

A BILL

23-641

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Performance Parking Pilot Zone Act of 2008 to allow the Mayor to set temporary parking rates in a performance parking zone for a set duration of time when anticipating a special event, to remove the limit of the amount the Mayor may increase curbside parking fees during any one month period, to raise the limit on the amount the Mayor may increase parking fees in a performance parking zone over a three month period, to remove the cap on the maximum hourly rate the Mayor may set in a performance parking zone, to allow the Mayor to adjust parking rates in performance parking zones in real time based on demand, to require the Mayor to publish data on curbside usage on a public website, and to repeal unused portions of the Act; to require the Mayor to make a property ineligible for residential parking permits when it is a condition of a zoning order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Performance Parking and RPP Exclusion Amendment Act of 2020”.

TITLE I. PERFORMANCE PARKING ZONES

Sec. 101. The Performance Parking Pilot Zone Amendment Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2531) is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (5) is added to read as follows:

“(5) Set temporary heightened curbside parking fees in anticipation of special events in or around a performance parking zone that may significantly increase demand for parking, including sporting events, festivals, parades, and concerts; provided, that the heightened fees shall begin no sooner than 12:00 a.m. the day the special event begins and end no later than 11:59 p.m. on the day the special event concludes; provided further, that the Mayor shall provide 7-days notice of the temporary heightened curbside parking fees and their exact duration, which may be withdrawn if circumstances change, to the affected Ward Councilmember, the affected Advisory Neighborhood Commission, and to the public via posts online and signage in the performance parking zone.”.

(2) Subsection (e) is amended as follows:

(A) The lead in language is amended by striking the phrase “parking fees” and inserting the phrase “parking fees, other than temporary heightened curbside parking fees as described in subsection (d)(5) of this section” in its place.

(B) Paragraph (2) is amended to read as follows:

49                   “(2) Except for fees in loading zones, not increase any fee more than 2 times per  
50 month, unless the Mayor elects to change the fees in real time based on demand;”.

51                   (C) A new paragraph (2A) is added to read as follows:

52                   “(2A) Except for fees in loading zones, not increase fees by more than \$5 in a 3-  
53 month period; and”.

54                   (D) Paragraph (3) is amended by striking the phrase “loading zones” and  
55 inserting the phrase “loading zones and temporary heightened curbside parking fees as described  
56 in subsection (d)(5) of this section” in its place.

57                   (3) Subsection (f) is amended by striking the phrase “and electronic displays” and  
58 inserting the phrase “electronic displays, and information on applications the District government  
59 or uses to enable electronic payment for parking” in its place.

60                   (4) Subsection (h) is amended to read as follows:

61                   “(h) The Mayor shall publish a public web site that includes the following: performance  
62 parking zone boundaries, rules or regulations, information about how to use new parking fee  
63 technologies, data on curbside usage broken down by location and time of day for each  
64 performance parking zone, if technically feasible, and contact information for the project  
65 management team.”.

66                   (b) Section 4 (D.C. Official Code § 50-2533) is repealed.

67                   (c) Section 8 (D.C. Official Code § 50-2537) is repealed.

68           Sec. 102. Section 2(a)(2) of the Residential Parking Protection Pilot Act of 2010,  
69   effective October 26, 2010 (D.C. Law 18-240; D.C. Official Code § 50-2551(a)(2)), is amended  
70   by striking the phrase “similar to the program in Mount Pleasant required by section 8 of the  
71   Performance Parking Pilot Zone Act of 2010, effective November 25, 2008 (D.C. Law 17-279;  
72   D.C. Official Code § 50-2537); and” and inserting the phrase “; and” in its place.

73           **TITLE II. RPP EXCLUSION**

74           Sec. 201. RPP exclusion.

75           (a) Notwithstanding section 2(a)(3) of the Residential Parking Protection Pilot Act of  
76   2010, effective October 26, 2010 (D.C. Law 18-240; D.C. Official Code § 50-2551(a)(3)), when  
77   a condition of a zoning variance or special exception states that residents of the property subject  
78   to the variance or special exception, or part of that property, are not to receive residential parking  
79   permits, the Mayor shall designate the property or its relevant part, including its future residents,  
80   as ineligible to obtain residential parking permits for the duration of the zoning order.

81           (b) Before entering into a purchase and sales agreement or lease, an owner of a property  
82   that has been designated as ineligible to obtain residential parking permits pursuant to subsection  
83   (a) of this section shall:

- 84                   (1) Provide written notice of the designation to a buyer or residential tenant; and  
85                   (2) Require the buyer or residential tenant to acknowledge receipt of the notice  
86   required by paragraph (1) of this subsection in writing.

(c) Upon designating a property pursuant to subsection (a) of this section, the Mayor shall record with the recorder of deeds a restrictive covenant identifying any such property as ineligible for a residential parking permit.

(d)(1) Failure of a property owner to provide written notice of a residential tenant's ability to obtain a residential parking permit associated with the property shall be grounds for the tenant to be released from obligations under the rental agreement.

(2) Failure of a property owner to provide written notice of a buyer's inability to obtain a residential parking permit associated with the property shall be considered a material breach of the purchase and sales agreement.

### **TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

#### **Sec. 301. Applicability**

(a) Section 201 of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council for certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the section identified in subsection (a) of this section.

107           Sec. 302. Fiscal impact statement.

108           The Council adopts the fiscal impact statement in the committee report as the fiscal  
109 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
110 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

111           Sec. 303. Effective date.

112           This act shall take effect following approval by the Mayor (or in the event of veto by the  
113 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
114 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
115 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
116 Columbia Register.