited as the “Adams Morgan Business Improvement District Emergency
22 Declaration Resolution of 2021”.

23 Sec. 2. (a) Section 19 of the Business Improvement Districts Act of 1996, Effective May
24 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.18), provides that the initial term of a
25 BID corporation will begin from the date of its registration by the Mayor and terminate on the
26 last day of the 5th full fiscal year unless it notifies the Mayor at least 180 days before the end of
27 the BID’s term that it desires to extend its status as a registered BID for a subsequent 5-year
28 term.

29 (b) Apparently due to confusion over the end date of the first term of the Adams Morgan
30 BID (also known as the Adams Morgan Partnership BID) (“AMPBID”), the AMPBID failed to
31 timely request an extension of its initial term.

32 (c) On November 9, 2010, the Extension of Time Emergency Amendment Act of 2010,

33 effective November 17, 2010 (D.C. Act 18-605; 57 DCR 11050) (“Act 18-605”), was passed
34 giving the AMPBID Board until December 31, 2010 to notify the Mayor of its desire for a
35 successive 5-year term. However, the extension of time provided by Act 18-605 was too late.
36 As a matter of law, the AMPBID’s first term had expired on September 30, 2010; therefore Act
37 18-605 was of no effect.

38 (d) The Extension of Time Emergency Declaration Resolution of 2010, effective
39 November 9, 2010 (PR18-1183; Res.18-970), accompanying Act 18-605 states that “District law
40 is unclear whether the BID has until the end of fiscal year 2010 or fiscal year 2011 to give notice
41 of its application” for a successive term. But the law is clear.

42 (e) The AMPBID was authorized, with no gap in the law, by the Adams Morgan
43 Business Improvement District Emergency Amendment Act of 2005, effective May 18, 2005
44 (D.C. Act 16-80; 52 DCR 5254; expiration August 16, 2005) (“Act 16-80”), the Adams Morgan
45 Business Improvement District Congressional Review Emergency Amendment Act of 2005,
46 effective July 26, 2005 (D.C. Act 16-142; 52 DCR 7169; expiration October 24, 2005), the
47 Adams Morgan Business Improvement District Temporary Amendment Act of 2005, effective
48 September 14, 2005 (D.C. Law 16-16; 52 DCR 6928; expiration April 27, 2006), and finally by
49 permanent legislation, the Adams Morgan Business Improvement District Amendment Act of
50 2005, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56).

51 (f) Mayor’s Order 2005-121 dated August 22, 2005 registered the Adams Morgan BID
52 pursuant to Act 16-80 “as well as any substantially identical successor law.” The Mayor’s order
53 registered the AMPBID retroactively as of June 30, 2005. Notwithstanding that the order
54 provides that AMPBID’s registration will expire on June 30, 2010, the law provides that it would

55 expire on the last day of the 5th full fiscal year of registration. September 30, 2005, the year of
56 its registration, does not count because it was not a full year of registration. The last day of the
57 5th year, a full one, for the AMPBID was September 30, 2010.

58 (g) Act 18-605 was honestly relied upon by the AMPBID and countless others. The
59 Mayor issued Mayor's Order 2011-158 extending the AMPBID term from September 30, 2011
60 to September 30, 2016 and Mayor's Order 2016-110 extending the AMPBID term from
61 September 30, 2016 to September 30, 2021 based on the validity of Act 18-605.

62 (h) The Office of Tax and Revenue ("OTR") and the AMPBID need certainty, optimally
63 by February 15, of the lawful existence of AMPBID to allow AMPBID to provide OTR an on-
64 time listing of properties and persons subject to AMPBID taxes and for OTR to go forward in its
65 normal manner, without delay, in its billing process for the AMPBID's taxes.

66 (i) To right this inadvertent reliance and to prevent a myriad of unintended consequences,
67 including the unintended termination of the AMPBID or preventing OTR from timely creating
68 billing files and sending tax bills, legislation statutorily establishing September 30, 2011 as the
69 end date of the first term of the Adams Morgan BID needs to be expeditiously enacted.

70 Sec. 3. The Council of the District of Columbia determines that the circumstances
71 enumerated in section 2 constitute emergency circumstances making it necessary that the Adams
72 Morgan Business Improvement District Emergency Amendment Act of 2021 be adopted after a
73 single reading.

74 Sec. 4. This resolution shall take effect immediately.