

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To authorize the Mayor to provide loans, grants, and other economic assistance to construct and rehabilitate facilities used by certain not-for-profit organizations to develop, produce, conduct, and promote artistic, cultural, and educational activities, and to authorize the provision of economic assistance to Arena Stage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Arts, Cultural, and Educational Facilities Support Act of 2004”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Arena Stage project” means the planning, development, acquisition, and construction of theater facilities and ancillary facilities to be located at 1101 6th Street, S.W., Washington, D.C. (Square 472, Lot 123).

(2) “Eligible organization” means an organization with real property described in D.C. Official Code § 47-1002(6), (7), (10), or (19) that has a signed lease for at least 10 years to carry out the purposes described in those paragraphs.

(3) “Capital costs” means the costs of materials and supplies for the construction, rehabilitation, renovation, or preparation of architectural or engineering plans for a physical facility located in the District.

(5) “Economic assistance” means a loan, grant, investment, or other form of expenditure of District monies.

Sec. 3. Authorization to provide public support for arts, cultural, and educational facilities.

(a) Subject to the appropriation of funds or the identification of legally available funds, the Mayor may provide economic assistance to an eligible organization to pay all or a portion of the capital costs incurred by that organization; provided, that:

(1) Economic assistance of \$1 million or more shall be approved by resolution of the Council;

(2) No economic assistance shall be provided unless the Mayor has made the findings required in subsection (c) of this section; and

(3) Except as authorized in section 4, no economic assistance shall be provided prior to the promulgation and approval of criteria and standards pursuant to section 5.

(b) All economic assistance provided under this act shall be provided pursuant to a written agreement between the eligible organization and the District. The agreement shall

require that the economic assistance shall only be used by the eligible organization to pay its capital costs, and may require that organization to provide consideration or security to the District in exchange for the economic assistance. The agreement may contain other provisions as the Mayor may deem necessary or advisable to ensure that the economic assistance is used and accounted for in accordance with this act.

(c) The Mayor may provide economic assistance pursuant to subsection (a) of this section if the Mayor has determined that providing this assistance will:

- (1) Increase tax revenues that would not otherwise be received by the District if the economic assistance were not provided; or
- (2) Provide financial, economic, educational, cultural, or other social benefits to the District through the development and expansion of opportunities for District residents in commerce, employment, education, housing, the arts, recreation, or tourism.

Sec. 4. Economic assistance to Arena Stage.

(a) The Council finds that the Washington Drama Society is an eligible organization, and that the Arena Stage Project will contribute to the redevelopment of the southwest waterfront and provide financial, economic, educational, and cultural benefits to the residents of the District.

(b) Subject to the appropriation of funds or the identification of legally available funds, the Mayor is authorized to provide economic assistance to the Washington Drama Society for the Arena Stage Project in an amount not to exceed \$20 million.

Sec. 5. Rulemaking.

The Mayor shall promulgate rules and regulations, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), setting forth the criteria and standards for providing economic assistance under this act.

Sec. 6. Report to Council.

Within 45 days after the end of each fiscal year, the Mayor shall submit to the Council a report that states in detail the amount of economic assistance provided under this act during the preceding fiscal year, and names the recipients of the economic assistance and their uses of that assistance.

Sec. 7. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by § 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

Sec. 8. 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 § 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

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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