

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Public Space Rental Act to clarify the definition of assessed value, to decrease the collection of rent associated with vaults, to provide that owners have at least 30 days to pay a rent bill, and to provide for a statute of limitations for claiming a refund of an overpayment of rent; and to amend the Department of Transportation Establishment Act of 1996 to reduce the amount of revenue from vault rent to be deposited in the Highway Trust Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Space Rental Fees Amendment Act of 2008”.

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 10-1101.01) is amended by adding a new 2nd unnumbered paragraph to read as follows:

““Assessed value” means the estimated market value of the real property attributable to the land for purposes of real property taxation as of January 1 preceding the rent year.”.

(b) Section 305 (D.C. Official Code § 10-1103.04) is amended as follows:

(1) Subsection (c) is amended as follows:

(A) Strike the phrase “One and eight-tenths percent (1.8%)” and insert the phrase “One and two-tenths percent (1.2%)” in its place.

(B) Strike the phrase “Forty-fifth of one percent (0.45%)” and insert the phrase “Three-tenths of one percent (0.30%)” in its place.

(2) A new subsection (d) is added to read as follows:

“(d) The owner shall have at least 30 days from the date of issuance of a bill to pay the rent.”.

(c) A new section 305a is added to read as follows:

“Sec. 305a. Overpayments.

“(a) If there is a payment of a rent that results in an overpayment, the overpayment shall be credited against other rent periods owed.

“(b) The Mayor shall refund the rent payment less any other rent owing; provided, that the refund shall not be allowed after 3 years from the date the rent payment was made.

“(c) The owner may file a claim for a refund in the manner prescribed by the Mayor.

“(d) The District shall pay interest on the overpayment beginning 90 days after the receipt of the claim for refund; provided, that for the rent originally due on June 30, 2008, interest on the overpayment shall not accrue before 180 days from the receipt of the claim for refund.

“(e) The interest payable by the District under subsection (d) of this section shall be at the rate provided in D.C. Official Code § 47-3310(c).

“(f) The Mayor shall issue a final decision concerning the claim for a refund within 180 days from the date that the claim was filed. The owner may, within 45 days from either the date of the final decision or the expiration of the 180 days if no final decision issues, file suit in the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Official Code §§ 47-3303 and 47-3304; provided, that the rent, including any interest, shall have first been paid.”.

Sec. 3. Section 9c(c)(4) of the Department of Transportation Establishment Act of 1996, effective April 9, 1997 (D.C. Law 14-137; D.C. Official Code § 50-921.11(c)(4)), is amended to read as follows:

“(4) One hundred percent of the proceeds collected by the District for rental of public space, including bus shelter advertising revenue; provided, that 1/6 of revenue generated by public space rental fees for vaults shall be deposited into the Highway Trust Fund.”.

Sec. 4. Applicability.

Sections 2 and 3 shall apply as of July 1, 2008.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

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

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia