

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish an East End Grocery Construction Incentive Program within the Deputy Mayor for Planning and Economic Development to incentivize the establishment of new grocery stores in Wards 7 and 8.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “East End Grocery Incentive Act of 2018”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Grocery store” means a retail establishment that:

(A) Has a primary business of selling food, including fresh food; and

(B) Is a “retail food store,” as that term is defined in section 3(o) of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2012(o)).

(2) “SNAP” means the Supplemental Nutrition Assistance Program, established pursuant to section 4 of the Food Stamp Act of 1964, approved August 31, 1964 (78 Stat. 703; 7 U.S.C. § 2013).

(3) “WIC” means the Special Supplemental Nutrition Program for Women, Infants, and Children, established pursuant to section 17 of the Child Nutrition Act of 1966, approved September 26, 1972 (86 Stat. 729; 42 U.S.C. § 1786).

Sec. 3. East end grocery construction incentive program.

(a) There is established within the Office of the Deputy Mayor for Planning and Economic Development the East End Grocery Construction Incentive Program (“Program”) to:

(1) Attract affordable grocery shopping opportunities to underserved areas; and

(2) Pay the construction costs of new grocery stores that provide affordable food and food-related grocery items to the residents of Wards 7 and 8.

(b) For a grocery store retailer to be eligible to participate in the Program, the retailer shall accept SNAP and WIC benefits and offer fresh food items including vegetables, fruits, meat, dairy, and eggs.

(c) The Program shall be financially supported by a new capital project budgeted under the Office of the Deputy Mayor for Planning and Economic Development, which shall be funded pursuant to D.C. Official Code § 47-392.02(j-2)(4)(B).

(d)(1) The Program shall oversee the development and construction of buildings to house grocery stores to be occupied by grocery store retailers participating in the Program.

(2) The Program shall develop each grocery store site in consultation with the grocery store retailer that will occupy it.

(3) The Program shall lease the buildings it constructs to grocery store retailers for the operation of grocery stores and any associated retail stores.

(e) Subject to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Mayor is authorized to enter into contracts to pay for site acquisition, preparation, and infrastructure development, design, and construction for new grocery stores to be occupied by grocery store retailers participating in the Program on the following sites:

- (1) Skyland Town Center;
- (2) Capitol Gateway;
- (3) East River Park;
- (4) The Shops at Penn Hill;
- (5) Parkside Planned Unit Development;
- (6) St. Elizabeths East Campus;
- (7) United Medical Center;
- (8) Columbian Quarter; and
- (9) Deanwood Town Center.

(f) The Deputy Mayor for Planning and Economic Development may extend participation in the Program to a retail store that co-anchors a development with a grocery store retailer that meets the requirements of this act.

(g)(1) A grocery store retailer that is participating in the Program but that ceases to operate the grocery store prior to the expiration of 15 years from the date of first occupancy shall owe the District for a portion of the cost of construction of the building that houses the grocery store.

(2) A grocery store retailer's liability pursuant to this subsection shall be forgiven, in whole or in part, if it has operated for at least 5 years. The amount to be forgiven shall be calculated by dividing the total cost of constructing the building evenly by 15, multiplying the quotient by the number of full years that the store was in operation, and subtracting the product from the total cost of constructing the building.

Sec. 4. Sunset.

This act shall expire on December 31, 2029; provided, that this expiration shall not be construed to terminate any development undertaken pursuant to section 3.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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Sec. 6. Effective date.

The 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 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