Government of the
District of Columbia

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District of Columbia
Dedicated Taxes Report

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District of Columbia Dedicated Taxes

Introduction

The purpose of this report is to provide background and relevant data about dedicated taxes, which represent an important but little-understood part of the District of Columbia's general fund. Presently, there are 14 dedicated taxes that earmark revenue to support particular programs or activities as required by law. The dedicated taxes are from the following tax categories: real property tax, sales and use tax, motor fuel tax, public utility tax, toll telecommunications tax, insurance premiums tax, health care provider tax, ballpark fee, hospital bed tax and provider fee, ICF-IDD assessment, Care First contribution, and deed taxes.

This report is intended to assist the Mayor, Council, agency directors, and other policymakers in making decisions about dedicated taxes. In addition, the report seeks to inform the public about the purpose and design of these revenue streams so residents can participate more fully in budget discussions and debates. The goal is to provide clear, concise information that will be useful both to policymakers and the layperson.

Definition of Dedicated Taxes

Dedicated taxes refer to District of Columbia tax streams that are earmarked for particular purposes and are therefore not available for general budgeting to support the full range of agencies, programs, and services provided by the D.C. government. For example, all of the District's revenue from sales tax on parking is dedicated to a special fund that is used to make the District's annual subsidy payment to the Washington Metropolitan Area Transit Authority, which operates the regional Metrorail and Metrobus systems.

In most cases, only a portion of the revenue raised by a tax is dedicated to a particular purpose, and the rest of the revenue is available for unrestricted use. An example is the Housing Production Trust Fund, which receives 15 percent of the revenue generated by the District's deed recordation and deed transfer taxes. In some instances, 100 percent of the revenue raised is dedicated to a particular purpose. There were seven cases where 100 percent of the revenue raised was dedicated in FY 2014. One instance was not a tax but the result of a public-private agreement (Care First Contribution (Healthy DC Fund)). The other instances were: Motor Fuel Tax (Highway Trust Fund), Healthcare Provider Tax (Nursing Facility Quality of Care Fund), Ballpark Fee (Ballpark Fund), Hospital Bed Tax and Hospital Provider Fee (Hospital Fund and Hospital Provider Fee Fund), and ICF-IDD Assessment (Stevie Sellows Quality Improvement Fund).

Taxes are usually levied on broad measures of an individual's ability to pay (such as income, consumption, property, or other measures of wealth), and the revenue generated from taxes generally finances the collective needs of the citizenry. For a dedicated tax, the revenue is raised from a broad class of taxpayers, and is then earmarked to meet a specific purpose, such as building affordable housing or expanding access to health care.

In the District revenue system, dedicated taxes are similar to "special-purpose revenue," in that both revenue sources are earmarked for particular purposes. Unlike dedicated taxes, special purpose revenues are generated by fees, and other charges paid by individuals who receive a direct benefit in exchange for the payment (such as a fee for use of a recreation facility) or who pay a fine or penalty (such as a charge for overdue library materials) to discharge a debt or other obligation. For a dedicated tax, the payment required and the goods or services provided apply on a general basis, whereas for special-purpose revenue, both the payment and the purpose for which it is used concern a specific individual or individuals.

The Office of Revenue Analysis has also prepared a guidebook on special-purpose revenue, the "District of Columbia Special-Purpose Revenue Funds Report," issued in February 2015,[1] which describes special-purpose revenue funds in detail.

Dedicated Taxes in Context

General fund revenue for the District of Columbia government in fiscal year (FY) 2014 totaled $7.23 billion. Dedicated taxes accounted for $456.8 million, or 6.3 percent of general fund revenue. General taxes, mainly income, sales, and property tax, (net of dedicated taxes) provided the bulk of the revenue, raising $5.83 billion (80.7 percent of the total). Other categories of general fund revenue were non-tax revenue (fees, fines, and other assessments that are unrestricted in their use), which provided $419.2 million, or 5.8 percent; special-purpose revenue, which raised $463.7 million, or 6.4 percent; and lottery revenue, which totaled $55 million, or 0.8 percent. Table 1 shows the distribution of general fund revenue by source.

Table 1

FY 2014 General Fund Revenue (actuals, $ in thousands)

Category	Amount	Share of Total
Tax Revenue (Net of dedicated taxes)	$5,833,224	80.7%
Non-Tax Revenue	$419,208	5.8%
Special-Purpose Fund Revenue	$463,735	6.4%
Dedicated Taxes **	$456,757	6.3%
Lottery Revenue	$54,967	0.8%
Total	$7,227,891	100%

Government of the District of Columbia, *FY 2016 Proposed Budget and Financial Plan: Pathways to the Middle Class*, Executive Summary, July 17, 2015, table 3-1, p. 3-2.

** includes dedicated taxes to general fund and enterprise funds, consistent with the report issued in 2013.

The Importance of Dedicated Taxes

Although dedicated taxes account for only a small portion of the District's revenues, they are important policy instruments. Dedicated taxes provide or have provided the funding for major policy and program initiatives, such as building a new convention center and baseball stadium, and expanding access to affordable health care and housing. Moreover, the District government's

[1] This report is available at www.cfo.dc.gov.

reliance on dedicated taxes has grown in recent years. As recently as FY 2009, $239.4 million in general fund tax revenue was dedicated.[2] The $456.8 million total in dedicated tax revenue for FY 2014 represents a 90 percent increase in just five years.

In fact, 10 of the District's 14 dedicated taxes were established after 2003: the Nursing Facility Quality of Care Fund (2004), Payments in Lieu of Taxes Act (2004), the Ballpark Revenue Fund (2005), the Healthy D.C. and Health Care Expansion Fund (2007), the Stevie Sellows Quality Improvement Fund (2010), the Hospital Fund (2010), the Healthy Schools Fund (2011), the Alcoholic Beverage Regulation Administration Reimbursable Detail Subsidy Program (2011), the Washington Metropolitan Area Transit Authority subsidy (2011), Hospital Provider Fee Fund (2013) .

Advantages and Disadvantages of Dedicated Taxes

Dedicated taxes have clear advantages and disadvantages; in fact, those pros and cons are closely connected. As noted earlier, dedicated taxes provide a revenue stream and set aside funds for high-priority initiatives, ensuring at least a base level of financial support. In some cases, dedicated taxes incorporate principles of user financing, which promotes fairness by establishing a link between benefits received and cost of the benefits. For example, the Highway Trust Fund represents an application of the benefit principle because motorists who use the roads and bridges pay for maintaining and improving the infrastructure through the motor fuels tax. User financing can also enhance efficiency; the motor fuels tax, for example, discourages overuse of roads by making automobile travel more costly.

At the same time, the earmarking of revenues creates potential inefficiencies. Because dedicated taxes support particular programs or services, the amount of money raised reflects the revenue capacity of the tax rather than actual program needs. Even if the dedicated tax is well-designed at first to finance a desired level of expenditures, the relationship between dedicated tax revenue and financing needs may diverge over time and the money raised by the tax may be insufficient or excessive. A good example is the Housing Production Trust Fund, which is financed from a portion of deed recordation and transfer taxes – a highly volatile revenue source – with no clear link between housing needs and the amount of revenue generated. The National Conference of State Legislatures has stated that, "As a general rule, earmarking constitutes a constraint on budgeting, with few if any advantages for state revenue and budgetary management. Earmarking may provide a reliable source of income for a program but not necessarily equal to the demand for services."[3]

Another potential disadvantage is that dedicated taxes may fragment the budget into too many separate pieces and reduce the amount of revenue that is available to the unrestricted part of the general fund. Budget experts agree that social welfare can be maximized if policymakers can allocate revenue flexibly to the programs that are most valued and beneficial, without restrictions on the use of particular revenue sources. As stated in the District's Comprehensive Financial Management Policy, "Dedicated funds limit the use of the District's general fund revenue by earmarking a portion of the revenue for special purposes."[4] In fact, the Mayor and Council have

[2] Government of the District of Columbia, *FY 2011 Proposed Budget and Financial Plan: Maximizing Efficiency*, July 1, 2010, p. 4-2.
[3] National Conference of State Legislatures, *Earmarking State Taxes*, Third Edition (April 1995), p. vii.

[4] Government of the District of Columbia, *FY 2014 Proposed Budget and Financial Plan: Investing for Tomorrow*, Executive Summary, August 8, 2013, p. A-13.

redirected millions of dollars in dedicated tax revenue back to the unrestricted part of the general fund in recent years as part of an effort to close large budget gaps brought about by the economic recession. In the FY 2010 Proposed Budget and Financial Plan, policy proposals included dedicated taxes re-directed to the local fund of $263 million in FY 2010, $309 million in FY 2011, $316 million in FY 2012 and $325 million in FY 2013.[5]

Scope and Structure of the Report

The body of the report provides summaries of 14 dedicated taxes that are currently authorized by D.C. law. Each summary provides information on the legal authority to earmark revenue for particular programs or services, a five-year revenue history (FY 2010 to FY 2014) of the dedicated tax, the year of enactment, the agency responsible for program administration, the purpose of the dedicated tax, and a description of the revenue source including applicable rates or percentage allocations. A summary of the key data is presented in Table 2 on the next page.

The Office of Revenue Analysis welcomes comments on this report and will use the feedback to improve future versions. ORA plans to update this report every two years.

[5] Government of the District of Columbia, FY 2010 Proposed Budget and Financial Plan: Meeting the Challenge, Executive Summary, September 28, 2009, table 4-19, page 4-22.

Table 2:
Summary Data on Dedicated Taxes, Fiscal Years 2010 – 2014 (in $ thousands)

#	Dedicated Tax	Tax Base	Authority for Program	Authority to Dedicate	Revenue FY 2010	Revenue FY 2011	Revenue FY 2012	Revenue FY 2013	Revenue FY 2014
1,2	Tax-Increment Financing and PILOT	Real Property Tax and General Sales Tax	§ 2-1217 and § 1-204.90, § 1-308.02-.03	§ 2-1217.05 and § 1-204.90	$34,140	$75,939	$54,494	$65,492	$51,374
3	Washington Convention Center Fund	Sales Tax on Hotel Rooms, Restaurant Meals, Alcohol, Rental Cars, and Prepaid Phone Cards	§ 10-1202.08	§ 47-2002.03	$94,360	$97,996	$101,093	$104,108	$105,451
4	Ballpark Revenue Fund	Gross Receipts Tax; Sales Tax on Tickets and Goods Sold at Stadium; Public Utility Tax; Toll Telecommunications Tax	§ 10-1601.01 - .08	§ 10-1601.02 and § 47-2762	$45,913	$54,093	$63,739	$55,528	$61,228
5	Healthy Schools Fund	General Sales Tax	§ 38-821.01 - § 38-828.02	§ 38-821.02	n/a	n/a	$4,266	$4,502	$4,266
6	ABRA Reimbursable Detail Subsidy Program	General Sales Tax	23 DCMR 718	§ 47-2002	n/a	n/a	$460	$460	$1,170
7	WMATA Operating Subsidy	Sales Tax on Parking or Storing of Motor Vehicles	§ 9-1107.01 -.12	§ 47-2002.07	n/a	n/a	$56,395	$62,268	$65,350
8	Highway Trust Fund	Motor Fuel Tax	§ 9-109.02	§ 9-111.01 and § 9-111.01a	$22,180	$30,001	$22,778	$22,391	$22,961
9	Healthy D.C. and Health Care Expansion Fund	Insurance Premiums Taxes, Care First Contribution and Sales Tax on Medical Marijuana	§ 31-3514.02, § 31-3403.01, § 31-3501, and § 47-2002	§ 4-631 - 638	$29,304	$30,101	$39,062	$30,629	$39,867
10	Nursing Facility Quality of Care Fund	Assessment on Nursing Facilities	§ 47-1262	§ 47-1261 - 1269	$12,423	$13,439	$13,322	$15,117	$13,774
11	Stevie Sellows Quality Improvement Fund	Assessment on ICF/IDDs	§ 47-1271	§ 47-1270 - 1278	n/a	$1,254	$1,010	$2,622	$4,938
12	Hospital Fund	Assessment on Hospitals	§ 44-631 - 638	§ 44-632	n/a	$9,008	$15,758	$15,156	$14,098
13	Hospital Provider Fee Fund	Assessment on Hospitals	§ 44-651 - 659	§ 44-652	n/a	n/a	n/a	n/a	$17,837
14	Housing Production Trust Fund	Deed Recordation and Deed Transfer Taxes	§ 42-2802	§ 42-2802 - 2804	$30,158	$40,377	$42,736	$53,220	$54,009

Source: Government of the District of Columbia, Annual Proposed Budgets and Financial Plans for Fiscal Years 2012 - 2016.

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DEDICATED TAXES IN THE DISTRICT OF COLUMBIA

Real Property Tax and Sales Tax

1, 2 Tax-Increment Financing / Payments in Lieu of Taxes

Authority for Program:	D.C. Official Code § 2-1217.01 - § 2-1217.12, § 2-1217.31 - § 2-1217.34n, and § 2-1217.71 - § 2-1217.84 and § 1-204.90, § 1-308.02-.03, § 47-4611, § 47-4613, § 47-4616, § 47-4640
Authority to Dedicate:	D.C. Official Code § 2-1217.05 and § 1-204.90
Year Enacted:	1998 (TIF) and 2004 (PILOT)
Administering Agency:	Office of the Chief Financial Officer

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$34,140	$75,939	$54,494	$65,492	$51,374

DESCRIPTION AND PURPOSE OF FUND: The D.C. government has the authority to issue tax increment financing (TIF) bonds which are repaid using the incremental property tax or sales tax revenues that result from an economic development project. The purpose of this fund is to set aside the tax increment revenue that is needed to pay the debt service on TIF bonds, establish and maintain TIF reserves, and defray development costs. The issuance of TIF bonds is subject to the District's debt cap, which limits annual debt service to 12 percent of general fund expenditures for all tax-supported debt.

A TIF authorization defines the TIF area, the incremental tax revenue that will be collected from the TIF area, and the issuance of TIF bonds. A project site may be designated as a TIF area according to the provisions of the "Tax Increment Financing Authorization Act of 1998" (TIF Act),[6] the "Retail Incentive Act of 2004,"[7] or a legislative act pertaining to a particular project.

In order to qualify for financing under the TIF Act, a project must be certified by the Chief Financial Officer following a review of financial feasibility, the likely effect on tax revenues, consistency with the District's Comprehensive Plan, the "special merits" of the project, and other factors. "Special merits" is defined in D.C. law as "economic, cultural, social, or financial factors, apart from the criteria established in this subchapter, that may justify the approval of a TIF for a project."[8] TIF projects must also be approved by the D.C. Council.

There were 11 TIF projects repaying at the time of this writing: City Market at O Street, Clyde's Downtown, Convention Center Hotel, Forever 21, Gallery Place, Georgia Ave CVS, Howard Theatre, Madame Tussauds, Mandarin Oriental Hotel, The Wharf, and Verizon Center.

DESCRIPTION OF REVENUE SOURCE: The fund receives the incremental real property tax or sales tax revenues generated by a TIF project, which are used to repay the TIF bonds. Any

[6] D.C. Law 12-143, which took effect on September 11, 1998.

[7] D.C. Law 15-185, which took effect on September 8, 2004.

[8] See D.C. Official Code § 2-1217.01(29).

amounts remaining in the tax increment accounts for a TIF area at the end of each tax year revert to the general fund if the following payments have been made: principal or interest on TIF bonds; costs of credit or liquidity enhancement; other costs, fees, and expenses of administering and paying the bonds and the funds, trusts, and escrows pertaining to them; and bond reserves.

It is important to note that authority to issue bonds under the TIF Act expired on January 1, 2014 and under the Retail Incentive Act on September 30, 2015. All future issuances must be authorized under stand-alone legislation. This means the criteria to qualify for financing laid out in the Acts no longer exists. Going forward, TIF projects can be authorized even if they don't meet the criteria laid out under the TIF and Retail Acts.

Payment in Lieu of Taxes (PILOT) agreements are similar to TIF arrangements for development that affects real estate taxes. Payments in lieu of taxes made pursuant to the PILOT agreement may be assigned or pledged in connection with the Bonds authorized to be issued.

Sales Tax

3. Washington Convention Center Fund

Authority for Program: D.C. Official Code § 10-1202.08
Authority to Dedicate: D.C. Official Code § 47-2002.03
Year Enacted: 1994
Administering Agency: Washington Convention and Sports Authority

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$94,360	$97,996	$101,093	$104,108	$105,451

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Washington Convention Center Fund is to fund the payment of the costs of the new convention center and the costs of operating the Walter E. Washington Convention Center, which opened in 2003. The allowable costs include expenses necessary for debt service, reserve funds, repair, maintenance, marketing service contracts, and all other expenses of operating the Washington Convention and Sports Authority, which manages the convention center.

DESCRIPTION OF REVENUE SOURCE: The Fund receives a portion of the sales tax imposed on certain goods and services. The following amounts are deposited into the Fund:

- 4.45 percent of the gross receipts from the sale of hotel rooms or other rooms furnished to transients,[9] and

- 1 percent of the gross receipts from the sale of the following items: food or drink prepared for immediate consumption; spirituous or malt liquors, beers, and wine sold for consumption on the premises; rental cars; and prepaid telephone cards.[10]

D.C. law was amended in 2011 to clarify that when hotel accommodations are reserved or booked by a room remarketer (including online travel agencies such as Expedia and Orbitz), the hotel tax must be calculated based on the net charges and additional charges received by the room remarketer (rather than on the amount paid by the room remarketer to the hotel).[11]

[9] The total tax rate for hotel rooms or other transient accommodations is 14.5 percent. The 4.45 percent portion is deposited into the Convention Center Fund and the other 10.05 percent flows into the general fund.

[10] The total sales tax for restaurant meals, liquor sold for consumption on the premises, rental vehicles, and prepaid telephone cards is 10 percent. The Convention Center Fund receives 1 percent and the other 9 percent flows into the general fund.

[11] See Subtitle VII-A of D.C. Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011," effective September 14, 2011.

Sales Tax and Gross Receipts Taxes

4. Ballpark Revenue Fund

Authority for Program:	D.C. Official Code § 10-1601.01 - § 10-1601.08
Authority to Dedicate:	D.C. Official Code § 10-1601.02 and § 47-2762
Year Enacted:	2005
Administering Agency:	Washington Convention and Sports Authority

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$45,913	$54,093	$63,739	$55,528	$61,228

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Ballpark Revenue Fund is to finance the construction of a publicly-owned baseball stadium for the Washington Nationals baseball team in Southeast D.C. The Council found that, "(S)uch a publicly-owned stadium or arena will contribute to the social and economic well-being of the citizens of the District of Columbia and significantly enhance the economic development and employment opportunities within the District of Columbia."[12] The 41,546-seat Nationals Park opened in March 2008.

The authorizing statute specifies that the Fund can be used to:

- reimburse the D.C. government and its agencies for pre-development and development costs incurred for the ballpark;
- reimburse the D.C. government for costs relating to the acquisition of real property by purchase, lease, or condemnation for construction of the ballpark;
- pay the costs of demolishing buildings located on the site of the ballpark and the cost of any environmental remediation of the ballpark site;
- pay the costs of designing, constructing, improving, and equipping the ballpark;
- pay the costs of renovating and maintaining Robert F. Kennedy Stadium for use as a ballpark until the new ballpark is completed;
- pay any other costs of the D.C. government associated with financing, designing, constructing, or renovating the ballpark; and
- pay the debt service on bonds issued to construct the stadium.

[12] See D.C. Official Code § 10-1601.01(1).

<u>DESCRIPTION OF REVENUE SOURCE</u>: The Fund receives revenue from the following sources: (1) a ballpark fee based on the gross receipts of certain persons or organizations doing business within the District of Columbia, (2) a 10 percent tax on the sale of tickets to the stadium and the sale of merchandise and other goods inside the stadium, (3) parking taxes collected from people attending baseball games, (4) a 1 percent public utility tax on non-residential properties,[13] and (5) a 1 percent toll telecommunications tax on non-residential properties.[14]

The ballpark fee is imposed on businesses with annual gross receipts of $5 million if they are required to file a business franchise tax return or are required to make unemployment insurance contributions. The ballpark fee is calculated according to the schedule shown below.

D.C. Gross Receipts	Ballpark Fee
Less than $5,000,000	$0
$5,000,000 to $8,000,000	$5,500
$8,000,001 to $12,000,000	$10,800
$12,000,001 to $16,000,000	$14,000
$16,000,001 and greater	$16,500

The authorizing statute provides that if the Chief Financial Officer (CFO) estimates that the amount to be collected by the ballpark fee in the current year is less than $14 million, plus any amount necessary to replenish reserve funds in accordance with the ballpark financing documents, and any amount necessary to avoid a project shortfall in debt service on the bonds, then the CFO may increase the ballpark fee schedule by proportional amounts in order to prevent the shortfall.

In addition, the statute provides that if at the end of a fiscal year, the balance of cash and investments in the Fund exceeds the balance of liabilities as well as required sinking fund deposits required to be paid from the Fund, the excess money must be used to pay any principal and interest accrued on the bonds, in advance of the scheduled maturity. The advance repayment of principal and interest must be consistent with any financing documents concerning the bond issuance.

[13] The base rate for the public utility tax is 10 percent both for residential and non-residential properties, but non-residential owners pay an additional 1 percent that is dedicated to the Ballpark Revenue Fund.

[14] The base rate for the toll telecommunications tax is 10 percent both for residential and non-residential properties, but non-residential owners pay an additional 1 percent that is dedicated to the Ballpark Revenue Fund.

Sales Tax

5. Healthy Schools Fund

Authority for Program:	D.C. Official Code § 38-821.01 - § 38-828.02
Authority to Dedicate:	D.C. Official Code § 38-821.02
Year Enacted:	2011 (the Healthy Schools Act took effect in 2010, but sales tax revenue was not dedicated until October 1, 2011)
Administering Agency:	Office of the State Superintendent of Education

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	n/a	$4,266	$4,502	$4,266

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Healthy Schools Fund is to support improved school nutrition and health programs. To this end, the Fund may be used for the following purposes: (1) to increase the reimbursement rates for school breakfasts and lunches, (2) to eliminate copayments charged to students who qualify for reduced-price meals, (3) to implement the breakfast-in-the-classroom program, (4) to increase the serving of locally-grown and unprocessed foods, (5) to increase physical activity in schools, and (6) to support school gardens.

DESCRIPTION OF REVENUE SOURCE: D.C. law states that the Fund shall receive an annual deposit of $4.266 million in general sales tax revenue. The amount transferred in FY 2013 was $4.502 million. However, in FY 2014 the amount transferred was the stipulated amount of $4.266 million.

Sales Tax

6. Alcoholic Beverage Regulation Administration Reimbursable Detail Subsidy Program

Authority for Program: Title 23, Chapter 7 of the D.C. Municipal Regulations
Authority to Dedicate: D.C. Official Code § 47-2002
Year Enacted: 2011
Administering Agency: Alcoholic Beverage Regulation Administration

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	n/a	$460	$460	$1,170

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Fund is to allow the Alcoholic Beverage Regulation Administration (ABRA) to reimburse the Metropolitan Police Department (MPD) for 50 percent of the total cost of services provided by MPD officers who work on details at ABRA licensees.

An alcoholic beverage licensee, group of licensees, or a Business Improvement District acting on behalf of licensees must enter into an agreement with MPD to establish the reimbursable detail. MPD officers may work reimbursable details at ABRA licensees on Friday and Saturday nights, and on D.C. or federal holidays, from 11:30 p.m. to 5:00 a.m. MPD must submit monthly invoices to ABRA documenting the amount owed by each licensee.

ABRA will reimburse 50 percent of the cost, provided that it has “sufficient funds earmarked” for this purpose.[15] Any invoices not paid by ABRA either for good cause or a lack of sufficient funds left in the subsidy program remain the responsibility of the licensee.

DESCRIPTION OF REVENUE SOURCE: The Fund receives a fixed amount of the sales tax on alcohol purchased for off-premises consumption. The amount was originally set at $460,000 in 2011,[16] but was increased to $1,170,000 in 2013.[17]

[15] See section 718.1(b) of Title 23 of the D.C. Municipal Regulations.

[16] See section 8143 of D.C. Law 19-21, the “Fiscal Year 2012 Budget Support Act of 2011,” effective September 14, 2011.

[17] See section 3(a) of D.C. Law 19-310, the “Omnibus Alcoholic Beverage Regulation Amendment Act of 2012,” effective May 1, 2013.

Sales Tax

Parking Sales Tax

7. Washington Metropolitan Area Transit Authority Subsidy

Authority for Program: D.C. Official Code § 9-1107.01 - § 9-1107.12
Authority to Dedicate: D.C. Official Code § 47-2002.07
Year Enacted: 2011
Administering Agency: None (subsidy payment to regional transit authority)

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	n/a	$56,395	$62,268	$65,350

DESCRIPTION AND PURPOSE OF FUND: The purpose of this fund is to finance the District's annual operating subsidy to the Washington Metropolitan Area Transit Authority (WMATA), which operates the Metrorail and Metrobus systems in the national capital area.

The District of Columbia; State of Maryland; Arlington County, Virginia; Fairfax County, Virginia; City of Alexandria, Virginia; Fairfax City, Virginia; and City of Falls Church, Virginia, all make annual contributions to support WMATA operations.

DESCRIPTION OF REVENUE SOURCE: The fund receives all of the revenue from the 18 percent excise tax imposed on the sale of or charges for the parking or storing of motor vehicles or trailers, except for the parking or storing of vehicles or trailers on a parking lot owned or operated by WMATA and located adjacent to a WMATA station or passenger stop. In addition, the fund receives all fees generated from off-street parking meters, except those dedicated to two special-purpose revenue funds: (1) the Pay-by-Phone Transaction Fee Fund,[18] and (2) the D.C. Circulator Fund.[19]

[18] This fund receives all of the transaction fees paid by motorists who use the pay-by-phone system for parking fees. See D.C. Official Code § 50-921.14.

[19] Pursuant to Subtitle VI-L of Bill 20-199, the "Fiscal Year 2014 Budget Support Act of 2013," revenue generated by parking meters along the National Mall will be deposited into the D.C. Circulator Fund, which is authorized by D.C. Official Code § 50-921.33.

Motor Fuel Tax

8. Highway Trust Fund

Authority for Program:	D.C. Official Code § 9-109.02
Authority to Dedicate:	D.C. Official Code § 9-111.01 and § 9-111.01a
Year Enacted:	1997
Administering Agency:	D.C. Department of Transportation

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$22,180	$30,001	$22,778	$22,391	$22,961

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Highway Trust Fund is to finance the District's required match for federal highway aid. Like other jurisdictions, the District combines funding from local revenue with federal matching funds to construct, repair, and maintain eligible roads and bridges. Approximately 400 of the 1,020 miles of streets and highways in the District of Columbia, as well as 229 bridges, are eligible for federal aid.

DESCRIPTION OF REVENUE SOURCE: The Fund serves as the depository for motor fuel tax revenue, as well as fees (such as the motor fuel importer's license fee) and penalties for non-compliance with motor fuel tax collection requirements. The District presently imposes a tax of 23.5 cents per-gallon on motor vehicle fuels that are sold or otherwise disposed of in the District of Columbia by a user or an importer.[20]

A major change in the District's motor fuels tax was pending at the time this report was written. Specifically, Bill 20-199, the "Fiscal Year 2014 Budget Support Act of 2013," would replace the 23.5 cents per-gallon unit tax with an 8.0 percent *ad valorem* tax on the average wholesale price per gallon of regular unleaded gasoline. In no case would the average wholesale price used to calculate the tax fall below $2.94 per gallon. This provision still needed to undergo congressional review in order to become law when this report was written. All of the revenue from the tax would continue to be deposited into the Fund.

In addition, D.C. law includes a provision to prevent shortfalls in the Fund and to transfer surpluses in the Fund. First, revenue collected from public rights-of-way user fees, charges, and penalties (which are dedicated to the Local Transportation Fund) may be transferred annually to the Fund, provided that local monies in the Fund shall not exceed 22 percent of proposed annual federal highway aid expenditures. Second, any excess monies remaining in the Fund after local match requirements have been met may be deposited into the Local Transportation Fund, which is used to renovate, repair, and maintain local transportation infrastructure that is not eligible for federal aid.[21]

[20] Motor vehicle fuels include gasoline, diesel fuel, benzol, benzene, naphtha, kerosene, heating oils, all liquefied petroleum gases, and all combustible gases and liquids suitable for the generation of power for the propulsion of motor vehicles.

[21] See D.C. Official Code § 9-111.01a.

Insurance Premiums and Sales Taxes

9. Healthy D.C. and Health Care Expansion Fund

Authority to Dedicate:	D.C. Official Code § 31-3514.02, § 31-3403.01, § 31-3501, and § 47-2002
Authority for Program:	D.C. Official Code § 4-631 - § 4-638
Year Enacted:	2007
Administering Agency:	Department of Health Care Finance

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$29,304	$30,101	$39,062	$30,629	$39,867

<u>DESCRIPTION AND PURPOSE OF FUND</u>: The purpose of the Healthy D.C. and Health Care Expansion Fund is to provide affordable health care to eligible D.C. residents. The Mayor is authorized to contract with one or more health insurers to administer the program, which provides preventive health care, health screenings, dental care, emergency care, and hospital care.

The authorizing statute requires that participants (1) have lived in the District for six months before applying for benefits, (2) reside in a household with income at or less than 400 percent of the federal poverty standard, and (3) have lacked health insurance for the prior six months or lost health insurance during that period due to loss of a job or several other reasons stated in the statute. There are no exclusions for pre-existing conditions. An individual who qualifies for other public health insurance programs such as the D.C. Health Care Alliance, Medicare, or Medicaid is not eligible for Healthy D.C.

A health insurer that eliminates or restricts the availability of a health insurance plan offered in the District of Columbia in order to shift beneficiaries to Healthy D.C. is subject to a fine of not less than $10,000. Premium costs for participants are limited to 3 percent of household income for those with household incomes less than 300 percent of the federal poverty level, and 5 percent for participants with household incomes above 300 percent of the federal poverty level.

DESCRIPTION OF REVENUE SOURCE: Revenue sources for the Fund include (1) insurance premiums taxes paid by Group Hospital and Medical Services, Inc. (GHMSI),[22] (2) insurance premiums taxes paid by health maintenance organizations,[23] (3) annual appropriations, if any, (4) federal grants, (5) fines and penalties paid by insurers who violate Healthy D.C. program rules, (6) grants, gifts, or subsidies, (7) a $5 million annual payment by GHMSI,[24] and (8) sales tax on purchases of medical marijuana.

[22] GHMSI is the District's only non-profit hospital and medical services corporation, originally chartered as a "charitable and benevolent institution" by the U.S. Congress in 1939. GHMSI is a subsidiary of CareFirst, Inc., and does business as "CareFirst BlueCross Blue Shield."

[23] The formula for allocating insurance premiums taxes paid by HMOs is as follows: 75 percent is dedicated to the Healthy D.C. and Health Care Expansion Fund and 25 percent is deposited into the general fund, except that *all* of the revenues generated from HMO contracts with the D.C. Medicaid, Health Care Alliance, or Healthy D.C. programs are dedicated to the Healthy D.C. and Health Care Expansion Fund.

[24] In 2009, GHMSI agreed to make this payment for five years as part of its community benefit obligations under D.C. law. The payments commenced in FY 2010. FY 2014 was the final year of payments as agreed.

Health Care Assessment

10. Nursing Facility Quality of Care Fund

Authority to Dedicate: D.C. Official Code § 47-1262
Authority for Program: D.C. Official Code § 47-1261 - § 47-1269
Year Enacted: 2004
Administering Agency: Department of Health Care Finance

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$12,423	$13,439	$13,322	$15,117	$13,774

DESCRIPTION AND PURPOSE OF FUND: The primary purpose of the Nursing Facilities Quality of Care Fund is to finance quality of care initiatives at District of Columbia nursing facilities. The authorizing statute requires that, "No less than 90% of the Fund shall be used solely to fund quality of care initiatives."[25]

Quality of care initiatives are defined in the statute as activities that "include a case mix reimbursement methodology," an annual audit of the income and expenses of the Fund, and to the extent that amounts in the Fund remain, "other programs designed to promote and foster the improved care, safety, and health of residents in Medicaid-certified nursing facilities."[26] A case-mix reimbursement methodology is a prospective Medicaid rate payment system that adjusts for resident needs and three different types of facilities (freestanding nursing facilities, hospital-based nursing facilities, and nursing facilities owned by the District of Columbia).

DESCRIPTION OF REVENUE SOURCE: The primary source of revenue for the Fund is a uniform annual assessment per licensed bed of each nursing facility in the District of Columbia. The Mayor has the authority to determine the uniform amount by regulation, but the total assessment for a nursing facility cannot exceed 6 percent of annual net resident revenue. Since the enactment of the law, the assessment has been set at 6 percent.

The Fund also receives interest and penalty revenue from nursing facilities that fail to pay the full amount of an assessment by the required date. An unpaid balance accrues interest at the rate of 1.5 percent per month or any fraction thereof, and the administrative penalty equals 5 percent of the monthly assessment for each month, or any fraction thereof, that the failure to file continues. The total administrative penalty cannot exceed 25 percent of the nursing facility's annual assessment.

[25] See D.C. Official Code § 47-1262 (b).

[26] See D.C. Official Code § 47-1261(8).

Health Care Assessment

11. Stevie Sellows Quality Improvement Fund

Authority to Dedicate: D.C. Official Code § 47-1271
Authority for Program: D.C. Official Code § 47-1270 - § 47-1278
Year Enacted: 2010
Administering Agency: Department of Health Care Finance

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	$1,254	$1,010	$2,622	$4,938

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Stevie Sellows Quality Improvement Fund is to fund quality-of-care improvements worth up to $2.50 per hour[27], or a higher amount set by regulation, at intermediate care facilities for people with intellectual or developmental disabilities (ICF-IDDs). The Fund may also be used to defray the costs of the Department of Health Care Finance (DHCF) to administer the Fund. Administrative costs are limited to 5 percent of the Fund's total revenues in any fiscal year.

The authorizing statute defines quality-of-care improvements as "improving the quality of care for consumers with developmental disabilities by efforts to reduce turnover and increase the qualifications of the employees, excluding managers, administrators, and contract employees, such as an increase in salaries or benefits, or an increase in training and educational opportunities."[28] To receive payments from the Fund, an ICF-IDD must submit to DHCF a legally binding commitment to fund quality-of-care improvements as well as proof of a mechanism to enforce the commitment. Any amounts remaining in the Fund after quality-of-care improvements and administrative costs have been paid for shall be used to increase the Medicaid reimbursement rate for ICF-IDDs.

DESCRIPTION OF REVENUE SOURCE: The primary source of revenue for the Fund is an assessment of 5.5 percent of annual gross revenue of each ICF-IDD. The Mayor may raise the assessment up to the maximum allowed by federal law if the revenue is insufficient to fund the quality-of-care disbursements that ICF-IDDs are entitled to receive under the authorizing statute. ICF-IDDs operated by the federal government are exempt from the assessment.

In addition, the Fund is authorized to receive all interest earned on the assessments, and all interest and penalties collected from facilities that fail to pay the full amount on time. Interest accrues on any unpaid balance at the rate of 1.5 percent per month, or any fraction thereof, and administrative penalties are set at 5 percent of the monthly assessment for each month, or fraction thereof, that the failure to file continues. The total administrative penalty may not exceed 25 percent of an ICF-IDD's annual assessment. If an ICF-IDD knowingly provides false information in any report needed to administer the Fund, it shall be subject to a penalty of up to $10,000.

[27] The amount of "$2.50 per hour" is not defined with respect to any unit of measurement, such as an hour of patient care, in the statute.

[28] See D.C. Official Code § 47-1270(5).

Health Care Assessment

12. Hospital Fund

Authority for Program: D.C. Official Code § 44-631 - § 44-638
Authority to Dedicate: D.C. Official Code § 44-632
Year Enacted: 2010
Administering Agency: Department of Health Care Finance

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	$9,008	$15,758	$15,156	$14,098

DESCRIPTION AND PURPOSE OF FUND: The sole purpose of the Hospital Fund is to finance Medicaid services. The Medicaid program pays for medical services, including doctor visits, hospitalization, and dental care for low-income and disabled individuals. The statutory authority for the Fund expires on September 30, 2014.

DESCRIPTION OF REVENUE SOURCE: The Fund receives revenue primarily from hospital assessments. For fiscal years 2012 through 2014, hospitals must pay $3,788 per licensed bed.

In addition, Fund revenue may include interest and penalties collected under this chapter, matching federal funds on assessments, and "other amounts collected under this chapter."[29] If a hospital fails to pay the full amount of the assessment by the due date, it must pay interest at the rate of 1.5 percent of the assessment per month or fraction thereof, as well as an administrative penalty of 10 percent of the assessment.

St. Elizabeth's Hospital (the District's public psychiatric facility), the United Medical Center, (which is owned and operated by the D.C. government), and hospitals operated by the federal government are not covered by these provisions.

[29] See D.C. Official Code § 44-632(b)(4).

Health Care Assessment

13. Hospital Provider Fee Fund

Authority for Program:	D.C. Official Code § 44-651 - § 44-659
Authority to Dedicate:	D.C. Official Code § 44-652
Year Enacted:	2013
Administering Agency:	Department of Health Care Finance

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	n/a	n/a	n/a	n/a	$17,837

DESCRIPTION AND PURPOSE OF FUND: The Hospital Provider Fee Fund has the following purposes: (1) to make Medicaid outpatient access payments to hospitals, (2) to pay administrative expenses incurred by the Department of Health Care Finance (DHCF) to implement the program, limited to $150,000 annually, and (3) to make refunds to hospital providers under certain conditions.[30]

The authorizing statute provides that, "The Fund shall not be used to replace any moneys appropriated to the Medicaid program."[31]

DESCRIPTION OF REVENUE SOURCE: Bill 20-199, the "Fiscal Year 2014 Budget Support Act of 2013," which will become law after it completes the required period of congressional review, provides that the Fund will receive revenue from four sources: (1) a hospital provider fee assessed on the gross patient receipts of every hospital in the District of Columbia, (2) all federal matching funds received by the Department of Health Care Finance as a result of expenditures made by the Fund, (3) penalties and interest collected from hospitals that fail to pay the full amount of their fees on time, and (4) interest earned on the Fund's deposits.

The hospital provider fee will be applied at a uniform rate needed to generate an amount equal to the sum of the following: (1) the maximum non-federal share of total spending allowed for private hospitals in the District by the Medicaid program, (2) the maximum non-federal share of total spending allowed for District-owned hospitals by the Medicaid program, and (3) DHCF's administrative expenses to administer the hospital provider fee subject to the $150,000, pro-rated annual limit. St. Elizabeth's Hospital (the District's public psychiatric facility) is exempt from the fee requirement.

The authorizing statute applies as of May 1, 2013, and shall sunset on September 30, 2014. The statute allows DHCF to charge the hospital provider fee retroactively to May 1, 2013.

[30] Refunds must be issued if DHCF reduces Medicaid payment rates, if the fees are not eligible for federal matching funds, or if the federal government determines that the provider fee is impermissible. See section 5075(b) of Bill 20-199, the "Fiscal Year 2014 Budget Support Act of 2013."

[31] § 5073 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827)

Deed Recordation and Transfer Taxes

14. Housing Production Trust Fund

Authority to Dedicate:	D.C. Official Code § 42-2802
Authority for Program:	D.C. Official Code § 42-2802 - § 42-2804
Year Enacted:	2002
Administering Agency:	Department of Housing and Community Development

In $ thousands

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Actual Revenue	$30,158	$40,377	$42,736	$53,220	$54,009

DESCRIPTION AND PURPOSE OF FUND: The purpose of the Housing Production Trust Fund is to produce housing for targeted populations. At least 40 percent of the funds disbursed each year must be used to provide housing opportunities for very low-income households (those with household income between 30 percent and 50 percent of the area median). In addition, at least 40 percent of the funds disbursed each year must be used to provide housing for extremely low-income households (those with household income less than or equal to 30 percent of the area median). Finally, at least 50 percent of the funds disbursed each year must be used to provide rental housing (this category overlaps with the other categories described above).

The Fund may be used to finance pre-development loans for non-profit housing developers; loans to provide housing for low-income elderly persons with special needs; bridge loans and gap financing to reduce the costs of residential development; construction of new housing or the rehabilitation or preservation of existing housing; site acquisition; construction loan guarantees; collateral; or operating capital. The Fund may also be used to defray administrative costs, which are capped at 10 percent of revenues. In addition, $4 million may be made available to the Workforce Housing Land Trust.[32]

DEDICATION OF REVENUE SOURCE: The Fund's primary source of revenue is a transfer of 15 percent of annual deed recordation and transfer tax revenue. As of September 30, 2014, the Fund had a balance of $173.86 million.[33]

[32] The "Workforce Housing Land Trust" is a non-profit organization chosen by the D.C. government to administer a pilot program to develop affordable housing for people who work in the District of Columbia.

[33] Government of the District of Columbia, Comprehensive Annual Financial Report, Year Ended September 30, 2014, p. 121, Table N53a, Schedule of FY 2014 Fund Balance.