

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 25.
GOVERNMENT EMPLOYER-ASSISTED HOUSING
PROGRAM.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 25. GOVERNMENT EMPLOYER-ASSISTED
HOUSING PROGRAM.

TABLE OF CONTENTS

[§ 42-2501. Definitions.](#)

[§ 42-2502. Establishment.](#)

[§ 42-2503. Eligibility.](#)

[§ 42-2504. Employee savings; District government contribution.](#)

[§ 42-2505. Deferred payment loan.](#)

[§ 42-2506. Assistance available for District government and public charter school employees.](#)

[§ 42-2507. Rules.](#)

CHAPTER 25. GOVERNMENT EMPLOYER- ASSISTED HOUSING PROGRAM.

§ 42-2501. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Agency" means the District of Columbia Housing Finance Agency.
- (2) "Agreement" means the housing allowance agreement required, pursuant to § 42-2504, to be entered into between a Participant and the District of Columbia government.
- (3) "Deferred payment loan" means funds made available to Participants in the Program by the District to assist with the purchase of housing units and for which payment of the principal is deferred until the property is sold, transferred, or otherwise ceases to be the principal residence of the Participant.
- (4) "Department" means the District of Columbia Department of Housing and Community Development.
- (5) "First-time homebuyer" means a purchaser who has no ownership interest in a principal residence at any time during the 3-year period ending on the date of the application for assistance, but includes an applicant who has divorced or separated during the 3-year period where a formal settlement did not convey an ownership interest in a principal residence which had been jointly owned.
- (6) "Household" means all of the persons living in a housing unit.
- (7) "Housing unit" means any room or group of rooms forming a single-family residential unit, including a semi-detached condominium, cooperative, or semi-detached or detached home that is used or intended to be used for living, sleeping, and the preparation and eating of meals by human occupants.
- (8) "Matching contribution" means those funds made available to Participants in the Program by the District to assist the Participants in saving toward a down payment.
- (9) "Participant" means a person who has applied to the Program and who has met the eligibility requirements set forth in § 42-2503.
- (10) "Program" means the District of Columbia Government Employer-Assisted Housing Program established pursuant to § 42-2502.

(May 9, 2000, D.C. Law 13-96, § 2, 47 DCR 1081.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90-day) addition of section, see § 2 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 2 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

Legislative History of Laws

Law 13-96, the "Government Employer-Assisted Housing Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-451, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on November 15, 1999, and December 7, 1999, respectively. Signed by the Mayor on December 29, 1999, it was assigned Act No. 13-225 and transmitted to both Houses of Congress for its review. D.C. Law 13-96 became effective on May 9, 2000.

Miscellaneous Notes

Section 11 of D.C. Law 13-96 provides: "This act shall apply as of October 1, 1997."

§ 42-2502. ESTABLISHMENT.

There is established within the District of Columbia Department of Housing and Community Development a District of Columbia Government Employer-Assisted Housing Program to assist District of Columbia government employees to become homeowners in the District. The Program shall include:

- (1) A District contribution toward a down payment;
- (2) A deferred payment loan of up to \$10,000; and
- (3) Agency single-family mortgage financing for qualified applicants.

(May 9, 2000, D.C. Law 13-96, § 3, 47 DCR 1081; Mar. 3, 2010, D.C. Law 18-111, § 7011, 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-111 substituted "There" for "Subject to availability of funds, there".

Emergency Act Amendments

For temporary (90-day) addition of section, see § 3 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 3 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

For temporary (90 day) amendment of section, see § 7011 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 7011 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 13-96, see notes following § 42-2601.

For Law 18-111, see notes following § 42-1102.02.

§ 42-2503. ELIGIBILITY.

(a) An applicant shall be eligible for the Program if the applicant is:

- (1) A District of Columbia government employee, an employee of a District of Columbia public charter school, or a person who has accepted an offer to be a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or a teacher at a District of Columbia public charter school; and
- (2) A first-time homebuyer in the District.

(b) No more than one member of a household shall be eligible for the Program.

(c) The Mayor shall not limit the eligibility of an applicant to participate in the Program based on the length of employment of the applicant or the length of time that the applicant has resided in the District of Columbia if the applicant is a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or a teacher at a District of Columbia public charter school; provided, that the Mayor may limit the eligibility of an applicant to receive a District of Columbia contribution toward a down payment based on the length of employment of the applicant with the District of Columbia or a District of Columbia public charter school or the length of time the applicant has resided in the District of Columbia. The Mayor shall not limit the eligibility of an applicant to participate in the Program based on the place of residence of the applicant at the time of his or her application. A rule, or a portion of a rule, inconsistent with this subsection shall be void.

(May 9, 2000, D.C. Law 13-96, § 4, 47 DCR 1081; Apr. 3, 2001, D.C. Law 13-236, § 2, 48 DCR 595; Apr. 24, 2004, D.C. Law 15-152, § 2, 50 DCR 9827.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 13-236 rewrote subsec. (a)(1) and added subsec. (c). Prior to amendment, subsec. (a)(1) read:

"(1) A District government employee; and"

D.C. Law 15-152, in subsecs. (a)(1) and (c), inserted "emergency medical technician," after "firefighter,".

Emergency Act Amendments

For temporary (90-day) addition of section, see § 4 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 4 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

Legislative History of Laws

For Law 13-96, see notes following § 42-2601.

Law 13-236, the "Government Employer-Assisted Housing Program Teacher, Police Officer, and Firefighter Hiring Incentive Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-629, which was referred to the Committee on Education, Libraries, and Recreation. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 26, 2000, it was assigned Act No. 13-513 and transmitted to both Houses of Congress for its review. D.C. Law 13-236 became effective on April 3, 2001.

Law 15-152, the "Government Employer-Assisted Housing Program Teacher, Police Officer, Firefighter, and Emergency Medical Technician Incentive Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-130, which was referred to Committee on Economic Development. The Bill was adopted on first and second readings on July 8, 2003, and October 7, 2004, respectively. Signed by the Mayor on October 24, 2003, it was assigned Act No. 15-199 and transmitted to both Houses of Congress for its review. D.C. Law 15-152 became effective on April 24, 2004.

Miscellaneous Notes

Section 3 of D.C. Law 13-236 provides:

"The Mayor shall, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968 issue rules within 90 days of the effective date of the Government Employer-Assisted Housing Program Teacher, Police Officer, and Firefighter Hiring Incentive Amendment Act of 2000 ('Act') to implement the Act."

§ 42-2504. EMPLOYEE SAVINGS; DISTRICT GOVERNMENT CONTRIBUTION.

(a) Each Participant in the Program shall be required to save an agreed upon amount, as set forth in this section, which shall be applied toward the down payment and closing costs for the housing unit. Each Participant shall enter into an Agreement with the Department. The Agreement shall set forth the following items:

- (1) The amount to be saved by the employee and the period of time during which the savings shall be accomplished;
- (2) A provision for amendment or termination of the Agreement;
- (3) A penalty for withdrawal of funds or termination of the Agreement prior to settlement of the loan;
- (4) A procedure for refund to the District of the amount of matching funds contributed by the District on behalf of a Participant who has withdrawn from the Agreement, terminated the Agreement, or otherwise failed to purchase the housing unit;
- (5) The matching funds to be contributed by the District;
- (6) The requirement that the matching funds provided by the District shall be used only for the purchase of a housing unit that shall be the principal residence of the Participant; and
- (7) Any other item that the Department deems necessary.

(b) For each Participant in the Program who sets aside \$2,500 under an Agreement, the District shall obligate \$500 in the financial management system. The District shall match succeeding Participant saving increments of \$2,500 with a \$500 obligation until the District obligation totals \$1,500. Matching contributions by the District shall not exceed \$1,500 for any individual Participant. The District shall disburse its cash contribution at the time of settlement.

(c) The Mayor shall establish a procedure to allow a Participant in the Program to save the target amount of money listed in the Agreement through a system of payroll deduction.

(d) An applicant who has saved toward a down payment prior to entering the Program shall also be eligible for the matching contribution upon entering into an Agreement with the Department.

(May 9, 2000, D.C. Law 13-96, § 5, 47 DCR 1081.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90-day) addition of section, see § 5 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 5 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

For Law 13-96, see notes following § 42-2601.

§ 42-2505. DEFERRED PAYMENT LOAN.

(a) In addition to the assistance provided in § 42-2504(b), the Department shall make available to each Participant a deferred loan of up to \$10,000 to provide financial assistance for the purchase of a housing unit. The deferred payment loan shall be available only if the housing unit shall be the principal residence of the Participant.

(b) Payment of the principal may be deferred until the property is sold, transferred, or ceases to be the principal residence of the Participant.

(c) Deferred payment loans may be secured by a second deed of trust on the subject property.

(d) The deferred payment loan may be used in conjunction with the Home Purchase Assistance Program established by Chapter 26 of this title.

(e) The Department may charge interest on the loan if the housing unit is sold within 5 years.

(May 9, 2000, D.C. Law 13-96, § 6, 47 DCR 1081; Mar. 2, 2007, D.C. Law 16-192, § 2012(a), 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-192, in subsec. (d), substituted "may" for "may not".

Emergency Act Amendments

For temporary (90-day) addition of section, see § 6 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 6 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

For temporary (90 day) amendment of section, see § 2012(a) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 2012(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 2012(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For Law 13-96, see notes following § 42-2601.

For Law 16-192, see notes following § 42-903.

Miscellaneous Notes

Short title: Section 2011 of D.C. Law 16-192 provided that subtitle B of title II of the act may be cited as the "Government Employer-Assisted Housing Program Amendment Act of 2006".

§ 42-2506. ASSISTANCE AVAILABLE FOR DISTRICT GOVERNMENT AND PUBLIC CHARTER SCHOOL EMPLOYEES.

(a) In addition to the assistance provided in §§ 42-2504 and 42-2505, a District of Columbia government employee, an employee of a District of Columbia public charter school, or a person who has accepted an offer to be a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or a teacher at a District of Columbia public charter school who is a first-time homebuyer in the District shall be eligible for the following assistance, subject to annual available appropriations:

(1) A sliding-scale property tax credit as follows:

(A) An 80% property tax credit for the first year;

(B) A 60% property tax credit for the second year;

(C) A 40% property tax credit for the third year;

(D) A 20% property tax credit for the fourth year; and

(E) A 20% property tax credit for the fifth year.

(2) A \$2,000 income tax credit in the tax year the District of Columbia government employee, employee of a District of Columbia public charter school, or person who has accepted an offer to be a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or teacher at a District of Columbia public charter school purchases the housing unit and each of the 4 immediately succeeding tax years; provided, that the District of Columbia government employee, employee of a District of Columbia public charter school, or person who has accepted an offer to be a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or teacher at a District of Columbia remains eligible for the tax credit. The credit shall not be prorated and any portion of the credit that is not utilized in a tax year shall not be carried forward, carried back, or refunded to the District of Columbia government employee, employee of a District of Columbia public charter school, or person who has accepted an offer to be a District of Columbia police officer, firefighter, emergency medical technician, public school teacher, or teacher at a District of Columbia.

(b) Any real property owner eligible to receive a real property tax credit under this section shall receive the tax credit as of the next half of the real property tax year following the date the real property owner applied for the credit. The real property owner shall continue to receive the real property tax credit for each succeeding 9 halves of the real property tax year; provided, that the real property owner remains eligible to receive the tax credit.

(May 9, 2000, D.C. Law 13-96, § 7, 47 DCR 1081; Mar. 2, 2007, D.C. Law 16-192, § 2012(b), 53 DCR 6899; Mar. 3, 2010, D.C. Law 18-111, § 7038(a), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-192, in the section heading, substituted "District government and public charter school employees" for "Metropolitan police officers"; rewrote the lead-in language of subsec. (a), which had previously read: "In addition to the assistance provided in §§ 42-2504 and 42-2505, Metropolitan police officers who are first-time homebuyers in the District shall be eligible for the following assistance."; and rewrote subsec. (a)(2), which had previously read:

"(2) A \$2,000 income tax credit in the tax year the officer purchases the housing unit and each of the 4 immediately succeeding tax years; provided, that the officer remains eligible for the tax credit. The credit shall not be prorated and any portion of the credit that is not utilized in a tax year shall not be carried forward, carried back, or refunded to the officer."

D.C. Law 18-111, in subsec. (a), substituted "following assistance, subject to annual available appropriations:" for "following assistance:".

Emergency Act Amendments

For temporary (90-day) addition of section, see § 7 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 7 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

For temporary (90 day) amendment of section, see § 2012(b) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 2012(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 2012(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 7038 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 7038 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 13-96, see notes following § 42-2601.

For Law 16-192, see notes following § 42-903.

For Law 18-111, see notes following § 42-1102.02.

Miscellaneous Notes

Section 7038(b) of D.C. Law 18-111 provides:

"(b) This section shall apply as of October 1, 2009."

§ 42-2507. RULES.

(a) The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules within 90 days after the effective date of this chapter to implement the provisions of this chapter.

(b) The rules shall include the following:

- (1) An application procedure for the Program;
- (2) A standard for eligibility and selection of applicants; and
- (3) The conditions under which the deferred payment loan may be granted.

(c) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(May 9, 2000, D.C. Law 13-96, § 8, 47 DCR 1081.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90-day) addition of section, see § 8 of the Government Employer-Assisted Housing Emergency Amendment Act of 1999 (D.C. Act 13-188, December 1, 1999, 46 DCR 10407).

For temporary (90-day) addition of section, see § 8 of the Government Employer-Assisted Housing Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-258, February 9, 2000, 47 DCR 1124).

Legislative History of Laws

For Law 13-96, see notes following § 42-2601.

Resolutions

Resolution 14-578, the "Government Employer-Assisted Housing Program Teacher, Police Officer, and Firefighter Hiring Incentive Regulations Approval Resolution of 2002", was approved effective October 18, 2002.