

COUNCIL OF THE DISTRICT OF COLUMBIA

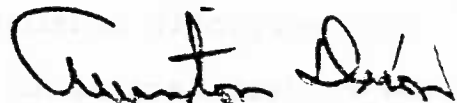
NOTICE

D.C. LAW 4-112

"Nonprofit Housing Developments' Water and Sanitary Sewer Service Rate Charges Reduction and the Consumer Credit Interest Rate Amendments Clarification Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-193 on first and second readings, March 9, 1982 and March 23, 1982, respectively. Following the signature of the Mayor on April 12, 1982, this legislation was assigned Act No. 4-175, published in the April 23, 1982 edition of the D.C. Register, (Vol. 29 page 1687) and transmitted to Congress on April 20, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-112, effective June 4, 1982.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April 20, 21, 22, 23, 26, 27, 28, 29, 30

May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27

June 2, 3

D.C. LAW 4 - 112
EFFECTIVE DATE JUN 04 1982

AN ACT

D.C. ACT 4 - 175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APR 12 1982

To reduce and to authorize the Mayor to forgive water and sanitary sewer service charges to certain subsidized and cooperative nonprofit housing developments in the District of Columbia; and to make clarifying amendments to the Consumer Credit Interest Rate Amendments Act of 1981; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nonprofit Housing Developments' Water and Sanitary Sewer Service Rate Charges Reduction and the Consumer Credit Interest Rate Amendments Clarification Act of 1982".

Sec. 2. Definitions.

For the purpose of this act the term:

(1) "nonprofit housing development" means a housing project located in the District of Columbia, owned and operated on a nonprofit basis which is receiving financial assistance from federal agencies pursuant to (A) section 236 of the National Housing Act, approved August 1, 1968 (82 Stat. 498; 12 U.S.C. sec. 1715z-1); (B) section 8 (payments made for new construction and substantial rehabilitation) of the United States Housing Act of 1937, approved August 22,

CODIFICATION
New
D.C. Code,
sec. 43-1522.5
&
sec. 43-1605.5
(1981 ed.)

1974 (88 Stat. 662; 42 U.S.C. sec. 437(f); (C) section 221(d)(3) (BMIR Mortgage Insurance) of the National Housing Act, approved August 2, 1954 (68 Stat. 597; 12 U.S.C. sec. 17151(c)(3); or (D) section 202 of the Housing Act of 1959, approved September 23, 1959 (73 Stat. 667; 12 U.S.C. sec. 1701(g); and nonprofit cooperative housing developments: which shall have no other form of income over and above the cost of the project; and income over and above the cost of operating shall be left for the benefit of the project. The term "nonprofit housing development" shall not include housing projects which are owned by limited distribution mortgagors organized in a corporation, trust, partnership, association, other entity, or individual and which are restricted by law (or by a federal agency) as to distribution of income and regulated as to rents, charges, rate of return, and methods of operation.

(2) "person" means individual, corporation, company, association, firm, partnership, society, and joint stock company.

(3) "sanitary sewer service rates" means those charges by the District of Columbia government for sanitary sewer services pursuant to section 701(b) of the Revenue Act of 1975, effective October 21, 1975 (D.C. Law 1-23; D.C. Code, sec. 43-1605).

(4) "severe financial difficulty" means proven

financial difficulty of such magnitude as to threaten the continued operation of the nonprofit housing development. For the purposes of this act, evidence of "severe financial difficulty" shall include, but not be limited to, evidence that the nonprofit housing development is two (2) months or more in arrears on its mortgage, evidence that the nonprofit housing development has received a notice of foreclosure from the United States Department of Housing and Urban Development, or evidence that the nonprofit housing development's mortgage has been assigned to the United States Department of Housing and Urban Development.

(5) "water rates" means those charges made by the District of Columbia government for water services pursuant to section 1 of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, approved July 3, 1930 (46 Stat. 988; D.C. Code, sec. 43-1522).

Sec. 3. Section 1 of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, approved July 3, 1930 (46 Stat. 988; D.C. Code, sec. 43-1522) is amended as follows:

D.C. Code,
sec. 43-1522
(1981 ed.)

(a) By designating the existing text as subsection "(a)"; and

(b) By adding a new subsection at the end thereof to read as follows:

"(b) The water rates for nonprofit housing developments as defined in section 2(1) of the Nonprofit Housing Developments' Water and Sanitary Sewer Service Rate Charges Reduction and the Consumer Credit Interest Rate Amendments Clarification Act of 1982 shall be one-half ($\frac{1}{2}$) the rate established in subsection (a)."

Sec. 4. Section 701(b)(1) of the Revenue Act of 1975, effective October 21, 1975 (D.C. Law 1-23; D.C. Code, sec. 43-1605(a)) is amended to read as follows:

D.C.Code,
sec. 43-1605
(1981 ed.)

"(1) The charge for sanitary sewer service furnished all premises in the District of Columbia shall be 67.7 cents for each one hundred cubic feet of water charges and shall be collected in the same manner and at the same time as water charges are collected: PROVIDED, That the sanitary sewer service rate for nonprofit housing developments as defined in section 2(1) of the Nonprofit Housing Developments' Water and Sanitary Sewer Service Rate Charges Reduction and the Consumer Credit Interest Rate Amendments Clarification Act of 1982 shall be one-half ($\frac{1}{2}$) the rate established in this paragraph."

Sec. 5. To determine the eligibility of the

nonprofit housing development for the lower water rate and sanitary sewer service rate, the Mayor may require an owner of a nonprofit housing development, to submit information relating to the ownership, use, subsidies, and occupancy of the nonprofit housing development as in the Mayor's judgment will assist in determining the eligibility of such nonprofit housing development for the lower water rate and sanitary sewer service rate. Such information shall be submitted in such a manner and at such times as the Mayor may prescribe. The Mayor may verify the information submitted.

New
D.C.Code,
sec. 43-1522.
&
sec. 43-1605.
(1981 ed.)

Sec. 6. The Mayor may forgive all or any part of any outstanding water and sanitary sewer service charges owed by a nonprofit housing development entitled to the lower water rate or sanitary sewer service rate under section 1(b) of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1931, and for other purposes, approved July 3, 1930 (46 Stat. 988; D.C. Code, sec. 43-1522(b)) and section 701(b)(1) of the Revenue Act of 1975, effective October 21, 1975 (D.C. Law 1-23; D.C. Code, sec. 43-1605(a)), respectively, which has demonstrated, in writing, to the Mayor's satisfaction, that the nonprofit housing development is unable to pay such charges, that the nonprofit housing

New
D.C.Code,
sec. 43-1522.
&
sec. 43-1605.
(1981 ed.)

development is currently experiencing severe financial difficulty, and that forgiveness of such charges will help assure the nonprofit housing development's continued operation.

Sec. 7. The Mayor may issue rules necessary to carry out the provisions of this act.

Sec. 8. (a) Any person who shall willfully make a false statement concerning any information required to be submitted pursuant to section 5, shall be guilty of perjury, and upon conviction thereof, shall be subject to a fine not to exceed \$5,000.

(b)(1) The water rates and the sanitary sewer service rates' reduction referred to in sections 3 and 4 shall be disallowed if the information required in section 5 contains willful false statement.

(2) The reduction referred to in paragraph (1) shall be disallowed for each year to which the false statement in paragraph (1) applies and the full water rate and sanitary sewer service rate shall be charged the owner or occupant requesting the reduction.

(c)(1) A penalty of ten percent (10%) of the water rates and of the sanitary sewer service rates to which the owner or occupant would have been subject absent the reduction authorized by sections 3 and 4 shall be imposed against the owner or occupant found guilty of submitting a willful false statement referred to in subsection (b)(1).

New
D.C.Code,
sec. 43-152
&
sec. 43-160
(1981 ed.)

New
D.C.Code,
sec. 43-152
&
sec. 43-160
(1981 ed.)


(2) The penalty referred to in paragraph (1) shall be in addition to the ten percent (10%) late charge referred to in sections 102 and 210 of An Act To authorize the financing of a program of public works construction for the District of Columbia, and for other purposes, approved May 18, 1954 (68 Stat. 102; D.C. Code, secs. 43-1527 & -1610).

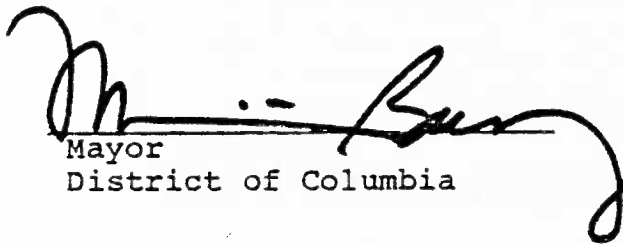
Sec. 9. D.C. Code, sec. 28-3302, as amended by section 2 of the Consumer Credit Interest Rate Amendments Act of 1981, effective March 10, 1982 (D.C. Law 4-70; 28 DCR 5236) is amended by striking the phrase "7 of An Act To amend the Tariff Schedules of the United States to permit the importation of upholstery regulators, upholsterer's regulating needles, and upholsterer's pins free of duty," and inserting the phrase "6621 of the Internal Revenue Code of 1954," in lieu thereof.

D.C. Code,
sec. 28-330

Sec. 10. This act shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code,

sec. 1-233(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: April 12, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
First Session

DOCKET NO: B 4-193

Item on Consent Calendar

ACTION: Adopted First Reading, 3-9-82

VOICE VOTE: By Majority, Members Shackleton, Jarvis and

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Cunningham
Secretary to the Council

3/24/82
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 3-23-82

VOICE VOTE: By Majority, Member Crawford voted present

Absent: Moore and Spaulding

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Cunningham
Secretary to the Council

3/24/82
Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date