



Councilmember Kenyan R. McDuffie

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency basis, due to congressional review, with respect to the need to amend the Small and Certified Business Enterprise Development and Assistance Act of 2005 to establish uniform hearing procedures for enforcement actions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Certified Business Enterprise Program Compliance and Enforcement Support Emergency Congressional Review Declaration Resolution of 2024”.

Sec. 2. (a) A Certified Business Enterprise (“CBE”) is a business enterprise certified by the Department of Small and Local Business Development (“DSLBD”) as a local business enterprise.

(b) Businesses with CBE certification may receive preference when submitting bids or proposals for procurement and contracting opportunities.

(c) There are currently over 2,000 businesses participating in the District’s CBE program.

(d) Following a recent revocation hearing before the Office of Administrative Hearings, DSLBD determined that there existed a need uniform hearing procedures for complaints needed to be established expeditiously to ensure procedural consistency and fairness for these businesses, as well as to increase effectiveness and efficiency in departmental compliance and enforcement procedures.

32 (e) Emergency legislation was needed to clarify and update enforcement actions under
33 the Small and Certified Business Enterprise Development and Assistance Act of 2005.

34 (f) In April 2024, the Council enacted the Certified Business Enterprise Program
35 Compliance and Enforcement Support Emergency Amendment Act of 2024, effective April 15,
36 2024 (D.C. Act 25-444; 71 DCR 4625), (“emergency legislation”) and the B25-769, the Certified
37 Business Enterprise Program Compliance and Enforcement Support Temporary Amendment Act
38 of 2024, enacted on May 29, 2024 (D.C. Act 25-484; 71 DCR 6756), (“temporary legislation”) to
39 address the above-referenced needs.

40 (g) The emergency legislation expires on July 14, 2024. The temporary legislation must
41 still complete the 30-day review period required by section 602(c)(1) of the District of Columbia
42 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
43 206.02(c)(1)), and will not become law until after the emergency legislation has expired.

44 (h) It is necessary that the provisions of the emergency legislation continue in effect,
45 without interruption, until the temporary legislation is in effect.

46 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute
47 emergency circumstances making it necessary that the Certified Business Enterprise Program
48 Compliance and Enforcement Support Emergency Congressional Review Amendment Act of
49 2024 be adopted after a single reading.

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