

COUNCIL OF THE DISTRICT OF COLUMBIA

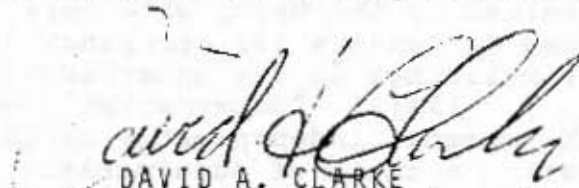
NOTICE

D.C. LAW 7-173

"Supermarket Tax Incentive Amendment Act
of 1988".

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. 7-124 on first and second readings, June 28, 1988, and July 12, 1988, respectively. Following the signature of the Mayor on July 15, 1988, this legislation was assigned Act No. 7-229, published in the July 29, 1988, edition of the D.C. Register, (Vol. 35 page 5758) and transmitted to Congress on July 25, 1988 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 7-173, effective September 29, 1988.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 25,26,27,28,29

August 1,2,3,4,5,8,9,10,11

September 7,8,9,12,13,14,15,16,19,20,21,22,23,26,27,28

AN ACT

D.C. ACT 7 - 229

Codification,
New Chapter 38 of Title 4
District of Columbia Code
(1989 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

EFFECTIVE DATE JUL 15 1988

To provide tax exemptions, and other incentives for the location of supermarkets in underserved areas of the District of Columbia and to amend An Act To define the real property exempt from taxation in the District of Columbia and An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supermarket Tax Incentive Amendment Act of 1988".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Fair market rent" means an amount as determined by the Mayor with reference to the average rent charged to tenants for occupancy of comparable space in other buildings in the underserved area.

(2)(A) "Supermarket" means a self-service retail establishment, independently owned or part of a corporation operating a chain of supermarkets under the same name, that:

(i) Is licensed as a grocery store pursuant to paragraph 27 of section 7 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 620; D.C. Code, sec. 47-2827);

(ii) Offers for sale a full line of meat, seafood, fruits, vegetables, dairy products, and dry groceries, household products, and sundries;

(iii) Occupies at least 6,000 square feet of space.

(B) The term "supermarket" shall include related service departments, such as kitchens, bakeries,

New,
Section
47-3801

pharmacies, or flower shops of a retail establishment that meets the criteria set by paragraph (A) of this subsection.

(3) "Supermarket development" means a new supermarket for which construction begins on or after the effective date of this act or an expansion or modernization of an existing supermarket if the expansion or modernization begins on or after the effective date of this act.

(4) "Underserved area" means an area of no more than one square mile within the District having a ratio of less than 2 supermarkets per 10,000 residents or having less than 1 supermarket.

Sec. 3. Identification of underserved areas.

New,
Section
47-3802

(a) The Mayor shall, within 180 days of the effective date of this act, submit to the Council for its approval, by resolution, a listing of all underserved areas ranked in order ranging from the most underserved to the least underserved. The Mayor may, from time to time, submit to the Council for its approval, by resolution, a listing of additional underserved areas ranked in order ranging from the most underserved to the least underserved.

Sec. 4. Tax and license fee incentives for supermarkets developments in underserved areas.

New,
Section
47-3803

Any supermarket development in an underserved area approved by the Council, by resolution, shall be eligible for:

(1) A 5-year real property tax exemption as provided in section 1(w) of An Act To define the real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code, sec. 47-1002(w)); and

(2) A 5-year exemption from the license fee as provided in paragraph 27(b) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code, sec. 47-2827(b)).

Sec. 5. Section 1 of An Act To define the real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code, sec. 47-1002) is amended by adding a new subsection (w) to read as follows:

Section
47-1002

"(w)(1) Subject to the provisions of paragraph (2) of this subsection, a supermarket development, as that term is defined in section 3 of the Supermarket Tax Incentive Act of 1988, in an underserved area of the District approved

pursuant to section 4 of the Supermarket Tax Incentive Act of 1988.

"(2) The real property tax exemption granted by paragraph (1) of this subsection shall apply:

"(A) Only for the first 5 real property tax years beginning after the date of issuance of the final certificate of occupancy for the supermarket;

"(B) Only during the time that the real property is used as a supermarket;

"(C) In the case of a supermarket development on real property not owned by the supermarket, only if the owner of the real property leases the land or structure to the supermarket at a rent reduced from the fair market rent by an amount equal to the amount of the real property tax exemption;

"(D) Only during the time that the supermarket development is in compliance with the requirements of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Code, sec. 1-1161 et seq.);

"(E) In the case of a supermarket development that is a new supermarket, only if at the time construction of the new supermarket commenced no other supermarket, as that term is defined in section 3(2) of the Supermarket Tax Incentive Act of 1988, existed within a 1 mile radius of the new supermarket."

Sec. 6. Paragraph 27(b) of section 7 of An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code, sec. 47-2827(b)) is amended to read as follows:

Section
47-2827

"(b)(1) Owners or managers of bakeries, bottling establishments, candy-manufacturing establishments, grocery stores, marine products or fish sold at retail, meat shops and market stands handling food or food products shall pay a license fee of \$111 per annum.

"(2) If any licensee under this paragraph shall conduct upon the same premises more than one calling listed in sub-subparagraph (1) of this subparagraph, no additional fee shall be required.

"(3)(A) Subject to the provisions of subparagraph (B) of this paragraph a grocery store that is a supermarket development as that term is defined in section 3 of the Supermarket Tax Incentive Act of 1988 in an underserved area of the District approved pursuant to section 4 of the Supermarket Tax Incentive Act of 1988, shall be exempt from the license fee imposed by this subparagraph for the first 5

years beginning after the date of issuance of the final certificate of occupancy for the supermarket.

"(B) The license fee exemption granted by subparagraph (A) of this paragraph shall apply:

"(i) Only during the time that the real property is used as a supermarket;

"(ii) In the case of a supermarket development on real property not owned by the supermarket, only if the owner of the real property leases the land or structure to the supermarket at a rent reduced from the fair market rent by an amount equal to the amount of the real property tax exemption provided by section 1(w) of An Act To define the real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code, sec. 47-1002);

"(iii) Only during the time that the supermarket development is in compliance with the requirements of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Code, sec. 1-1161 et seq.); and

"(iv) In the case of a supermarket development that is a new supermarket, only if at the time construction of the new supermarket commenced no other supermarket, as that term is defined in section 3(2) of the Supermarket Tax Incentive Act of 1988, existed within a one mile radius of the new supermarket."

Sec. 7. Rules.

The Mayor shall, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act.

New, Sec
47-3804

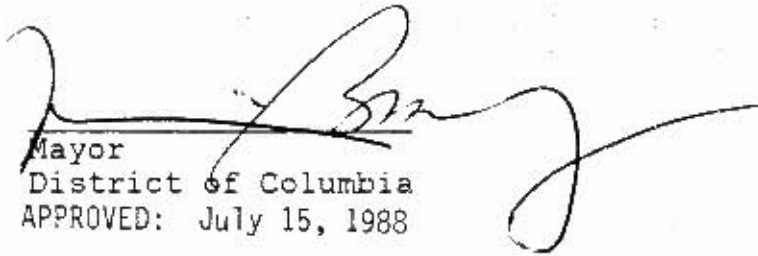
Sec. 8. Effective date.

This act shall take effect after a 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)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal
Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: July 15, 1988



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B7-124

Item on Consent Calendar
 ACTION & DATE: Adopted First Reading, 6-28-88
 VOICE VOTE: Approved
 Recorded vote on request
 Absent: all present

ROLL CALL VOTE: — RESULT _____

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. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell A. Smith Jr
Secretary to the Council

15 July 1988
Date

Item on Consent Calendar
 ACTION & DATE: Adopted Final Reading, 7-12-88
 VOICE VOTE: Approved
 Recorded vote on request
 Absent: Thomas and Winter

ROLL CALL VOTE: — RESULT _____

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. CLARKE					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell A. Smith Jr
Secretary to the Council

15 July 1988
Date

Item on Consent Calendar
 ACTION & DATE: _____
 VOICE VOTE: _____
 Recorded vote on request
 Absent: _____

ROLL CALL VOTE: — RESULT _____

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. CLARKE					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD