
Councilmember David A. Catania

Councilmember Mary M. Cheh

Councilmember Kwame R. Brown

Councilmember Tommy Wells

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmembers Mary M. Cheh, David A. Catania, Kwame R. Brown, and Tommy Wells introduced the following bill, which was referred to the Committee on _____.

To establish a program to attract grocery stores to and renovate grocery stores in Enterprise Zones in the District; to require participating grocery stores to employ District residents, accept SNAP Benefits, and accept WIC benefits; to designate a grocery ambassador to assist grocery retailers; to establish a program to expand access to healthy foods in Enterprise Zones in the District by providing assistance to corner stores; to develop a plan for establishing a commercial distribution system for fresh produce and healthy foods to corner stores; to assist corner stores in becoming more energy efficient; and to establish a rebate program for the installation of energy-efficient commercial refrigeration and freezer systems in the District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food, Environmental, and Economic Development in the District of Columbia Act of 2010".

TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act:

(1) “Corner Store” means a retail establishment that:

(A) Sells grocery products;

(B) Has less than 5,000 square feet of selling area;

(C) Does not have a “Class A” license, established by D.C. Official Code § 25-112(d)(1); and

(D) Meets the eligibility requirements for the Supplemental Nutrition Assistance Program, established by 7 C.F.R. § 278.1(b)(1)(B).

(2) “Enterprise Zone” means the District of Columbia Enterprise Zone, established by Section 701 of the Taxpayer Relief Act of 1997, approved August 5, 1997 (111 Stat. 863; 26 U.S.C. § 1400).

(3) “First Source Agreement” means the agreement required by D.C. Official Code § 2-219.03.

(4) “Grocery Store” means a retail establishment that:

(A) Has a primary business of selling grocery products;

(B) Has at least 5,000 square feet of selling area that is used for a general line of food and nonfood grocery products;

(C) Meets the eligibility requirements for the Supplemental Nutrition Assistance Program, established by 7 C.F.R. § 278.1(b)(1)(B).

(5) “SNAP Benefits” means benefits provided by the Supplemental Nutrition Assistance Program, established by 7 U.S.C. § 2011 *et seq.*

(6) “WIC Benefits” means benefits provided by the Special Supplemental Nutrition Program for Women, Infants, and Children, established by 42 U.S.C. § 1786.

TITLE II. GROCERY STORE FINANCING PROGRAM.

Sec. 201. Establishment of a grocery store financing program.

(a) The Mayor shall establish a “Grocery Store Financing Program” within the Office of the Deputy Mayor for Planning and Economic Development to attract grocery stores to and renovate grocery stores in Enterprise Zones in the District.

(b) To support this program, the Mayor shall engage:

(1) A Community Development Financial Institution with specific expertise in grocery financing to seek private funds and federal tax credits and to develop comprehensive financial packages for grocery stores; and

(2) A non-governmental, nonprofit organization with specific expertise in examining which areas in the District lack access to healthy foods to promote the program and recruit grocery stores.

(c) This program shall provide, on a competitive basis, a combination of any or all of the following to grocery stores in Enterprise Zones:

(1) Grants;

(2) Loans;

(3) Tax credits; and

(4) Other financial and technical assistance.

Sec. 202. Requirements.

(a) As a condition of participating in the program established by Sec. 201, a grocery store shall:

(1) Accept SNAP Benefits;

(2) Apply to accept WIC Benefits and accept WIC Benefits if eligible;

(3) Enter into a First Source Agreement; and

(4) Sell fresh produce or develop plans for selling fresh produce.

(b) A grocery store shall commit in writing to the conditions set forth in subsection (a) of this section for a period of 5 years after participating in the program established by Sec. 201.

Sec. 203. Grocery ambassador program.

(a) The Deputy Mayor for Planning and Economic Development shall designate a District employee as a “grocery ambassador” to assist retailers in building or renovating grocery stores in Enterprise Zones by:

(1) Providing research and data on Enterprise Zone areas with insufficient grocery access;

(2) Coordinating with all relevant District agencies and public utilities; and

(3) Expediting regulatory procedures and approvals; and

(4) Providing other assistance as needed.

(b) On or before December 31, 2011, the grocery ambassador shall submit a report to the Mayor and the Council that identifies:

(1) At least four sites in Enterprise Zones that could be developed into grocery stores; and

(2) At least four grocery stores in Enterprise Zones that could be improved through renovations.

Sec. 204. Grocery zoning.

(a) The Zoning Commission shall adopt regulations that permit higher density for projects in Enterprise Zones with grocery stores.

(b) When considering applications for special exceptions, the Zoning Commission shall give favorable weight to projects in Enterprise Zones with grocery stores.

TITLE III. HEALTHY CORNER STORE PROGRAM.

Sec. 301. Establishment of a healthy corner store program.

(a) The Mayor shall establish a “Healthy Corner Store Program” within the Office of the Deputy Mayor for Planning and Economic Development to expand access to healthy foods in Enterprise Zones in the District by providing assistance to corner stores.

(b) To support this program, the Mayor shall engage a non-governmental, nonprofit organization, with specific expertise in examining which areas in the District lack access to healthy foods, to promote and manage the program.

(c) This program shall provide, on a competitive basis, a combination of any or all of the following to corner stores in Enterprise Zones:

- (1) Grants;
- (2) Loans;
- (3) Tax credits;
- (4) Equipment; and
- (5) Other financial and technical assistance.

Sec. 302. Requirements.

(a) Corner stores participating in the program established by Sec. 301 are strongly encouraged to:

- (1) Accept SNAP Benefits;
- (2) Accept WIC Benefits; and

(3) Employ District residents.

(b) As a condition of participating in the program established by Sec. 301, corner stores shall commit in writing to sell produce or other healthy foods for a minimum of 5 years.

Sec. 303. Healthy food distribution.

(a) The Deputy Mayor for Planning and Economic Development shall convene a working group to develop a plan for establishing a commercial distribution system for fresh produce and healthy foods to corner stores.

(b) The working group shall include representatives from:

- (1) District agencies;
- (2) Non-governmental, nonprofit organizations;
- (3) Corner stores and their trade associations; and
- (4) Produce wholesalers.

(c) The working group shall issue a report and recommendations to the Mayor and the Council on or before December 31, 2011.

Sec. 304. Small business energy efficiency program.

The District Department of the Environment shall:

- (1) Develop tools and resources for corner stores to reduce their operating costs by becoming more energy efficient; and
- (2) Promote energy efficiency programs to corner stores.

Sec. 305. Energy incentives for commercial systems.

(a) The District Department of the Environment shall establish a rebate program for the installation of energy-efficient commercial refrigeration and freezer systems in the District.

(b) The program shall provide funding in the following amounts:

- (1) 10% of the purchase price of Energy Star commercial refrigerators; and
- (2) 10% of the purchase price of Energy Star commercial freezers.

(c) Applications shall be considered within 30 days, in the order in which they are received. Rebate payments shall be awarded immediately upon receipt by DDOE of the invoice for the purchase of the renewable energy generating equipment.

(d) An owner shall have 6 months from the date of the approval of its rebate application to complete the installation.

(e) The District Department of the Environment shall visit each project site to verify the completion of each project within 30 days of being notified by the owner that the equipment has been installed or 6 months after approving the rebate funding, whichever is earlier. If the project has not been completed, the DDOE may, in its discretion, allow the owner up to an additional 6 months to complete the installation. If the owner fails to complete the installation within the period allowed under paragraph of this subsection, it shall return the amount of the rebate within 30 days after the expiration of such period.

TITLE IV

Sec. 401. Rulemaking.

The Mayor may issue rules to implement the provisions of this act.

Sec. 402. Fiscal Impact Statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 403. Effective Date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by 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.