

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 6.
HOUSING AND BUILDING RESTRICTIONS
AND REGULATIONS.

CHAPTER 10.
COMMUNITY DEVELOPMENT.

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CHAPTER 10. COMMUNITY DEVELOPMENT.

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CHAPTER 10. COMMUNITY DEVELOPMENT.

SUBCHAPTER I. GENERAL.

§ 6-1001. FINDINGS AND OBJECTIVES.

(a) The Council finds and declares that the District of Columbia faces critical social, economic, and environmental problems arising in significant measures from:

- (1) The concentration of poverty in areas of the city;
- (2) Overcrowding and deterioration of housing, exacerbated by inadequate construction of new units for the growing number of households, and inadequate resources to provide for the rehabilitation of existing units for use by residents of the affected areas;
- (3) Inadequate and inappropriate public and private investment and reinvestment in housing and other physical facilities, and related public and social services, resulting in the growth and persistence of urban slums and blight and the marked deterioration of the quality of the urban environment; and
- (4) Lack of essential commercial facilities and services in many of the city's communities; and
- (5) Need to improve the overall quality of the urban environment for the people of the District of Columbia.

(b) The Council further finds and declares that the future welfare of the District of Columbia and the well-being of its citizens depend on the establishment and maintenance of the District of Columbia as a viable physical, social, economic, and political community, and require for the benefit of the communities being directly affected:

- (1) Systematic and sustained action to eliminate blight, to conserve and renew aging urban neighborhoods, to improve the living environment of low and moderate income families, and to develop new residential and economic activity centers throughout the District;
- (2) Substantial expansion of and greater continuity in the scope and level of federal and local financial assistance together with increased private investment in support of community development activities;
- (3) Continuing effort at all levels of government to develop programs to meet identified needs and to improve the functioning of departments and agencies responsible for planning, implementing, and evaluating community development efforts;
- (4) Ongoing assistance to the secondary market for residential mortgages on housing for low-and moderate-income families by increasing the liquidity of mortgage investments and reinvesting investment proceeds for residential mortgage financing; and
- (5) Management and liquidation of District of Columbia owned mortgage portfolios in an orderly manner in accordance with procurement requirements, with minimum loss to the District government.

(c) The primary objective of this chapter is the maintenance and development of the District of Columbia as a viable urban community, by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective the chapter provides for the support of community development activities which are directed toward the following specific objectives:

- (1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community;
- (2) The elimination of conditions which are detrimental to health, safety, and public welfare and the establishment of programs to protect and improve the quality of the urban environment;
- (3) The conservation and expansion of the District's housing stock in order to provide a suitable living environment for all persons, principally those of low and moderate income;
- (4) The expansion and improvement of the quantity and quality of community services, particularly for persons of low and moderate income, which are essential for sound community development and for the development of a viable urban community;

(5) A more rational utilization of land and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(6) The reduction of the isolation of income groups within the community and the promotion of an increase in the diversity and vitality of neighborhoods through the expansion of housing opportunities for persons of low and moderate income, particularly those with large families;

(7) The restoration and preservation of properties of special value for historic, architectural, or esthetic reasons;

(8) The establishment of data-gathering, planning, policy, and program development which will ensure effective monitoring of and programming responsive to the changing numbers, characteristics, and needs of the people of the District of Columbia;

(9) The continuation of development activities in those areas previously covered by urban renewal or neighborhood development plans until completed; and

(10) Promote access to mortgage credit throughout the District of Columbia by increasing the liquidity of mortgage investments and improving the distribution of investment capital available for low-and moderate-income persons to acquire residential mortgage financing.

(d) Following the approval of a Community Development Program in such areas as the Council of the District of Columbia, upon recommendation of the Mayor, shall designate, the Mayor is authorized to prohibit any new construction in any area designated for this purpose as a community development area in a Community Development Program; new construction includes substantial remodeling, conversion, rebuilding, and enlargement or extension of major structural improvements on existing buildings, but does not include ordinary maintenance, remodeling, or changes necessary to continue occupancy.

(Dec. 16, 1975, D.C. Law 1-39, § 2, 22 DCR 3436; Feb. 26, 1981, D.C. Law 3-115, § 3, 27 DCR 5630; June 11, 1999, D.C. Law 13-9, §§ 2(a), (b), 46 DCR 3640.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-901.

1973 Ed., § 5-1001.

Effect of Amendments

D.C. Law 13-9, in subsec. (b), struck the word "and" following "activities" in par. (2), substituted a semicolon for the period following "efforts" in par. (3), and added pars. (4) and (5); and, in subsec. (c), struck the word "and" following "Columbia;" in par. (8), substituted "; and" for the final period in par. (9), and added par. (10).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a), (b) of Community Development Program Temporary Amendment Act of 1998 (D.C. Law 12-246, April 20, 1999, law notification 46 DCR 4159).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2(a) and (b) of the Community Development Program Emergency Amendment Act of 1998 (D.C. Act 12-557, January 12, 1999, 45 DCR 635).

For temporary (90-day) amendment of section, see § 2(a), (b) of the Community Development Program Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-61, May 10, 1999, 46 DCR 4451).

Legislative History of Laws

Law 1-39, the "Community Development Act of 1975," was introduced in Council and assigned Bill No. 1-135, which was referred to the Committee on Housing and Urban Development. The Bill was adopted on first and second readings on August 5, 1975, and September 9, 1975, respectively. Signed by the Mayor on October 9, 1975, it was assigned Act No. 1-135 and transmitted to both Houses of Congress for its review.

Law 3-115, the "Community Development Act of 1975 Amendment Act of 1980," was introduced in Council and assigned Bill No. 3-404, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on November 25, 1980, and December 9, 1980, respectively. Signed by the Mayor on December 18, 1980, it was assigned Act No. 3-309 and transmitted to both Houses of Congress for its review.

Law 13-9, the "Community Development Program Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-49, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on February 2, 1999, and March 2, 1999, respectively. Signed by the Mayor on March 22, 1999, it was assigned Act No. 13-53 and transmitted to both Houses of Congress for its review. D.C. Law 13-9 became effective on June 11, 1999.

Miscellaneous Notes

Delegation of functions with respect to Capital City Business and Industrial Park: See Mayor's Order 85-125, July 18, 1985.

Amendment of Mayor's Order 85-125, delegation of functions with respect to Capital City Business and Industrial Park: See Mayor's Order 88-64, March 15, 1988.

Capitol Gateway Project: D.C. Law 4-84 provided that new construction, substantial rehabilitation, subdivision formation, or street and alley closings in the Capitol Gateway Project area is prohibited.

Minor Modification of CD-15 Through Cd-23 Program Years Under the Community Development Block Grant Program Emergency Approval Resolution of 1998: Pursuant to Resolution 12-498, effective May 5, 1998, the Council approved a modification of CD-15 through CD-23 program years under the Community Development Block Grant Program administered by the Department of Housing and Community Development.

§ 6-1002. COMMUNITY DEVELOPMENT PROGRAM--ANNUAL PREPARATION AND SUBMISSION TO COUNCIL; CONTENT; PUBLIC HEARINGS.

(a) The Mayor annually shall prepare and submit to the Council a proposed Community Development Program (as such program is defined or may hereafter be defined in title I of the Housing and Community Development Act of 1974), which:

- (1) Sets forth a summary of a 3-year community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short-and long-term community development objectives which have been developed in accordance with area-wide development planning and national urban growth policies;
- (2) Describes a program which:
 - (A) Includes the activities to be undertaken to meet the identified community development needs and objectives, together with the estimated costs and location of such activities;
 - (B) Indicates the resources which are proposed to be made available toward meeting the identified needs and objectives;
 - (C) Indicates the environmental review status of proposed community development activities; and
 - (D) Includes activities designed to maximize the use and availability of funds designated to support community development projects;
- (3) Describes a program designed to:
 - (A) Eliminate or prevent slums, blight, and deterioration where such conditions or needs exist;
 - (B) Provide improved community facilities and public improvements, including the provision of supporting health, social, and similar services where necessary and appropriate; and
 - (C) Clean and redevelop contaminated property areas as defined in § 2- 1217.01;
- (4) Includes a housing assistance plan which:
 - (A) Accurately surveys the condition of the housing stock in the community and defines the housing assistance needs of lower-income persons, including elderly persons and persons with disabilities, large families, persons living in overcrowded conditions, persons paying more than 25% of their income for rent, and persons displaced or to be displaced, residing in or expected to reside in the community during the implementation of the plan;
 - (B) Specifies a realistic annual goal for the number of dwelling units or persons to be assisted, including:
 - (i) The proposed number of new, rehabilitated, and existing dwelling units; and
 - (ii) The sizes and types of housing units and assistance proposed to meet the needs of lower-income persons in the community as defined in the plan; and
 - (C) Indicates the general locations of proposed housing for lower-income persons, with the objective of:
 - (i) Furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible;
 - (ii) Promoting greater choice of housing opportunities and avoiding concentrations of assisted persons in areas containing a high proportion of low-income persons; and
 - (iii) Assuring the availability of public facilities and services adequate to serve proposed housing projects; and
- (5) Includes such other materials, certifications, and assurances as may be required by law or regulation as conditions for financial assistance under the Housing and Community Development Act

of 1974, and any other such requirements as may be specified by District of Columbia law.

(b) In preparing the proposed Community Development Program, the Mayor shall:

(1) Provide citizens with all information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements;

(2) Hold at least 2 public hearings to obtain the views of citizens on community development and housing needs; and

(3) Provide citizens a full and meaningful opportunity to participate in the planning, development and evaluation of the annual Community Development Program and any amendments or modifications thereto.

(c) Prior to the exercise of any powers granted by this chapter, the Mayor shall have submitted the proposed Community Development Program to the Council, and the Council shall have approved the same by resolution following a public hearing thereon; provided, that the Council may approve the program with conditions and the program as so conditioned shall be the approved Community Development Program; and provided further, that an approved Community Development Program may be modified at any time in accordance with the procedures herein prescribed for its original approval. Notwithstanding the above, the Mayor shall have the authority to make minor modifications consistent with the intent of the approved program, only after such modifications have been submitted to the Council and have not been disapproved within 30 days, except that the Council may approve such modifications before the 30-day period has expired. The 30-day period for Council review shall not include Saturdays, Sundays, legal holidays, or days that pass during a recess of the Council.

(Dec. 16, 1975, D.C. Law 1-39, § 3, 22 DCR 3439; Aug. 1, 1985, D.C. Law 6-15, § 10, 32 DCR 3570; Feb. 24, 1987, D.C. Law 6-192, § 22, 33 DCR 7836; June 11, 1999, D.C. Law 13-9, § 2(c), 46 DCR 3640; June 13, 2001, D.C. Law 13-312, § 705(c), 48 DCR 3804; Apr. 24, 2007, D.C. Law 16-305, § 21(a), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-902.

1973 Ed., § 5-1002.

Effect of Amendments

D.C. Law 13-9, in par. (a)(2), struck the word "and" following "appropriate;" in subpar. (B), substituted "; and" for the semicolon in subpar. (C), and added subpar. (D).

D.C. Law 13-312, in par. (3) of subsec. (a), added subpar. (C).

D.C. Law 16-305, in subsec. (a)(4)(A), substituted "persons and persons with disabilities" for "and handicapped persons".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(c) of Community Development Program Temporary Amendment Act of 1998 (D.C. Law 12-246, April 20, 1999, law notification 46 DCR 4159).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2 of the District of Columbia Community Development Act of 1975 Emergency Amendment Act of 1991 (D.C. Act 9-91, October 21, 1991, 38 DCR 6576).

For temporary (90-day) amendment of section, see § 2(c) of the Community Development Program Emergency Amendment Act of 1998 (D.C. Act 12-557, January 12, 1999, 45 DCR 635).

For temporary (90-day) amendment of section, see § 2(c) of the Community Development Program Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-61, May 10, 1999, 46 DCR 4451).

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

Law 6-15, the "Legislative Veto Amendments Act of 1985," was introduced in Council and assigned Bill No. 6-141, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 1985 and May 28, 1985, respectively. Signed by the Mayor on June 7, 1985, it was assigned Act No. 6-30 and transmitted to both Houses of Congress for its review.

Law 6-192, the "Technical Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-544, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 5, 1986, and November 18, 1986, respectively. Signed by the Mayor on December 10, 1986, it was assigned Act No. 6-246 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 13-9, see notes following § 6-1001.

Law 13-312, the "Brownfield Revitalization Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-531, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-576 and transmitted to Both Houses of Congress for its review. D.C. Law 13-312 became effective on June 15, 2001.

For Law 16-305, see notes following § 6-201.

References in Text

The Housing and Community Development Act of 1974, referred to in the introductory language and in paragraph (5) of subsection (a) of this section, is the Act of August 22, 1974, 88 Stat. 633, Pub. L. 93-383.

Resolutions

Resolution 14-157, the "Consolidation Plan for the District of Columbia, Fiscal Year 2002 Action Plan Approval Resolution of 2001", was approved effective July 10, 2001.

Resolution 14-487, the "Consolidated Plan for the District of Columbia, FY 2003 Action Plan, Approval Resolution of 2002", was approved effective June 28, 2002.

Resolution 15-127, the "Consolidated Plan for the District of Columbia, Fiscal Year 2004 Action Plan, Approval Resolution of 2003", was approved effective July 8, 2003.

Resolution 15-600, the "Consolidated Plan for the District of Columbia, Fiscal Year 2005 Action Plan Approval Resolution of 2004", was approved effective July 13, 2004.

Resolution 15-602, the "The Fiscal Year 2004 Consolidated Plan Action Plan Amendment Authorizing the Use of Section 108 Loan Guarantee Funds for the Skyland Community Development Block Grant Section 108 Loan Guarantee Application Resolution of 2004", was approved effective July 13, 2004.

Resolution 16-216, the "Consolidated Plan for the District of Columbia, Fiscal Years 2006-2010 and the Fiscal Year 2006 Action Plan Approval Resolution of 2005", was approved effective July 6, 2005.

Resolution 16-689, the "Consolidated Plan for the District of Columbia, Fiscal Year 2007 Action Plan, Approval Resolution of 2006", was approved effective July 20, 2006.

Resolution 16-921, the "Minor Modification to the Consolidated Plan for the District of Columbia, Fiscal Year 2007 Action Plan, Approval Resolution of 2006", was approved effective December 2, 2006.

Resolution 17-272, the "FY 2008 Consolidated Annual Action Plan for the District of Columbia Approval Resolution of 2007", was approved effective July 10, 2007.

Miscellaneous Notes

Community Development Block Grant Program: Pursuant to Resolution 5-766, the "Community Development Block Grant Program Resolution of 1984," effective June 26, 1984, the Council approved the final statement of community development objectives and projected use of funds for the Tenth Year Community Development Block Grant Program and authorized the filing of the final statement.

Pursuant to Resolution 6-242, the "Community Development Block Grant Program Resolution of 1985," effective July 9, 1985, the Council approved the final statement of community development objectives and projected use of funds for the Eleventh Year Community Development Block Grant Program, authorized the filing of the final statement, and approved modifications to the Sixth, Seventh, Eighth, Ninth, and Tenth Year Community Development Block Grant Programs.

Pursuant to Resolution 7-83, the "Community Development Block Grant Program Resolution of 1987," effective July 14, 1987, the Council approved final statement of community development objectives and projected use of funds for the Thirteenth Year Community Development Block Grant Program, authorized the filing of the final statement, approved the Thirteenth Year Community Development Block Grant Program Description, and approved modifications to the final statement of community development objectives and projected use of funds for the Twelfth Year Community Development Block Grant Program.

Pursuant to Resolution 7-288, the "Community Development Block Grant Program Approval and Disapproval Resolution of 1988", effective July 12, 1988, the Council approved the District of Columbia's final statement of community development objectives and projected use of funds for the Fourteenth Year Community Development Block Grant Program, authorized the filing of the final statement, approved the Fourteenth Year Community Development Block Grant Program Description, approved budget modifications for the Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Year Community Development Block Grant Programs, approved modifications of Construction Assistance Program activities included in the Thirteenth Year Final Statement of Community Development Objectives and Projected Use of Funds and the Thirteenth Year Community Development Block Grant Program, and approved a modification to the 13th Year Community Development Block Grant Program Description.

Pursuant to Resolution 8-73, the "Community Development Block Grant Program Approval Resolution of 1989", effective July 11, 1989, the Council approved the final statement of community development objectives

and projected use of funds for the Fifteenth Year Community Development Block Grant Program, authorized the filing of the final statement, approved the Fifteenth Year Community Development Block Grant Program Description, and approved reprogramming of funds and budget revisions for the Second, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Year Community Development Block Grant Programs.

Pursuant to Resolution 8-256, the "Community Development Block Grant Program Approval Resolution of 1990", effective July 27, 1990, the Council approved the proposed District of Columbia's Final Statement of Community Development objectives and projected use of funds for the Sixteenth Year Community Development Block Grant Program, authorized the filing of the final statement with the United States Department of Housing and Urban Development, approved the Sixteenth Year Community Development Block Grant Program Description, and approved reprogramming of funds and budget revisions for the Fifteenth Year Community Development Block Grant Program and modification of the Fifteenth Year Final Statement.

Community Development Block Grant Program Emergency Approval Resolution of 1991: Pursuant to Resolution 9-91, effective July 19, 1991, the Council approved, on an emergency basis, the proposed District of Columbia's Final Statement of Community Development objectives and projected use of funds; authorized the filing of the final statement; approved the program description, and approved reprogramming of funds, budget revisions, and modification of the final statement.

Comprehensive Housing Affordability Strategy Emergency Approval Resolution of 1991: Pursuant to Resolution 9-141, effective November 22, 1991, the Council approved, on an emergency basis, with conditions, the District of Columbia's comprehensive housing affordability strategy.

Community Development Block Grant Program Nineteenth Year Emergency Approval Resolution of 1993: Pursuant to Resolution 10-120, effective August 6, 1993, the Council approved, on an emergency basis, the District of Columbia's Final Statement of Community Development objectives and projected use of funds for the Nineteenth Year Community Development Block Grant Program, authorized the filing of the final statement with the United States Department of Housing and Urban Development, and approved the Nineteenth Year Community Development Block Grant Program Description.

Community Development Block Grant Program Twentieth Year Approval Resolution of 1994: Pursuant to Resolution 10-348, effective May 3, 1994, the Council approved the District of Columbia's Final Statement of Community Development objectives and projected use of funds for the Twentieth Year Community Development Block Grant Program; authorized the filing of the final statement with the United States Department of Housing and Urban Development; and approved the Twentieth Year Community Development Block Grant Program Description.

CD-18 and Prior Year Reprogramming Emergency Approval Resolution of 1994: Pursuant to Resolution 10-378, effective June 7, 1994, the Council approved, on an emergency basis, the District of Columbia's reprogramming of funds for the Eighteenth Year Community Development Block Grant Program and prior years and authorized the filing of the reprogramming with the United States Department of Housing and Urban Development.

Consolidated Plan and CD-19 Program Modification Approval Resolution of 1995: Pursuant to Resolution 11-99, effective July 11, 1995, the Council approved the Consolidated Plan for the District of Columbia, which incorporates four previously separate annual grant applications into a single submission for funding from the U.S. Department of Housing and Urban Development, for the Years 1996 to 2000, and a Program Modification for the Nineteenth Year Community Development Program (CD-19).

FY 1997 Action Plan approval Resolution of 1996: Pursuant to Resolution 11-415, effective July 3, 1996, Council approved the Fiscal Year 1997 Action Plan of the Consolidated Plan for the District of Columbia which incorporates four previously separate annual grant applications into a single submission for funding from the U.S. Department of Housing and Urban Development for the Twentieth Second Year Community Development Program (CD-22).

Fiscal Year 1999 Action Plan Approval Resolution of 1998: Pursuant to Resolution 12-590, effective July 7, 1998, the Council approved the Fiscal Year 1999 Action Plan of the Consolidated Plan for the District of Columbia which incorporates four previously separate annual grant applications into a single submission for funding from the U.S. Department of Housing and Urban Development for the Twenty-Fourth Year Community Development Program.

§ 6-1003. COMMUNITY DEVELOPMENT PROGRAM--ACTIVITIES PERMITTED.

An approved Community Development Program may include the following activities:

(1) The acquisition of real property (including air rights, water rights, and other interests therein) which is:

(A) Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth;

- (B) Appropriate for rehabilitation or conservation activities;
 - (C) Appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;
 - (D) To be used for the provision of public works, facilities, and improvements; or
 - (E) To be used for other purposes;
- (2) The acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements -- including neighborhood facilities, senior centers, historic properties, utilities, streets, street lights, water and sewer facilities, foundations and platforms for air right sites, pedestrian malls and walkways, and parks, playgrounds, and recreation facilities, flood and drainage facilities, parking facilities, solid waste disposal facilities, and fire protection services and facilities;
 - (3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area;
 - (4) Clearance, demolition, removal, and rehabilitation of buildings and improvements, including:
 - (A) Interim assistance to alleviate harmful conditions in which immediate public action is needed;
 - (B) Financing rehabilitation of privately owned properties through the use of direct loans, loan guarantees, grants, and other means when in support of Community Development Program objectives; and
 - (C) Demolition and modernization of publicly owned low-rent housing when necessary to protect health, safety, and the public welfare;
 - (5) Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly persons and persons with disabilities;
 - (6) Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities under this chapter;
 - (7) Disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to title, provided that the proceeds of any such disposition shall be expended only for approved Community Development Program activities;
 - (8) Provision of public services not otherwise available in areas where other activities authorized by this chapter are being carried out in a concentrated manner, if such services are determined to be necessary or appropriate to support such other activities, and if such services are directed toward:
 - (A) Improving the community's public services and facilities, including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas; and
 - (B) Coordinating public and private development programs;
 - (9) Payment of the non-federal share required in connection with the federal grant-in-aid program undertaken as part of the Community Development Program subject to appropriations restrictions if any;
 - (10) Payment of the cost of completing a project funded under title I of the Housing Act of 1949;
 - (11) Relocation payments and assistance for individuals, families, businesses, organizations, and farm operations displaced by activities authorized by this chapter;
 - (12) Activities necessary:
 - (A) To develop a comprehensive community development plan; and
 - (B) To develop a policy-planning-management capacity so that the District of Columbia may more rationally and effectively:
 - (i) Determine its needs;
 - (ii) Set long-term goals and short-term objectives;
 - (iii) Devise programs and activities to meet these goals;
 - (iv) Evaluate the progress of such programs in accomplishing these goals and objectives; and
 - (v) Carry out management, coordination, and monitoring of activities necessary for effective planning implementation;
 - (13) Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and resources to residents of areas in which community development and housing activities are proposed;
 - (13A) The selling, at private or public sale, with public bidding, of any mortgage or other obligation held

under the Community Development Program; and

(14) Any activity made eligible for financial assistance by the Housing and Community Development Act of 1974, or any amendment thereto.

(Dec. 16, 1975, D.C. Law 1-39, § 4, 22 DCR 3443; June 11, 1999, D.C. Law 13-9, § 2(d), 46 DCR 3640; Apr. 24, 2007, D.C. Law 16-305, § 21(b), 53 DCR 6198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-903.

1973 Ed., § 5-1003.

Effect of Amendments

D.C. Law 13-9, in par. (13), struck the word "and" following "proposed;" and added par. (13A).

D.C. Law 16-305, in par. (5), substituted "persons and persons with disabilities" for "and handicapped persons".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(d) of Community Development Program Temporary Amendment Act of 1998 (D.C. Law 12-246, April 20, 1999, law notification 46 DCR 4159).

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Comprehensive Housing Strategy Temporary Act of 2003 (D.C. Law 15-52, December 9, 2003, law notification 51 DCR 1787).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2(d) of the Community Development Program Emergency Amendment Act of 1998 (D.C. Act 12-557, January 12, 1999, 45 DCR 635).

For temporary (90-day) amendment of section, see § 2(d) of the Community Development Program Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-61, May 10, 1999, 46 DCR 4451).

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

For legislative history of D.C. Law 13-9, see notes following § 6-1001.

For Law 16-305, see notes following § 6-201.

References in Text

Title I of the Housing Act of 1949, referred to in paragraph (10) of this section, is title I of the Act of July 15, 1949, 63 Stat. 414, ch. 338.

The Housing and Community Development Act of 1974, referred to in paragraph (14) of this section, is the Act of August 22, 1974, 88 Stat. 633, Pub. L. 93- 383.

§ 6-1004. COMMUNITY DEVELOPMENT PROGRAM--IMPLEMENTATION.

(a) After the approval of a Community Development Program by the Council pursuant to § 6-1002, the Mayor is authorized to submit to the Secretary of Housing and Urban Development an application, meeting the requirements of the Housing and Community Development Act of 1974 and regulations issued pursuant thereto or amendments thereof, for financial assistance to implement said program. In connection therewith, the Mayor is authorized to:

(1) Consent to assume the status of a responsible federal official under the National Environmental Policy Act of 1969;

(2) Consent, on behalf of the District government and himself, to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official;

(3) Give such other pledges, assurances, and certifications as may be required by the Housing and Community Development Act of 1974 and regulations issued pursuant thereto or amendments thereof; and

(4) Accept grants, gifts, donations, bequests, and services from any source to assist in carrying out any of the purposes of this chapter.

(b) In implementing an approved Community Development Program the Mayor is authorized to perform or conduct any of the activities described in § 6-1003 and to do all other things necessary to carry out the

intent of such program in accordance with any existing provisions of law not inconsistent herewith. Any power granted to the Mayor or any officer, employee, agency, or instrumentality of the District government by any other law may, in addition to the purposes specified therein, be exercised in furtherance of the carrying out of an approved Community Development Program.

(c) Powers and functions vested in the Mayor by this chapter may be delegated by him to any officer, employee, agency, or instrumentality of the District government by administrative order, and any officer, employee, agency, or instrumentality so designated is authorized to perform the same in accordance with the terms of the delegation.

(d) The Mayor is authorized to issue, amend, and revoke such rules and regulations as he deems necessary to carry out the purposes of this chapter.

(e) Under the Community Development Program, the Mayor may offer Community Development Program loans for sale on the secondary market in order to generate additional funds to make more loans available to low-and moderate-income persons.

(f)(1) The sale of mortgages under this section shall be confined, so far as practicable, to mortgages which are deemed by the Mayor to be of such quality, type, and class as to meet, generally, the purchase standards imposed by private institutional mortgage investors. The establishment of the sale price in the secondary market shall be consistent with the expectation that such sale be effected only at such price and on such terms as will reasonably prevent excessive loss to the District government and prevent excessive use of the District's assets.

(2) The establishment of the sale price shall be submitted to the Council for a 14-day period of review, excluding days of Council recess, beginning on the day that the resolution is transmitted by the Mayor and received by the Chairman of the Council. To initiate a disapproval of the sale price submitted to the Council, a member of the Council shall, within the 14-day period, file a written notice of disapproval with the Secretary to the Council. If this notice is given, the Council may consider and take final action to disapprove the resolution within 30 days after the notice has been filed. If the Council does not adopt a resolution disapproving the established sale price, then the resolution will be deemed approved.

(Dec. 16, 1975, D.C. Law 1-39, § 5, 22 DCR 3448; June 11, 1999, D.C. Law 13-9, § 2(e), 46 DCR 3640.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-904.

1973 Ed., § 5-1004.

Effect of Amendments

D.C. Law 13-9 added subsecs. (e) and (f).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(e) of Community Development Program Temporary Amendment Act of 1998 (D.C. Law 12-246, April 20, 1999, law notification 46 DCR 4159).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2(e) of the Community Development Program Emergency Amendment Act of 1998 (D.C. Act 12-557, January 12, 1999, 45 DCR 635).

For temporary (90-day) amendment of section, see § 2(e) of the Community Development Program Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-61, May 10, 1999, 46 DCR 4451).

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

For legislative history of D.C. Law 13-9, see notes following § 6-1001.

References in Text

The Housing and Community Development Act of 1974, referred to in the first sentence in the introductory paragraph and in paragraph (3) of subsection (a) of this section, is the Act of August 22, 1974, 88 Stat. 633, Pub. L. 93-383.

The National Environmental Policy Act of 1969, referred to in paragraph (1) of subsection (a) of this section, is the Act of January 1, 1970, 83 Stat. 852, Pub. L. 91-190.

§ 6-1005. ACQUISITION AND DISPOSITION OF REAL PROPERTY.

(a) Real property acquired for the purposes of this chapter shall be acquired pursuant to subchapter II of Chapter 13 of Title 16. No such property shall be acquired unless its acquisition be authorized by the

Council after notice of public hearing.

(b) Real property may also be acquired through gift, donation, bequest, assignment, or voluntary sale by the owner.

(c)(1) For the purposes of this chapter, the Mayor may dispose of any real property owned by the District of Columbia by negotiation or public or private bid, on such terms and conditions as he deems necessary to accomplish the purposes of the chapter with the consent of the Council, provided that prior to any such disposition there shall be a public hearing on the proposed terms and conditions after at least 30 days public notice. A proposed disposition shall be in accordance with § 10-801(c)-(e). Each proposed disposition shall be submitted to the Council for approval, in whole or in part, by resolution.

(2) The proposed resolution to provide for the disposition of real property pursuant to paragraph (1) of this subsection shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed disposition of the property, in whole or in part, by resolution within the 90-day period, the proposed resolution 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.

(2A)(A) Approval of the resolution pertaining to the disposition or offering document by the Council under paragraph (1) of this subsection shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed, subject to the provisions of this section. If the Mayor determines before the end of the one-year period that the property cannot be disposed of, or that an exclusive right agreement pertaining to the property cannot be executed, within the one-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the one-year period, a resolution seeking additional time for the execution of an exclusive right agreement pertaining to the property. The resolution shall include a detailed status report on efforts made toward execution of an exclusive right agreement pertaining to the property and the reasons for the inability to execute an exclusive right agreement pertaining to the property within the one-year period. If the Council does not take action to approve or disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed approved.

(B)(i) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, the agreement shall expire one year after the date of execution of the agreement unless:

(I) A land disposition agreement has been executed, subject to the provisions of this section; or

(II) The Mayor grants an extension of the expiration date, not to exceed 12 months. An extension shall be based on a determination that special factors exist justifying the extension. Factors considered shall include the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, and taking by eminent domain.

(ii) If the Mayor determines before the end of the two-year period that no land disposition agreement can be executed within the two-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the two-year period a resolution seeking additional time for the disposition of the property. The resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the two-year period. If the Council does not take action to approve the resolution within the 30-day period, the resolution shall be deemed approved.

(3) For real property under the jurisdiction of the Board of Education ("Board") that the Board has determined to be no longer needed for educational purposes and for which jurisdiction has been transferred by the Board to the Mayor for disposal in accordance with the provisions of this chapter, the Mayor shall submit to the Council a report on whether the Mayor intends for the property to be used by another agency of the District government. The report shall be submitted to the Council by the Mayor within 90 days of the transfer of the property to the Mayor by the Board. If the report is not submitted to the Council within the 90-day period, the Mayor shall dispose of the property in accordance with the provisions of this chapter and shall transmit to the Council the resolution required by paragraph (1) of this subsection within 180 days of the date of the transfer of the property to the Mayor by the Board.

(Dec. 16, 1975, D.C. Law 1-39, § 6, 22 DCR 3450; Mar. 15, 1990, D.C. Law 8-96, § 5, 37 DCR 795; Sept. 11, 1990, D.C. Law 8-158, § 4, 37 DCR 4167; Apr. 3, 2001, D.C. Law 13-226, § 3(b), 48 DCR 1603.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-905.

1973 Ed., § 5-1005.

Effect of Amendments

D.C. Law 13-226 added subsec. (2A).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 3(b) of the Redevelopment Land Agency Disposition Review Emergency Amendment Act of 2000 (D.C. Act 13- 431, August 14, 2000, 47 DCR 7462).

For temporary (90 day) amendment of section, see §§ 3(b) and 6(b) of the Redevelopment Land Agency Disposition Review Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-524, January 11, 2001, 48 DCR 624).

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

Law 8-96, the "Disposal of District Owned Surplus Real Property Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-302, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 21, 1989, and December 19, 1989, respectively. Approved without the signature of the Mayor on January 18, 1990, it was assigned Act No. 8-148 and transmitted to both Houses of Congress for its review.

Law 8-158, the "Board of Education Real Property Disposal Act of 1990," was introduced in Council and assigned Bill No. 8-383, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on May 15, 1990, and May 29, 1990, respectively. Signed by the Mayor on June 18, 1990, it was assigned Act No. 8-220 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-226, see notes following § 6-301.06.

Delegation of Authority

Delegation of Authority to Approve or to Disapprove the Acquisition and Disposition of Real Estate, by Sale, Lease or Otherwise, see Mayor's Order 2003-161, November 17, 2003 (50 DCR 10197).

Delegation of Authority to the Deputy Mayor for Planning and Economic Development--Authority to Acquire Real Property and Undertake Capital Improvements at Marvin Gaye Park, see Mayor's Order 2009-2, January 8, 2009 (56 DCR 2015).

Delegation of Authority to the Department of Housing and Community Development--Monitoring and Enforcement of Affordable Dwelling Unit Requirements, see Mayor's Order 2009-112, June 18, 2009 (56 DCR 6859).

Miscellaneous Notes

Community Development Block Grant Program: Pursuant to Resolution 7-288, the "Community Development Block Grant Program Approval and Disapproval Resolution of 1988," effective July 12, 1988, the Council approved the District of Columbia's final statement of community development objectives and projected use of funds for the Fourteenth Year Community Development Block Grant Program, authorized the filing of the final statement, approved the Fourteenth Year Community Development Block Grant Program Description, approved budget modifications for the Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Year Community Development Block Grant Programs, approved modifications of Construction Assistance Program activities included in the Thirteenth Year Final Statement of Community Development Objectives and Projected Use of Funds and the Thirteenth Year Community Development Block Grant Program, and approved a modification to the 13th Year Community Development Block Grant Program Description.

Center Leg Freeway Air Rights Development Approval Resolution of 1990: Pursuant to Resolution 8-333, effective January 11, 1991, the Council approved the proposal of the Washington Development Group, Inc., to develop the air space above the Center Leg Freeway (I-395), bounded by Mass. Ave., E, 2nd, and 3rd Street, N.W.

Proposal to Acquire Land Underlying the Whitelaw Hotel Emergency Approval Resolution of 1991: Pursuant to Resolution 9-143, effective November 22, 1991, the Council approved, on an emergency basis, a proposal to acquire and leaseback a parcel of land pursuant to the District of Columbia Land Acquisition for Housing Development Opportunities ("LAHDO") Program.

Unsolicited Proposal to Develop a Portion of Land Located at Benning Road Between Hanna Place and H Street, S.E. Emergency Approval Resolution of 1992

Pursuant to Resolution 9-300, effective July 7, 1992, the Council approved, on an emergency basis, acceptance of an unsolicited proposal to acquire and develop a portion of land located at Benning Road Between Hanna Place and H Street, S.E.

Proposal to Acquire Land Underlying the Savannah Park Apartments Emergency Approval Resolution of 1992: Pursuant to Resolution 9-306, effective July 24, 1992, the Council approved, on an emergency basis, a proposal to acquire land underlying the Savannah Park Apartments.

Unsolicited Proposal to Acquire and Develop Parcel 23-A in the 14th Street Urban Renewal Area Emergency

Approval Resolution of 1993: Pursuant to Resolution 10-164, effective October 22, 1993, the Council approved, on an emergency basis, a development proposal to develop Parcel 23-A located at 1333 Belmont Street, N.W. and legally described as Lot 120 in Square 2868.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Unsolicited Proposal Submitted by the Potomac Electric Power Company for the Negotiated Disposition of 1501 Alabama Street, S.E., Approval Resolution of 1994: Pursuant to Resolution 10-481, effective December 6, 1994, the Council approved an unsolicited proposal submitted by the Potomac Electric Power Company for the negotiated disposition of 1501 Alabama Street, S.E.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Unsolicited Proposal Submitted by IDS/Turner Limited Partnership for the Negotiated Disposition of Square 4120, Lot 800 Approval Resolution of 1994: Pursuant to Resolution 10-482, effective December 6, 1994, the Council approved an unsolicited proposal submitted by IDS/Turner Limited Partnership for the negotiated disposition of Square 4120, Lot 800 located at 18th and Bryant Streets, N.E.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Acceptance of a Proposal for the Negotiated Disposition and Rehabilitation of the Roosevelt for Senior Citizens Resolution of 1994: Pursuant to Resolution 10-354, effective May 3, 1994, the Council approved a proposal submitted by Access Housing, Inc. for a negotiated disposition and rehabilitation of the Roosevelt for Senior Citizens, 2101 16th Street, N.W.

Disposal of surplus real property: Section 2 of D.C. Law 8-96 provided that for the purposes of this act, the term "real property" means land titled in the name of the District of Columbia ("District") or in which the District has a controlling interest and includes all structures of a permanent character erected thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights attached thereto, or any air space located above or below the property or any street or alley under the jurisdiction of the Mayor.

Unsolicited Proposal to Develop the Martin Luther King, Jr., Development, Lot 829, Square 5770 Approval Resolution of 1996: Pursuant to Resolution 11-365, effective June 4, 1996, Council reviewed an approved an Unsolicited Proposal to Develop Lot 829, Square 5770, located at 1909--1913 Martin Luther King, Jr., Avenue, N.W., and legally described as Lot 829, Square 5770.

Unsolicited Proposal Submitted by Crane Rental Company for the Negotiated Disposition of Property located in Lots 227 and 900 in Square 4107, and Lots 826 and 827 in Square 4103, on W Street, N.E., Approval Resolution of 1996: Pursuant to Resolution 11-366, effective June 4, 1996, Council reviewed and approved an Unsolicited Proposal submitted by Crane Rental Company for the negotiated disposition of property located in Lots 227 and 900 in Square 4107, and Lots 826 and 827 in Square 4103, on W Street, N.E.

Negotiated Disposition of Property Located in Square 272, Lot 45, in the 1200 block of V Street, N.W., to Donatelli & Klein, Inc., Approval Resolution of 1996: Pursuant to Resolution 11-367, effective June 4, 1996, Council approved a negotiated disposition of property located in Square 272, Lot 45, at the intersections of 13th Street, N.W., 12th Street, N.W., V Street, N.W., and W Street, N.W., to Donatelli & Klein, Inc.

Request for Offers for the Disposition for the Roosevelt Apartment for Senior Citizens, 2101 16th Street, N.W., Lot 802, in Square 188, Approval Resolution of 1996: Pursuant to Resolution 11-633, effective December 3, 1996, Council approved the Request for Offers for the disposition of the Roosevelt Apartment for Senior Citizens located at 2101 16th Street, N.W., and legally described as Lot 802, Square 188, in Ward 1.

Unsolicited Proposal to Develop the Anacostia Northern Gateway Project Approval Resolution of 1997: Proposed Resolution 12-0111, the "Unsolicited Proposal to Develop the Anacostia Northern Gateway Project Approval Resolution of 1997" was deemed approved, effective Feb. 12, 1997.

Sections 4 to 6 of D.C. Law 17-253 provides:

"Sec. 4. Certain permanent easements authorized.

"Notwithstanding the procedures and requirements set forth in An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Mayor may:

"(1) Grant, for a period of greater than 20 years, subsurface easements under the portions of 2nd Street, N.W., and 3rd Street, N.W., between Massachusetts Avenue, N.W., and E Street, N.W., and the portion of Massachusetts Avenue, N.W., between 2nd Street, N.W., and 3rd Street, N.W., for the purposes of the construction and maintenance of a deck or other supporting structure beneath the streets and for the occupancy of the easement area by such deck and structures and for other purposes consistent with the land disposition agreement to be entered into pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) ('Disposition Approval Resolution'); and

"(2) Convey to the Purchaser, as such term is defined in the Disposition Approval Resolution, the real property on which the current Interstate 395 approach and exit ramps ('highway ramps') within the Property, as the term 'Property' is defined in the Disposition Approval Resolution, are located, in accordance with the following conditions:

"(A) If a current highway ramp is relocated within the Property, the Mayor may convey to the Purchaser fee title to the real property from which the former highway ramp was removed if the District receives from the Purchaser, at the same time that the real property from which the former highway ramp was removed is conveyed to the Purchaser, fee title from the Purchaser to the real property (which may exclude the air rights beginning at 14 feet 6 inches above the upper surface of the pavement of the ramp) upon which the new highway ramp and associated and supporting structures are constructed.

"(B) If a current highway ramp is removed, the Mayor may convey to the Purchaser fee title to the real property from which the ramp was removed if the Purchaser pays to the District fair market value for the real property as such fair market value is calculated pursuant to the Appraisal, as such term shall be defined in the land disposition agreement to be entered into pursuant the Disposition Approval Resolution.

"Sec. 5. Authorization to enter into a contract for the relocation of the shared computer center.

"Notwithstanding the procedures and requirements set forth in the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor may enter into a contract or other agreement whereby the purchaser of the property authorized to be disposed of pursuant to the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, effective July 10, 2007 (Res. 17-291; 54 DCR 7461) ('Disposition Approval Resolution'), or a designee of the purchaser approved by the Mayor, shall relocate the Shared Computer Center from the Property, as the term 'Property' is defined in the Disposition Approval Resolution, to a site designated by the District and shall be compensated for the costs associated with the relocation, including, if applicable, the costs of the design, improvement, and physical relocation of the equipment and other features of the Shared Computer Center and the leasing of a new location for the Shared Computer Center.

"Sec. 6. Certified business enterprise participation.

"The entities identified in section 2(b)(14)(A) of the Center Leg Freeway (Interstate 395) Fee and Air Rights Disposition Emergency Approval Resolution of 2007, approved July 10, 2007 (Res. 17-291; 54 DCR 7461) ('Disposition Approval Resolution') shall be considered, with respect to the development project on the Property, as the term 'Property' is defined in the Disposition Approval Resolution, fully qualified local, small, and disadvantaged business enterprises under section 2349a of the Small, Local, and Disadvantaged Business Enterprises Development and Assistance Act of 2005, effective March 2, 2007 (D.C. Law 16-33; D.C. Official Code § 2-218.49a)."

§ 6-1006. REHABILITATION OF PRIVATE PROPERTY; LOANS AND GRANTS; INSURANCE; DETERMINATION OF PUBLIC USE.

(a) The Mayor is hereby authorized to establish a Rehabilitation Loan and Grant Fund and to make or contract to make publicly-financed low-interest loans and grants to owners of property for the rehabilitation and improvement of such property in accordance with a Community Development Program approved pursuant to § 6-1002.

(b) The Mayor is further authorized to establish a Rehabilitations Loan Insurance Fund and to insure or contract to insure privately-financed loans to owners of property for the rehabilitation and improvement of such property in accordance with a Community Development Program approved pursuant to § 6-1002.

(c) Any and all publicly-financed rehabilitation loans and grants made by the Mayor, and any and all

insurance commitments made by the Mayor in connection with privately-financed rehabilitation loans, and any and all money used or expended by the Mayor in connection with said loans or insurance commitments pursuant to the hereinabove described authority, and any and all acts performed by the Mayor in connection with any powers granted pursuant to this section, are hereby declared to be needed, contracted for, expended, or exercised for a public use.

(Dec. 16, 1975, D.C. Law 1-39, § 7, 22 DCR 3450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-906.

1973 Ed., § 5-1006.

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

§ 6-1007. CONSTRUCTION; SEVERABILITY.

(a) To the extent that any provisions of this chapter are inconsistent with the provisions of any other laws within the jurisdiction of the Council, the provisions of this chapter shall prevail and shall be deemed to supersede the provisions of such laws.

(b) If any provisions of this chapter be held invalid, the remainder of the chapter shall not be impaired thereby, but shall continue in full force and effect.

(Dec. 16, 1975, D.C. Law 1-39, § 8, 22 DCR 3451.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 5-907.

1973 Ed., § 5-1007.

Legislative History of Laws

For legislative history of D.C. Law 1-39, see Historical and Statutory Notes following § 6-1001.

SUBCHAPTER II. HOUSING AND COMMUNITY DEVELOPMENT REFORM ADVISORY COMMISSION.

§ 6-1031. SHORT TITLE.

This subchapter may be cited as the "Housing and Community Development Reform Advisory Commission Act of 2002".

(Oct. 1, 2002, D.C. Law 14-190, § 1141, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of §§ 6-1031 to 6-1037, see §§ 1141 to 1147 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

§ 6-1032. ESTABLISHMENT OF THE HOUSING AND COMMUNITY DEVELOPMENT REFORM ADVISORY COMMISSION; MEMBERSHIP; CHAIRPERSON.

- (a) There is established a Housing and Community Development Reform Advisory Commission ("Commission").
- (b) The Commission shall consist of the following 7 members:
- (1) Three ex officio members, as follows:
 - (A) The Chairman of the Council of the District of Columbia ("Council"), or a designee of the Chairman;
 - (B) The chairperson of the Council's Committee on Economic Development, or a designee of the chairperson; and
 - (C) The Director of the Department of Housing and Community Development ("Director"), or a designee of the Director;
 - (2) Four public members, appointed by the Mayor, subject to the advice and consent of the Council under § 1-523.01(f). The public members shall be nominated as follows:
 - (A) Two members shall have expertise in government regulations related to grants managed by the U.S. Department of Housing and Urban Development; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization that has received funding from the Department of Housing and Community Development within the prior 5 years; and
 - (B) One member shall have expertise in human resources and organizational management; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization which has received funding from the Department of Housing and Community Development within the prior 5 years; and
 - (C) One member shall have expertise in financial systems and information technology; provided, that the member shall not be a current or former officer, employee, agent, or other affiliate of an organization which has received funding from the Department of Housing and Community Development within the prior 5 years.
- (c) The Mayor shall nominate the public members of the Commission within 45 days after October 1, 2002.
- (d) The Chairperson of the Commission shall be designated by the Mayor in consultation with the chairperson of the Council Committee on Economic Development.

(Oct. 1, 2002, D.C. Law 14-190, § 1142, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Housing and Community Development Reform Advisory Commission Temporary Amendment Act of 2003 (D.C. Law 15-91, March 10, 2004, law notification 51 DCR 3611).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Housing and Community Development Reform Advisory Commission Emergency Amendment Act of 2003 (D.C. Act 15-223, November 25, 2003, 50 DCR 10700).

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

§ 6-1033. RESPONSIBILITIES OF THE COMMISSION; REPORT.

- (a) The Commission shall review the operations and administration of the Department of Housing and Community Development ("Department") and recommend to the Council and the Mayor legislative, regulatory, and administrative changes to improve the operation and administration of the Department.
- (b) Before the first meeting of the Commission, the Director shall provide to the members of the Commission copies of all relevant studies, reports, correspondence, memoranda, and strategic plans maintained by the Department and completed within the previous 3 years which are related to matters within the purview of the Commission. The documents provided shall include notifications, correspondence, and reports from or to the Department of Housing and Urban Development, reports of the Inspector General, Department spending plans; Department strategic plans, Department policies and manuals, and correspondence with the Council, Council committees, and members of the Council. The Commission may request additional documents pursuant to § 6-1034(b).
- (c) The Commission shall provide an assessment or recommendations on the following issues:
- (1) Whether reforms announced by the Department since October 1, 2001, are being undertaken;

- (2) The effectiveness and results of reforms initiated by the Department since October 1, 2001;
 - (3) Necessary or useful reforms that are not occurring or are occurring too slowly;
 - (4) Legislative, administrative, or operational impediments to the implementation of reforms which are being, or should be, undertaken by the Department;
 - (5) Procedures to ensure that the Department expends federal grants funds in a timely and efficient manner and in conformity with federal regulations;
 - (6) Procedures to ensure that each grant of funds from the Department is tied to specific, measurable, and verifiable performance goals;
 - (7) Procedures to improve the Department's monitoring of the use of its funds in order to ensure that:
 - (A) The funds are used only for the intended purposes;
 - (B) The funds are used efficiently; and
 - (C) The use of the funds brings about the intended results, as set forth in the performance goals;
 - (8) Procedures to ensure grantee compliance with performance goals; and
 - (9) The impact of personnel procedures on the operations of the Department.
- (d) In making recommendations under subsections (a) and (c) of this section, the Commission shall review best practices in other jurisdictions.
- (e) The Commission shall not supersede the Consolidated Plan review and development process or the provisions of subchapter I of this chapter.
- (f) Within 150 days after the first meeting of the Commission, the Commission shall issue a final report setting forth its recommendations pursuant to this section. The Commission may issue interim reports at the discretion of the Commission. The Commission shall transmit a copy of each report to the Mayor, the Chairman of the Council, and the chairperson of the Council Committee on Economic Development, and the Director.

(Oct. 1, 2002, D.C. Law 14-190, § 1143, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004 (D.C. Law 15-236, March 16, 2005, law notification 52 DCR 3562).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Housing and Community Development Reform Advisory Commission Extension Emergency Amendment Act of 2004 (D.C. Act 15-542, October 12, 2004, 51 DCR 9833).

For temporary (90 day) amendment of section, see § 2 of Housing and Community Development Reform Advisory Commission Extension Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-5, January 19, 2005, 52 DCR 2681).

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

§ 6-1034. AUTHORITIES AND RESOURCES OF THE COMMISSION.

- (a) The Mayor shall provide reasonable administrative and technical support, meeting space, and office supplies requested by the Commission to carry out its responsibilities under this subchapter.
- (b) The Commission may request from any department, agency, or instrumentality of the District government any information necessary to carry out its responsibilities under this subchapter. Every department, agency, and instrumentality shall cooperate with the Commission and provide, in a timely and complete manner, any information that the Commission requests pursuant to this subsection.
- (c) The Commission may enter into a contract with a government entity, private entity, or other organization or individual to conduct research or surveys, prepare reports, or perform other activities useful to the discharge of the responsibilities of the Commission under this subchapter.
- (d) The Commission may establish any advisory groups, committees, or subcommittees, consisting of members or nonmembers of this Commission, as it deems appropriate to carry out its responsibilities under this subchapter.

(Oct. 1, 2002, D.C. Law 14-190, § 1144, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

Delegation of Authority

Delegation of Authority to the Director of the Department of Housing and Community Development pursuant to D.C. Law 14-90, see Mayor's Order 2003-171, December 1, 2003 (50 DCR 10617).

§ 6-1035. PROCEDURES OF THE COMMISSION.

(a) The Director of the Department, or the Director's designee, shall convene the first meeting of the Commission during December 2002; provided, that at least 5 appointments have been made to the Commission.

(b) The Commission shall meet at least once a month, at a time and place to be determined by the Chairperson. The Chairperson may call additional meetings.

(c) A majority of the members shall constitute a quorum.

(d) An audio or written transcript shall be kept of all meetings at which a vote is taken.

(Oct. 1, 2002, D.C. Law 14-190, § 1145, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

§ 6-1036. FUNDING; NO COMPENSATION FOR MEMBERS.

(a) Upon certification of the availability of funds by the Chief Financial Officer, there shall be authorized for expenditure by the Commission, \$200,000 from the Industrial Revenue Bond special account. The Commission may expend other funds as appropriated.

(b) No member of the Commission shall be reimbursed for expenses incurred in the performance of his or her duties under this subchapter nor shall any member be compensated for time expended in the performance of duties under this subchapter.

(Oct. 1, 2002, D.C. Law 14-190, § 1146, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

§ 6-1037. DISSOLUTION OF COMMISSION.

The Commission shall cease to exist 90 days after the final report required by § 6-1033 is submitted to the Mayor, the Chairman of the Council, the chairperson of the Council Committee on Economic Development, and the Director.

(Oct. 1, 2002, D.C. Law 14-190, § 1147, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 6-1031.

**SUBCHAPTER II-A. INCLUSIONARY ZONING
IMPLEMENTATION.**

§ 6-1041.01. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Housing Production Trust Fund" means the fund established by Chapter 28 of Title 42.

(2) "Inclusionary Development" means developments subject to the Inclusionary Zoning Program pursuant to 11 DCMR § 2602.1.

(3) "Inclusionary unit" means a unit set aside for sale or rental to low- and moderate-income households as required by the Inclusionary Zoning Program.

(4) "Inclusionary Zoning Program" means all of the provisions of Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), this subchapter, and the regulations promulgated under the authority of this subchapter.

(5) "Low-income household" means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 50% of the Metropolitan Statistical Area median as certified by the Mayor.

(6) "Moderate-income household" means a household of one or more individuals with a total annual income adjusted for household size equal to between 51% and 80% of the Metropolitan Statistical Area median as certified by the Mayor.

(Mar. 14, 2007, D.C. Law 16-275, § 101, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 16-275, the "Inclusionary Zoning Implementation Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-779, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-632 and transmitted to both Houses of Congress for its review. D.C. Law 16-275 became effective on March 14, 2007.

§ 6-1041.02. UNLAWFUL ACTS.

(a) No inclusionary unit may be sold or leased to any person not authorized by the Mayor to purchase or rent the unit, except as may be permitted by regulation.

(b) Except as provided in Chapter 26 of Title 11 of the District of Columbia Municipal Regulations, the zoning regulations, no inclusionary unit may be sold or leased for more than the maximum rent or purchase price established by the Mayor pursuant to § 6-1041.03, unless the unit is sold to a land trust or similar entity authorized by regulation to purchase such units for resale at prices specified by the Mayor.

(c) It shall be unlawful to construct an Inclusionary Development in a manner inconsistent with a Certificate of Inclusionary Zoning Compliance approved by the Mayor pursuant to § 6-1041.05.

(Mar. 14, 2007, D.C. Law 16-275, § 102, 54 DCR 880; Mar. 25, 2009, D.C. Law 17-353, § 161(a), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction in the section heading.

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

For Law 17-353, see notes following § 6-201.

§ 6-1041.03. ESTABLISHMENT OF MAXIMUM RENT AND PURCHASE PRICE; PUBLICATION REQUIREMENT.

(a) The Mayor shall establish the maximum rent or purchase price for the first sale of an inclusionary unit based upon either the actual income of the household selected by the Mayor to lease or purchase the unit or based upon a rental and price schedule as follows:

(1) Rents based upon the actual income of a household shall be established so that the household will not expend more than approximately 30% of its annual income on rent and utilities.

(2) Purchase prices based upon the actual income of a household shall be established so that the household will not expend more than approximately 30% of its annual income on mortgage payments, including principal, interest, and property insurance and taxes, home owner association or condominium fees, and utilities.

(3) Maximum rent and purchase prices established through a schedule applicable to low-income households shall be set so that a household earning 50% of the Metropolitan Statistical Area median

will expend no more than approximately 30% of its annual income on the applicable housing costs identified in subsections (b) and (c) of this section.

(4) Maximum rent and purchase prices established through a schedule applicable to moderate-income households shall be set so that a household earning 80% of the Metropolitan Statistical Area median will expend no more than approximately 30% of its annual income on the applicable housing costs identified in subsections (b) and (c) of this section.

(b) The initial rental and prices schedule shall be published in the District of Columbia Register. The schedule may be modified as necessary to maintain the affordability of inclusionary units. The initial and revised schedules need not be offered for public comment through publication of a notice of proposed rulemaking, but shall not become effective until publication in the District of Columbia Register. Each published schedule shall identify the assumptions underlying the prices and rents established, such as the mortgage term and the average interest rate, taxes, insurance, condominium fees used.

(c) Except as provided in subsection (d) the purchase price, for the second and all subsequent sales of an inclusionary unit shall equal not more than the purchase price paid by each seller plus the costs of the improvements permitted by regulation to be added to the purchase price, which amount shall be either multiplied by the percentage by which the consumer price index has risen or fallen since the date on which that seller purchased the property, or calculated pursuant to another formula as determined and published by the Mayor.

(d) The purchase price for the second and all subsequent sales of an inclusionary unit sold to the Mayor shall equal the purchase price paid by each seller plus the costs of the improvements permitted by regulation to be added to the purchase price, which amount shall be multiplied by 25% or the percentage that the consumer price index has risen or fallen, whichever is lower, since the date on which that seller purchased the property.

(Mar. 14, 2007, D.C. Law 16-275, § 103, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Inclusionary Zoning Implementation Temporary Amendment Act of 2008 (D.C. Law 17-161, May 13, 2008, law notification 55 DCR 5894).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(a) of Inclusionary Zoning Implementation Emergency Amendment Act of 2008 (D.C. Act 17-304, February 22, 2008, 55 DCR 2514).

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

§ 6-1041.04. ENFORCEMENT.

(a)(1) A violation of this subchapter or the rules issued under authority of this subchapter shall be a civil infraction for the purposes of Chapter 18 of Title 2 and be grounds for revocation of any building permit and certificate of occupancy for the market rate portions of the Inclusionary Development.

(2) Civil fines, penalties, and fees may be imposed as sanctions for infraction of § 6-1041.02 or any rule promulgated under its authority pursuant to Chapter 18 of Title 2.

(b) In addition to such fines, penalties, and fees as may be established pursuant to subsection (a) of this section, the following fines shall be imposed for violations of § 6-1041.02:

(1) Any person found to have sold a inclusionary unit at a price greater than that permitted by the Mayor shall pay a fine equal to the amount by which the purchase price exceeded the price allowed plus 10%.

(2) Any person found to have rented an inclusionary unit for a rent greater than that permitted by the Mayor shall pay a fine equal the amount by which the rent paid exceeded the rent allowed plus 10%. The fine amount shall continue to be paid until the owner provides proof satisfactory to the Mayor that the rental payment has been reduced to the maximum allowed.

(3) All other violations of the Inclusionary Zoning Program are Class I infractions and subject to the fine schedule set forth at 16 DCMR § 3201.1, as that schedule may be amended.

(c) All fines collected pursuant to this section shall be deposited into the Housing Production Trust Fund.

(d) The Attorney General for the District of Columbia may institute court proceedings to enjoin violations of the Inclusionary Zoning Program.

(e) The District government shall not issue or reissue any license or permit, including a building permit or certificate of occupancy, to any applicant for a license or permit if the applicant is the owner of any Inclusionary Development or unit and found, after a hearing, to be in violation of the Inclusionary Zoning

Program until such time as the Mayor certifies that the Inclusionary Development or unit is again in compliance.

(Mar. 14, 2007, D.C. Law 16-275, § 104, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

§ 6-1041.05. CERTIFICATE OF INCLUSIONARY ZONING COMPLIANCE.

(a) No building permit shall be issued for an Inclusionary Development unless:

(1) The Mayor receives and approves a Certificate of Inclusionary Zoning Compliance, signed by all owners of the Inclusionary Development, demonstrating that the Inclusionary Development will meet the requirements of the Inclusionary Zoning Program; and

(2) The owner of the Inclusionary Development records a covenant in the land records of the District of Columbia that binds all persons with a property interest in any or all of the Inclusionary Development to construct and reserve the number of inclusionary units indicated on the Certificate of Inclusionary Zoning Compliance, and to sell or rent, as applicable, such units in accordance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance for so long as the development remains in existence. The covenant and certificate shall be made part of all future deeds and leases of inclusionary units and shall contain any other provision required by the Mayor.

(b) A certificate of occupancy shall be required for each inclusionary unit.

(c) No certificate of occupancy for any market rate unit in an Inclusionary Development shall be issued unless the application includes a written statement signed by the Mayor and dated no earlier than 6 months from the date of the application, indicating that the Inclusionary Development is in compliance with the Inclusionary Zoning Program and the Certificate of Inclusionary Zoning Compliance.

(d) The Mayor may, by regulation, require the establishment of an escrow account at the time that a certificate of occupancy is issued for a development permitted by the Board of Zoning Adjustment to satisfy its requirements under the Inclusionary Zoning Program with off-site development. The regulations may provide for the payment of the escrow amount into the Housing Production Trust Fund if the off-site development is not constructed after a certain period of time.

(Mar. 14, 2007, D.C. Law 16-275, § 105, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

§ 6-1041.06. INELIGIBILITY OF STUDENTS.

Notwithstanding § 2-1402.21, a person enrolled as full-time student in a college or university shall not be eligible to apply to rent or purchase an inclusionary unit unless the annual income of his or her parent or guardian would qualify under the eligibility standards established by the Mayor, or unless the student is a part of a household that otherwise qualifies for the inclusionary unit.

(Mar. 14, 2007, D.C. Law 16-275, § 106, 54 DCR 880; Mar. 25, 2009, D.C. Law 17-353, § 161(b), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction in the section heading.

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

For Law 17-353, see notes following § 6-201.

§ 6-1041.07. AUTHORITY AND RESPONSIBILITIES OF THE MAYOR.

The Mayor is authorized to undertake all administrative activities to implement the Inclusionary Zoning Program. The activities which the Mayor shall undertake include:

- (1) Promulgating regulations needed to implement the Inclusionary Zoning Program, including amendments to Title 12A of the District of Columbia Municipal Regulations;
- (2) Establishing the circumstances when the Mayor, the District of Housing Authority, or a 3rd party, including a land trust or a qualified nonprofit organization, may purchase an inclusionary unit for the purpose of reselling it to low- or moderate-income households;
- (3) Advertising the existence of the Inclusionary Zoning Program to the general public, including the process to apply for participation;
- (4) Accepting applications from households seeking to rent or purchase inclusionary units;
- (5) Establishing minimum income requirements;
- (6) Evaluating the eligibility of households submitting applications pursuant to paragraph (4), based upon the eligibility criteria established in Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*) and other relevant considerations;
- (7) Establishing one or more lists of eligible households, such as one for rental and one for home ownership, and a selection process for determining the order in which such households shall be chosen to rent or purchase available inclusionary units, including the establishment of preference points for residents of the District of Columbia, eligible households in which at least one member works in the District of Columbia, and the length of time that households have been on the wait list;
- (8) Establishing the process by which the owners of Inclusionary Developments or units shall notify the Mayor of the availability of inclusionary units;
- (9) Determining the circumstances under which owners of Inclusionary Developments or units may sell or rent inclusionary units to low- or moderate-income households that have not been selected by the Mayor;
- (10) Establishing minimum size and other standards for inclusionary units;
- (11) Determining the circumstances under which an owner or renter of an inclusionary unit may temporarily lease the unit;
- (12) Establishing the process by which renters of inclusionary units shall be required to periodically certify their continuing eligibility for occupancy and, if no longer eligible, the means by which their leaseholds shall be terminated and their units made available to eligible households; and
- (13) Establishing a fee for the review of Certificates of Inclusionary Zoning Compliance submitted in accordance with § 6-1041.04; provided, that the fee shall not exceed the costs of reviewing the certificates and enforcing compliance with the program.

(Mar. 14, 2007, D.C. Law 16-275, § 107, 54 DCR 880; Mar. 25, 2009, D.C. Law 17-353, § 161(c), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction in the section heading.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Inclusionary Zoning Implementation Temporary Amendment Act of 2008 (D.C. Law 17-161, May 13, 2008, law notification 55 DCR 5894).

Section 2 of D.C. Law 17-311 added subsec. (c) to read as follows:

"(c)(1) No later than February 6, 2009, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue and publish a Notice of Final Rulemaking containing all regulations necessary for implementation of this act, as required by this section, including the maximum rent and purchase price schedule required by section 103.

"(2) The final rulemaking required by this subsection shall contain an effective date that is no later than 60 days after the date of publication in the District of Columbia Register of the Notice of Final Rulemaking."

Section 4(b) of D.C. Law 17-311 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(b) of Inclusionary Zoning Implementation Emergency Amendment Act of 2008 (D.C. Act 17-304, February 22, 2008, 55 DCR 2514).

For temporary (90 day) amendment of section, see § 2 of Inclusionary Zoning Regulations Emergency Amendment Act of 2008 (D.C. Act 17-571, November 6, 2008, 55 DCR 12116).

For temporary (90 day) amendment of section, see § 2 of Inclusionary Zoning Final Rulemaking Emergency Amendment Act of 2008 (D.C. Act 17-574, December 8, 2008, 55 DCR 12615).

For temporary (90 day) amendment of section, see § 2 of Inclusionary Zoning Final Rulemaking

Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-12, February 23, 2009, 56 DCR 1918).

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

For Law 17-353, see notes following § 6-201.

Delegation of Authority

Delegation of Authority--Inclusionary Zoning Implementation Act of 2006, see Mayor's Order 2008-59, April 2, 2008 (55 DCR 5510).

§ 6-1041.08. AGENCY RESPONSIBILITIES.

(a)(1) The District of Columbia Housing Authority ("DCHA") shall perform all the functions and duties under the Inclusionary Zoning Program as may be delegated to it by the Mayor.

(2) Nothing in this section shall be construed as preventing the Mayor from delegating any or all of such functions to a subordinate agency.

(b) Notwithstanding Reorganization Plan No. 3 of 1983 [part C, subchapter VI, Chapter 15 of Title 1], effective March 31, 1983, the functions of the Department of Consumer and Regulatory Affairs shall not include any of the functions given to the Mayor under this subchapter, except the functions as may be delegated to it by the Mayor.

(Mar. 14, 2007, D.C. Law 16-275, § 108, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

§ 6-1041.09. ANNUAL REPORTS.

(a) Beginning on the first anniversary of March 14, 2007, and each year thereafter, the Mayor shall submit a report to the Council and the Zoning Commission, providing:

- (1) The number of inclusionary units produced at each targeted income level;
- (2) The number of inclusionary units produced for sale;
- (3) The number of inclusionary units produced for rent;
- (4) The median income of the households that purchased or rented inclusionary units;
- (5) The number of inclusionary units purchased or rented by DCHA, other District agency, and 3rd parties, for resale to low- or moderate-income households;
- (6) The value of the subsidy, if any, contributed toward the rental or purchase of units by DCHA, other District agency, or 3rd party to make them affordable to low- or moderate-income households;
- (7) The average rent and sales prices for inclusionary units based on number of bedrooms;
- (8) The numbers of waivers or alternative compliance requested and granted;
- (9) An analysis of how much bonus density was actually achieved for each development in which inclusionary units were required; and
- (10) An assessment of whether the Inclusionary Zoning Program has had any adverse effect on the production of housing or on the value of land in the District, and, if a substantial adverse effect on housing production has been found, whether additional regulatory or legislative incentives or programs should be adopted by the District to mitigate against such adverse effect, and whether changes in the Inclusionary Zoning Program should be considered by the Zoning Commission, such as:
 - (A) Increasing the allowable bonus density or height of developments where inclusionary units are required;
 - (B) Increasing the minimum threshold of the number of housing units in a development that triggers the application of the Inclusionary Zoning Program;
 - (C) Reducing the amount of required affordable housing;
 - (D) Reducing the minimum set-aside requirements on matter-of-right densities; or
 - (E) Changing the income levels of the targeted households for inclusionary units.

(b)(1) No later than 5 1/2 years after March 14, 2007, the Mayor shall submit a report to the Council that

lists the initial purchase price of each inclusionary unit sold during the 5-year period subsequent to March 14, 2007, and, for each unit resold, the percentage by which the purchase price exceeded the previous purchase price.

(2) The report shall also include a recommendation on how best to ensure a baseline rate of return for inclusionary unit owners upon resale while maintaining the continued affordability inclusionary units.

(Mar. 14, 2007, D.C. Law 16-275, § 109, 54 DCR 880.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-275, see notes following § 6-1041.01.

SUBCHAPTER III. COMPREHENSIVE HOUSING STRATEGY TASK FORCE.

§ 6-1051. ESTABLISHMENT OF COMPREHENSIVE HOUSING STRATEGY TASK FORCE; COMPOSITION.

- (a) There is hereby established a Comprehensive Housing Strategy Task Force ("Task Force").
- (b) The Task Force shall be comprised of not fewer than 23 members and not more than 30 members, including the following:
 - (1) At least one representative from banking or financial services institutions;
 - (2) At least 2 representatives from the for-profit housing production community;
 - (3) At least 2 representatives from the nonprofit housing production community, at least one of whom has experience developing special needs housing;
 - (4) At least one expert in housing policy from the academic or nonprofit community;
 - (5) At least one representative from the philanthropic community;
 - (6) At least one representative from an employer-assisted housing provider;
 - (7) At least 2 representatives from the multifamily property owner community;
 - (8) At least one representative from the residential real estate profession;
 - (9) At least one representative from an organization that advocates for the production, preservation, and rehabilitation of affordable housing for lower-income households;
 - (10) At least one representative of low-income tenants;
 - (11) At least 2 citizen representatives;
 - (12) At least one representative from an organization that provides supportive housing services including housing counseling, financial management, in-kind assistance, or legal representation; and
 - (13) No more than 6 representatives from government agencies, including independent housing agencies.
- (c) The members of the Task Force shall be appointed by the Mayor with the advice and consent of the Council. The Mayor shall transmit to the Council by September 30, 2003, proposed resolutions to approve the appointment of each member of the Task Force for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a resolution within the 45-day period, the resolution shall be deemed approved.
- (d) The Mayor shall designate a chair or co-chairs from among the non-governmental members of the Task Force.

(March 10, 2004, D.C. Law 15-73, § 2, 50 DCR 10909.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Comprehensive Housing Strategy Temporary Act of 2003 (D.C. Law 15-52, December 9, 2003, law notification 51 DCR 1787).

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of Comprehensive Housing Strategy Emergency Act of 2003 (D.C. Act 15-143, July 29, 2003, 50 DCR 6888).

For temporary (90 day) addition, see § 2 of Comprehensive Housing Strategy Congressional Review Emergency Act of 2003 (D.C. Act 15-215, November 7, 2003, 50 DCR 10023).

Legislative History of Laws

Law 15-73, the "Comprehensive Housing Strategy Act of 2003", was introduced in Council and assigned Bill No. 15-41, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-238 and transmitted to both Houses of Congress for its review. D.C. Law 15-73 became effective on March 10, 2004.

§ 6-1052. DEVELOPMENT OF THE COMPREHENSIVE HOUSING STRATEGY.

(a) The Task Force shall consider the following goals and policy objectives when developing the Comprehensive Housing Strategy:

- (1) Preserving and creating mixed-income neighborhoods;
- (2) Assessing and improving the quality, availability, and affordability of rental housing for households at all income levels, including the impact of regulatory and other factors on the provision of quality rental housing;
- (3) Assessing and increasing homeownership opportunities for households at all income levels;
- (4) Preventing the involuntary displacement of long-term residents;
- (5) Assessing the quality and availability of housing options for special populations, such as seniors, individuals with physical or mental disabilities, and individuals who were formerly homeless;
- (6) Assessing and improving the quality and availability of workforce housing; and
- (7) Increasing the District of Columbia's population by 100,000 residents by the year 2013.

(b) For the purposes of subsection (a) of this section "affordability" means housing for which monthly costs, including utilities, consume no more than 30% of the household's monthly income.

(c) The Comprehensive Housing Strategy shall include:

- (1) The Task Force's findings;
- (2) Housing production goals for each of the 10 succeeding years;
- (3) A 10-year implementation timetable;
- (4) Public policy recommendations designed to help meet the housing production and preservation goals; and
- (5) An estimate of the public and private funding required to achieve the identified housing production and preservation goals.

(March 10, 2004, D.C. Law 15-73, § 3, 50 DCR 10909.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 3 of Comprehensive Housing Strategy Temporary Act of 2003 (D.C. Law 15-52, December 9, 2003, law notification 51 DCR 1787).

Emergency Act Amendments

For temporary (90 day) addition, see § 3 of Comprehensive Housing Strategy Emergency Act of 2003 (D.C. Act 15-143, July 29, 2003, 50 DCR 6888).

For temporary (90 day) addition, see § 3 of Comprehensive Housing Strategy Congressional Review Emergency Act of 2003 (D.C. Act 15-215, November 7, 2003, 50 DCR 10023).

Legislative History of Laws

For Law 15-73, see notes following § 6-1051.

§ 6-1053. PRESENTATION OF COMPREHENSIVE HOUSING STRATEGY; PUBLIC MEETINGS.

(a) Within 12 months after the Council's confirmation of the Mayor's nominations to the Task Force, the Task Force shall present the Comprehensive Housing Strategy to the Council and the Mayor.

(b) The Task Force shall hold at least 2 public meetings, which shall be convened at the following times:

- (1) Within 60 days after the Council's confirmation of the Task Force members; and
- (2) After a draft of the Comprehensive Housing Strategy has been developed but prior to presenting the final Comprehensive Housing Strategy to the Council and the Mayor under section (a) of this section.
- (c) At least 30 days before a public meeting, the Task Force shall provide the general public the following information regarding the meeting, the:
 - (1) Time;
 - (2) Date; and
 - (3) Location.
- (d) The Task Force shall provide all interested persons a reasonable opportunity to be heard at the public meetings.

(March 10, 2004, D.C. Law 15-73, § 4, 50 DCR 10909.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-73, see notes following § 6-1051.

Temporary Addition of Section

For temporary (225 day) addition, see § 4 of Comprehensive Housing Strategy Temporary Act of 2003 (D.C. Law 15-52, December 9, 2003, law notification 51 DCR 1787).

Emergency Act Amendments

For temporary (90 day) addition, see § 4 of Comprehensive Housing Strategy Emergency Act of 2003 (D.C. Act 15-143, July 29, 2003, 50 DCR 6888).

For temporary (90 day) addition, see § 4 of Comprehensive Housing Strategy Congressional Review Emergency Act of 2003 (D.C. Act 15-215, November 7, 2003, 50 DCR 10023).

§ 6-1054. REPORTING AND UPDATING REQUIREMENTS; ANNUAL REPORT.

- (a) The Mayor shall report to the Council regarding the implementation of the Comprehensive Housing Strategy on an annual basis.
- (b) The Mayor shall appoint a task force to update the Comprehensive Housing Strategy no later than 5 years after the Task Force presents a Comprehensive Housing Strategy to the Council and the Mayor under § 6-1053(a).
- (c)(1) No later than 120 days after June 29, 2011, the Mayor shall submit to the Council a Comprehensive Housing Strategy for the District, separate from the Comprehensive Housing Strategy required by § 6-1053. The Comprehensive Housing Strategy 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 Comprehensive Housing Strategy, by resolution, within the 45-day review period, the Comprehensive Housing Strategy shall be deemed approved.
- (2) In developing the Comprehensive Housing Strategy, the Mayor shall:
 - (A) Consider the updated recommendations of the task force established pursuant to subsection (b) of this section;
 - (B) Address the criteria set forth in § 6-1052(c); and
 - (C) Include budgetary analyses demonstrating how the Comprehensive Housing Strategy will affect current and future financial plans, including an analysis of the long-term impact on the District's affordable housing programs from the annual use of \$18 million from the Housing Production Trust Fund, established by § 42-2802, to support the Rent Supplement Program.

(March 10, 2004, D.C. Law 15-73, § 5, 50 DCR 10909; Sept. 14, 2011, D.C. Law 19-21, § 2052, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-21 added subsec. (c).

Temporary Addition of Section

For temporary (225 day) addition, see § 5 of Comprehensive Housing Strategy Temporary Act of 2003 (D.C. Law 15-52, December 9, 2003, law notification 51 DCR 1787).

Emergency Act Amendments

For temporary (90 day) addition, see § 5 of Comprehensive Housing Strategy Emergency Act of 2003 (D.C. Act 15-143, July 29, 2003, 50 DCR 6888).

For temporary (90 day) addition, see § 5 of Comprehensive Housing Strategy Congressional Review Emergency Act of 2003 (D.C. Act 15-215, November 7, 2003, 50 DCR 10023).

For temporary (90 day) amendment of section, see § 2002 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

Legislative History of Laws

For Law 15-73, see notes following § 6-1051.

For history of Law 19-21, see notes under § 6-226.

Miscellaneous Notes

Short title: Section 2051 of D.C. Law 19-21 provided that subtitle F of title II of the act may be cited as "Comprehensive Housing Strategy Amendment Act of 2011".

SUBCHAPTER III-A. WORKFORCE HOUSING PRODUCTION PROGRAM.

PART A. WORKFORCE HOUSING LAND TRUST DESIGN AND IMPLEMENTATION PLAN APPROVED.

§ 6-1061.01. FINDINGS.

(a) The District of Columbia faces a severe shortage of affordable housing. Recent increases in housing prices have far outpaced the growth in wages and salaries of many workers. District government employees have not been immune from these pressures. Only 37% of the District government workforce earning more than \$40,000 resides in the District.

(b) The Washington region's growth in housing prices has outpaced most other metropolitan areas in the country. It ranks 2nd in house price increases for the 3-year period between 2002 and 2005. In July 2005, the District of Columbia had the highest average sales price in the region at about \$543,700, which was higher than the richer surrounding jurisdictions of northern Virginia and suburban Maryland.

(c) The Mayor and the Council established the Comprehensive Housing Strategy Task Force in 2003 to help the city respond to the critical housing problems created by the housing boom.

(d) The Comprehensive Housing Strategy Task Force report of 2006 recommended a specific tool for solving the growing workforce housing problem. The report recommended the formation of one or more community land trusts run by public, nonprofit, or other community-based entities whose mission would be to acquire land and hold it long-term while providing long-term leases to developers of housing for both rental and for-sale units. This approach advances the important objective of creating 'permanent affordability' or guaranteeing that units remain affordable indefinitely.

(e) The Deed Transfer and Recordation Emergency Amendment Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068) ("emergency act") established the Mayor's Comprehensive Housing Task Force Fund. For fiscal year 2007 only, an amount of \$5 million was allocated for the production of workforce housing; provided, that eligibility for purchase or rental of workforce housing shall be limited to households with incomes not exceeding 120% of the area median income as defined in § 42-2801(1) ("AMI"); and, provided further, that all housing units developed with funds from the Fund shall be leased or sold on to eligible households for the life of the unit. The emergency act required the Mayor to submit to the Council, for review, a workforce housing development plan.

(f) The Office of the Deputy Mayor for Planning and Economic Development ("ODMPED") initiated work on the development plan beginning in July 2006.

(g) The District of Columbia Workforce Housing Land Trust Design and Implementation Plan ("Plan") is the product of a collaborative effort between the District government, private lenders, nonprofit housing advocates, and for-profit and nonprofit developers. The Plan was submitted by the Mayor to the Council for approval as required by the emergency act.

(h) The Plan recommends the formation of a nonprofit community land trust that will provide high leverage for subsidy dollars and create permanent affordability in 10,000 housing units in Washington, D.C.,

beginning with a 1,000-unit pilot program financed in part with New Markets Tax Credits.

(i) The land trust is designed to maximize unit production; leverage public and private resources; provide permanent affordability; ensure flexibility and portability; promote wealth building; and ensure efficient administration.

(j) Once approved, the Plan will efficiently support the New Communities and Great Streets Initiatives as well as instrumentalities such as the Anacostia Waterfront Corporation and the National Capital Revitalization Corporation in achieving affordable housing development objectives.

(Mar. 14, 2007, D.C. Law 16-278, § 101, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) provisions, see § 2142 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

Legislative History of Laws

Law 16-278, the "Workforce Housing Production Program Approval Act of 2006", was introduced in Council and assigned Bill No. 16-812, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-635 and transmitted to both Houses of Congress for its review. D.C. Law 16-278 became effective on March 14, 2007.

Delegation of Authority

Delegation of authority to Title I of the Workforce Housing Production Program Approval Act of 2006, see Mayor's Order 2007-180, August 3, 2007 (54 DCR 11614).

Delegation of Authority to the Director of the Department of Housing and Community Development under Title I of the Workforce Housing Production Program Approval Act of 2006, see Mayor's Order 2009-168, September 30, 2009 (56 DCR 8101).

Miscellaneous Notes

Short title: Section 2141 of D.C. Law 17-20 provided that subtitle N of title II of the act may be cited as the "Workforce Development Plan Conceptual Submission Act of 2007".

Section 2142 of D.C. Law 17-20 provides: "No later than November 1, 2007, the Deputy Mayor for Planning and Economic Development shall submit to the Council conceptual development plans for the redevelopment of 2 surplus District properties as affordable workforce housing targeting District of Columbia public school and public charter school teachers. The plans for the sites shall not include the fee simple sale of the land to non-governmental entities."

§ 6-1061.02. ESTABLISHMENT OF LAND TRUST AND PILOT PROGRAM.

(a) A nonprofit community land trust shall be formed pursuant to the Plan recommendation.

(b) The Office of the Deputy Mayor for Planning and Economic Development shall issue a request for proposal inviting organizations which are tax-exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, approved August 6, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), to submit proposals for development and administration of the nonprofit community land trust consistent with this part and rules promulgated pursuant to this part.

(c) The land trust shall develop a pilot program to develop 1,000 units of workforce housing within 3 years of March 14, 2007.

(d)(1) The land trust shall develop units affordable to households not to exceed 120% of AMI.

(2) The land trust's portfolio shall have an average not to exceed 80% of AMI.

(3) The 80% portfolio average requirement shall be evaluated for compliance on an annual basis, beginning 12 months after March 14, 2007.

(e) The land trust shall offer the qualified housing units for sale to prospective buyers pursuant to procedures developed by the land trust and based upon the following priority list in the following order:

(1) Employees of the District of Columbia and its instrumentalities;

(2) District residents who are first-time homebuyers;

(3) Other District residents; and

(4) The general public.

(f)(1) The Mayor may take any action reasonably necessary or appropriate in accordance with this part in

connection with the preparation, execution, and issuance of a trust instrument to be entered into by the District and a trustee to be selected by the Mayor pursuant to the process as established in subsection (a) of this section.

(2) The trust instrument shall govern the expenditure of funds authorized under this part and shall set forth the terms and conditions precedent to such expenditure, including evidence of firm funding commitments of private equity and debt.

(g)(1) The Office of the Deputy Mayor for Planning and Economic Development shall aggressively market the pilot program to employees of the District government and shall be responsible for:

(A) Maintaining a wait list of prospective District employee and District instrumentality employee buyers of workforce housing units being developed with District government funds, or on District government land;

(B) Providing the Council with quarterly reports that detail:

(i) The number of people on the wait list by household income and whether a person is employed at a district government department, independent agency, or instrumentality; and

(ii) The location, price, and expected delivery date of workforce housing units currently being developed with District government funds or on District land; and

(C) Notifying persons on the wait list of when units are available for purchase or rent.

(2) The wait list may include non-District government employees; and

(3) The Mayor may utilize his discretion in the prioritization of persons on the wait list.

(g-1) The Deputy Mayor for Planning and Economic Development shall conduct a survey of employees of the District government and its instrumentalities to assess the demand for workforce housing, rental and ownership, in the District of Columbia among these employees. The Deputy Mayor for Planning and Economic Development shall submit the results of the survey to the Council no later than December 31, 2007.

(h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this part.

(i) Within 60 days after the close of each fiscal year, as established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the Housing Production Trust Fund, established pursuant to § 42-2802. At the conclusion of the pilot program, or within 3 years after March 14, 2007, whichever is sooner, the Mayor shall submit a final report of the pilot program, which report shall include recommendations for a permanent workforce housing program.

(j) For the purposes of this section, the term "household" means all the persons who occupy a housing unit, whose occupants may be a single family, one person living alone, 2 or more families living together, or any other group of related or unrelated persons who share living arrangements.

(k)(1) The land trust shall require that all units developed under the program remain perpetually affordable.

(2) To guarantee permanent affordability, the land trust may:

(A) Utilize the long-term affordability approach outlined in the Plan,

(B) Base future price increases and return to sellers on an annual inflator index; or

(C) Any other method designed to assure permanent affordability consistent with this part.

(3) District funds provided to the land trust shall be redistributed as loans payable to the land trust in a manner determined by the land trust.

(l) Funds authorized for fiscal year 2007 shall be committed prior to October 1, 2007.

(m) Notwithstanding any other provision of law, City First Bank is authorized to release up to \$1,800,000 located in an escrow account for City First Enterprises ("CFE") to CFE.

(1) Within 30 days of September 20, 2012, the land trust shall submit a report to the Mayor and to the Council detailing:

(A) The number of units that will be developed using the funds released from escrow pursuant to this subsection;

(B) The total number of units that will be developed, using funds received by CFE pursuant to this subsection and subsection (c) of this section, and the total cost per unit; and

(C) Continued compliance with subsection (d) of this section.

(2) The land trust shall utilize all the funds released from escrow pursuant to this subsection within 18 months of September 20, 2012.

(3) By November 29, 2012, the land trust shall submit a report to the Mayor and the Council on the status of the funds released from escrow pursuant to this subsection and the number of units that have been developed to date.

(4) After CFE fully expends the funds released from escrow pursuant to this subsection, or within one year after September 20, 2012, whichever is earlier, the Mayor shall submit a final report to the Council that shall include recommendations for a permanent workforce housing program.

(5) Within 60 days of CFE expending the funds released from escrow pursuant to this subsection, the land trust shall file annual reports detailing continued compliance with subsection (d) of this section.

(Mar. 14, 2007, D.C. Law 16-278, § 102, 54 DCR 895; Sept. 18, 2007, D.C. Law 17-20, § 2112, 54 DCR 7052; Dec. 24, 2008, D.C. Law 17-285, § 2(a), 55 DCR 11986; Mar. 25, 2009, D.C. Law 17-353, § 163, 56 DCR 1117; Sept. 20, 2012, D.C. Law 19-168, § 2182, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-20 rewrote subsec. (f) and added subsec. (f-1). Prior to amendment, subsec. (f) read as follows:

"(f)(1) The Office of the Deputy Mayor for Planning and Economic Development shall aggressively market the pilot program to employees of the District government and shall be responsible for:

"(A) Maintaining a wait list of prospective District employee and District instrumentality employee buyers of workforce housing units being developed with District government funds, or on District government land;

"(B) Providing the Council with quarterly reports that detail:

"(i) The number of people on the wait list by household income and whether a person is employed at a District government department, independent agency, or instrumentality; and

"(ii) The location, price, and expected delivery date of workforce housing units currently being developed with District government funds or on District land; and

"(C) Notifying persons on the wait list of when units are available for purchase or rent.

"(2) The wait list may include non-District government employees; and

"(3) The Mayor may utilize his discretion in the prioritization of persons on the wait list."

D.C. Law 17-285 rewrote subsec. (g); and, in subsec. (i), substituted "Within 60 days after the close of each fiscal year, as established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the Housing Production Trust Fund, established pursuant to § 42-2802." for "Within one year after March 14, 2007, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program." Prior to amendment, subsec. (g) read as follows:

"(g) The Office of the Deputy Mayor for Planning and Economic Development shall aggressively market the pilot program to employees of the District government."

D.C. Law 17-353 validated previously made technical corrections that redesignated the former second subsec. (b) as subsec. (c) and redesignated former subsecs. (c) to (k) as subsecs. (d) to (l).

D.C. Law 19-168 added subsec. (m).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Workforce Housing Production Program Temporary Amendment Act of 2007 (D.C. Law 17-44, November 24, 2007, law notification 55 DCR 3).

Section 2(a) of D.C. Law 17-244 amended subsec. (g) to read as follows:

"(g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title."

; and, in subsec. (h), substituted "Within 60 days after the close of each fiscal year, as such fiscal year is established by the land trust, the land trust shall submit a report to the Mayor and the Council on the status of the workforce housing pilot program and the use of funds from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802)." for "Within one year after the effective date of this title, the Mayor shall submit a report to the Council on the status of the workforce housing pilot program."

Section 5(b) of D.C. Law 17-244 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2112 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 2(a) of Workforce Housing Production Program Emergency Amendment Act of 2007 (D.C. Act 17-104, July 27, 2007, 54 DCR 8212).

For temporary (90 day) amendment of section, see § 2(a) of Workforce Housing Production Program

Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-201, November 26, 2007, 54 DCR 11903).

For temporary (90 day) amendment of section, see § 2(a) of Workforce Housing Production Program Emergency Amendment Act of 2008 (D.C. Act 17-440, July 16, 2008, 55 DCR 8290).

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

Law 17-20, the "Fiscal Year 2008 Budget Support Act of 2007", was introduced in Council and assigned Bill No. 17-148 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2007, and June 5, 2007, respectively. Signed by the Mayor on June 28, 2007, it was assigned Act No. 17-63 and transmitted to both Houses of Congress for its review. D.C. Law 17-20 became effective on September 18, 2007.

Law 17-285, the "Workforce Housing Production Program Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-279 which was referred to the Committee on Housing and Urban Affairs. The Bill was adopted on first and second readings on July 1, 2008, and October 7, 2008, respectively. Signed by the Mayor on October 27, 2008, it was assigned Act No. 17-551 and transmitted to both Houses of Congress for its review. D.C. Law 17-285 became effective on December 24, 2008.

For Law 17-353, see notes following § 6-201.

For history of Law 19-168, see notes under § 6-227.

Miscellaneous Notes

Short title: Section 2111 of D.C. Law 17-20 provided that subtitle L of title II of the act may be cited as the "Centralized Affordable Workforce Housing Unit Amendment Act of 2007".

Short title: Section 2181 of D.C. Law 19-168 provided that subtitle S of title II of the act may be cited as "Workforce Housing Production Program Amendment Act of 2012".

§ 6-1061.03. APPROVAL OF THE PLAN.

The Plan, as amended by this part, is approved.

(Mar. 14, 2007, D.C. Law 16-278, § 103, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

For temporary (225 day) addition, see § 2(b) of Workforce Housing Production Program Temporary Amendment Act of 2007 (D.C. Law 17-44, November 24, 2007, law notification 55 DCR 3).

Section 2(b) of D.C. Law 17-244 added a section to read as follows:

"Sec. 104. Authority to transfer moneys to the workforce housing pilot program from the Housing Production Trust Fund and the Industrial Revenue Bond special account.

"(a) The Mayor may transfer \$4 million from the Housing Production Trust Fund to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e).

"(b)(1) The Mayor may transfer \$1 million from the Industrial Revenue Bond special account established under D.C. Official Code § 47-131(c)(4) to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to section 102(e).

"(2) The funds transferred pursuant to this subsection may be used to assist households whose annual incomes do not exceed 120% of the area median income; provided, that the annual incomes of the households assisted through an allocation or proceeds from the Housing Production Trust Fund, established pursuant to section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802), shall not exceed 80% of the area median income.

"(3) For the purposes of this subsection, the term "area median income" shall have the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1))."

Section 5(b) of D.C. Law 17-244 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(b) of Workforce Housing Production Program Emergency Amendment Act of 2007 (D.C. Act 17-104, July 27, 2007, 54 DCR 8212).

For temporary (90 day) addition, see § 2(b) of Workforce Housing Production Program Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-201, November 26, 2007, 54 DCR 11903).

For temporary (90 day) addition, see § 2(b) of Workforce Housing Production Program Emergency Amendment Act of 2008 (D.C. Act 17-440, July 16, 2008, 55 DCR 8290).

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

§ 6-1061.04. AUTHORITY TO TRANSFER MONEYS FROM THE HOUSING PRODUCTION TRUST FUND AND THE INDUSTRIAL REVENUE BOND SPECIAL ACCOUNT.

(a) The Mayor may make a one-time transfer of \$4 million from the Housing Production Trust Fund to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to 6-1061.02(e).

(b)(1) The Mayor may make a one-time transfer of \$1 million from the industrial revenue bond special account established under § 47-131(c)(4) to such accounts or sub-accounts as may be established pursuant to the trust agreement to be entered into pursuant to 6-1061.02(e). The funds transferred pursuant to this subsection may be used to assist eligible households whose annual incomes do not exceed 120% of the area median income.

(2) For the purposes of this subsection, the terms "area median income" and "eligible households" shall have the same meanings as provided in § 42-2801.

(Mar. 14, 2007, D.C. Law 16-278, § 104, as added Dec. 24, 2008, D.C. Law 17-285, § 2(b), 55 DCR 11986.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-285, see notes following § 6-1061.02.

PART B. NEW TOWN AT CAPITAL CITY MARKET DEVELOPMENT.

§ 6-1062.01. SHORT TITLE.

This part may be cited as the "New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006".

(Mar. 14, 2007, D.C. Law 16-278, § 201, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

§ 6-1062.02. DEFINITIONS.

For the purposes of this part, the term:

(1) "Capital City Market" or "Market" means the approximately 24-acre site bounded by Florida Avenue on the south, 5th Street on the east, Penn Street on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5.

(2) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(3) "Developer" means the New Town Development, LLC, a District of Columbia limited liability company.

(4) "DHCD" means the Department of Housing and Community Development.

(5) "Partnership" means the public/private partnership between the District and Developer to revitalize and develop the Capital City Market into a mixed-use, urban residential, retail, restaurants, entertainment, support facilities, office, government facilities, above and below-grade parking community; to create a substantial amount of workforce housing for teachers, policemen, firemen, and other District of Columbia residents; to preserve specific historic buildings; and to maintain the Market's historic retail and wholesale functions on the existing site in northeast Washington, D.C.

(6) "Revitalization Initiative and Development Plan" means the Initial Conceptual Plan for New Town at the Capital City Market: "A Neighborhood Revitalization Initiative and Development Plan".

(7) "Washington Beef Properties" means Parcel 129/32 and lots 5, 800, and 802 in square 3587.

(8) "Workforce housing" means housing units set aside for eligible renters or purchasers as defined by the appropriate agency of the District of Columbia and who are at 50% to 120% of the Area Median Income.

(Mar. 14, 2007, D.C. Law 16-278, § 202, 54 DCR 895; Mar. 20, 2009, D.C. Law 17-292, § 2, 55 DCR 12627.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-292, in par. (1), substituted "'Capital City Market' or 'Market' means the approximately 24-acre site bounded by Florida Avenue on the south, 5th Street on the east, Penn Street on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5" for "'Capital City Market' 'Market' means the approximately 24-acre site bounded by Florida Avenue, N. E., on the south, 6th Street, N.E., on the east, Penn Street, N.E., on the north, and the railroad tracks and Metro rail on the west in northeast Washington, D.C., in Ward 5".

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

Law 17-292, the "New Town Boundary Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-931 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on October 7, 2008, and November 18, 2008, respectively. Signed by the Mayor on December 8, 2008, it was assigned Act No. 17-579 and transmitted to both Houses of Congress for its review. D.C. Law 17-292 became effective on March 20, 2009.

§ 6-1062.03. FINDINGS.

(a) The Revitalization and Development Plan presented by the Developer can be used as a model for developing large tracts of underutilized land to create workforce housing, needed community facilities and services, and jobs, and to increase the District's tax base.

(b) The Market was originally located on the National Mall where the Federal Triangle Complex now exists and was relocated to its present site shortly after World War I upon passage of the Union Station Act of 1910 and adoption of the MacMillan Plan for the Mall.

(c) While the Market has an active retail and wholesale business of local, national, and international food and meat products, the Market now is an underutilized resource of its neighborhood and the city.

(d) The Market has deteriorated and has deteriorating structures, defective and inadequate street layout, excessive vacant land, vacant buildings, unsanitary and unsafe conditions, diversity of ownership, and is becoming an attractive place for criminal activity and homeless inhabitants.

(e) The Market is located less than 350 yards from the new Metro entrance of New York/Florida Avenues Metro station.

(f) The Market's present condition, uses, and zoning substantially impair the sound growth of an underutilized site near a metrorail station and prevent the development of new housing and much needed workforce housing.

(g) The Market is an ideal site for transit-oriented development that will increase pedestrian-friendly residential density adjacent to transit facilities that is consistent with the District's goals of maximizing transit usage while reducing automobile dependency.

(h) The New Town at the Capital City Market Project will accomplish neighborhood revitalization and historic preservation and provide workforce housing and jobs.

(i) The Revitalization and Development Plan will create a substantial number of workforce housing units for renters and buyers that fall between 50% to 120% of the Area Median Income.

(j) The Revitalization and Development Plan will create a planned community of housing, office, retail wholesale, local, national and international restaurants, entertainment, recreational and support facilities, and government facilities.

(k) The Revitalization and Development Plan will help reduce traffic congestion, enhance the environment and improve the District's air quality by better planning for and deployment of vehicular traffic, green roof development, and other environmental initiatives.

(l) The Revitalization and Development Plan will allow existing property owners or lessees to invest in the project, become fee simple owners in the new retail and warehouse facility, allow existing property owners to do a like-kind property exchange under section 1031 of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 302; 26 U.S.C. § 1031), and participate in other revitalization and

development options.

(m) The Revitalization and Development Plan will allow the present retailers and wholesalers to continue their businesses in the new revitalized Capital City Market.

(n) The Revitalization and Development Plan will be carried out in such a way that it will cause minimal interference to the existing operators of retail and wholesale establishments and allow them to continue to operate during construction.

(o) The Revitalization and Development Plan will preserve the original Market buildings (Union Market) bounded by 4th and 5th Streets and Morse and Penn Streets unless it is found to be impractical to do so by the Developer and the Office of Planning.

(p) The Developer has agreed to require construction contractors to enter into a project labor agreement for the project with a training component for District residents.

(q) The construction of the project will take more than 5 years, which will allow District residents to be trained as apprentices for jobs created by the development and become full-fledged journeyman on the project.

(r) The Revitalization and Development Plan provides for a workforce housing set-aside of a minimum of 20% and a goal of 40%, which will have a significant impact on increasing the District's workforce housing supply by approximately 320 or 640 units, respectively.

(s) The Mayor is authorized to negotiate a land swap or sale with Gallaudet University and to use other means, such as property tax abatement, tax increment financing, and PILOT programs, to assist the Developer in achieving the 40% goal of workforce housing and other community needs.

(t) The Revitalization and Development Plan calls for 40% of the workforce housing to be set aside for teachers, policemen, firemen, and other critical District of Columbia employees and the remaining 60% to be set-aside for District of Columbia residents who are first-time home purchasers and are at 50% to 120% of the Area Median Income.

(u) The Revitalization and Development Plan will relocate the retail and wholesale operations of the existing Market into modern facilities in the northeast portion of the site which will allow for convenient ingress and egress access for large trailer trucks to and from New York Avenue and Florida Avenue while screening them from residential areas and pedestrian traffic.

(v) The Revitalization and Development Plan provides that the new facilities for the existing retail and wholesale operations will be constructed as condominiums or cooperatives to allow the retailers and wholesalers to own their retail or wholesale facilities.

(w) The Revitalization and Development Plan will provide enhanced services for the residents of New Town, the surrounding neighborhoods, and visitors, including, among other things, a state-of-the-art YMCA with a daycare center, teen center; programs for senior citizens, swimming pool, indoor basketball courts, and a fitness center; a state-of-the-art community health clinic and a state-of-the-art public library branch if the District determines they are needed; and an outdoor amphitheater (designed to convert to an ice skating rink in winter) to showcase local and national entertainers to District citizens and visitors.

(x) The Revitalization and Development Plan provides that the YMCA, library, and community health clinic will all operate on a 20-year lease-to-purchase agreement with ownership transferring to the leaseholders for \$1 at lease expiration.

(y) The Revitalization and Development Plan will create an array of new retail and restaurant businesses and create hundreds of new permanent jobs as well as hundreds of construction jobs.

(z) The Revitalization and Development Plan and its proposed concept is supported by the 3 Advisory Neighborhood Commissions in Ward 5 and the Brentwood Community Association, Inc.

(aa) The Developer is committed to enter into a First-Source Employment Agreement and a Local, Small, and Disadvantaged Business Enterprise Memorandum of Understanding with the appropriate District government agencies.

(bb) The Capital City Market footprint area is currently zoned C-1 for low-density, light-industry and commercial uses and must be re-zoned as C-3-C with an overlay to allow the height and density necessary to achieve the goals of the project and to allow residential and warehouse uses to co-exist as part of New Town at the Capital City Market.

(cc) Certain alleys within the footprint of the Capital City Market will have to be closed.

(dd) The Market is, or Revitalization and Development Plan will be, designated as a renewal area sufficient to be eligible for the most favorable HUD-guaranteed financing programs.

(ee) On May 7, 2002, the Council unanimously passed the Request for Proposals for the Disposition of the Washington Beef Properties, 1240-1248 4th Street, N.E., Lots 5, 800, and 802 in Square 3587 Approval Resolution of 2002, effective May 7, 2002 (Res. 14-440; 49 DCR 5760).

(ff) On June 11, 2002, DHCD issued a request for proposals for the Washington Beef Properties located on the Capital City Market site.

(gg) On July 8, 2003, the Council unanimously passed the Unsolicited Proposal Submitted by Sang Oh & Company for the Negotiated Purchase and Disposition of Surplus Property at 375 Morse Street, N.E., also known as the Ironworks Parcel, Emergency Approval Resolution of 2003, effective July 8, 2003 (Res. 15-214; 50 DCR 6941).

(hh) On February 26, 2004; pursuant to that certain Land Disposition Agreement between Sang Oh & Company, Inc., and DHCD, Sang Oh & Company, Inc., was granted the development rights to the Washington Beef Properties.

(ii) Working with DHCD, ANC 5B, and the Ward 5 community, Sang Oh & Company, Inc., has completed architectural drawings for a proposed 11-story retail office and condominium building with a 20% percent affordable housing unit set-aside at 80% percent of the Area Median Income, and with community amenities for the Ward 5 community, that is, a 100-seat community meeting room, an office for ANC 5B, and space and signage for a Metropolitan Police Department substation.

(jj) The proposed development is consistent with the purposes and goals of the Revitalization and Development Plan and with architectural designs for New Town at the Capital City Market concept.

(kk) Sang Oh & Company, Inc., has completed demolition of the structures on the Washington Beef Properties site and has submitted its PUD application to the Zoning Commission.

(Mar. 14, 2007, D.C. Law 16-278, § 203, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

§ 6-1062.04. OFFICE OF PLANNING.

The Developer shall work with the Office of Planning and other appropriate agencies prior to and during the zoning process to ensure that the District's planning and other policy objectives and goals, to the extent that the project is not jeopardized financially, are achieved to the fullest extent possible.

(Mar. 14, 2007, D.C. Law 16-278, § 204, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

§ 6-1062.05. AUTHORITY OF THE DEPUTY MAYOR FOR ECONOMIC DEVELOPMENT.

The Deputy Mayor for Economic Development shall have the authority and responsibility of ensuring that the District's interests and goals, to the fullest extent possible, are achieved as set forth in this part. When the project is approved for construction, the Deputy Mayor and the Developer will develop a timetable for the development of the project and will provide detailed quarterly reports to the Mayor and the Council.

(Mar. 14, 2007, D.C. Law 16-278, § 205, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

§ 6-1062.06. DEVELOPMENT OF CONCEPTUAL PLAN.

The Council directs the Mayor through the appropriate agencies working with the Developer, the affected community (Ward 5), and the landowners and renters of the Capital City Market to develop a Final Conceptual Plan and an Agreement between the District and the Developer within 180 days of March 14, 2007. Once the Final Conceptual Plan and the Agreement have received affirmative written approval from property owners representing 50% or more of the site of the Capital City Market, the Mayor shall submit the Final Conceptual Plan and Agreement to the Council for approval within 30 days of such affirmative written approval.

(Mar. 14, 2007, D.C. Law 16-278, § 206, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

For Law 16-278, see notes following § 6-1061.01.

§ 6-1062.07. EMINENT DOMAIN.

The Mayor shall not use eminent domain for any aspect of the revitalization or development of this site without the prior approval of the Council.

(Mar. 14, 2007, D.C. Law 16-278, § 207, 54 DCR 895.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-278, see notes following § 6-1061.01.

SUBCHAPTER IV. NEIGHBORHOOD INVESTMENT PROGRAM.

§ 6-1071. CREATION OF NEIGHBORHOOD INVESTMENT FUND.

(a) There is established, as a nonlapsing, revolving fund outside the General Fund of the District of Columbia, a fund designated as the Neighborhood Investment Fund. The purposes of the Neighborhood Investment Fund shall be to fund the development and implementation of neighborhood investment plans under § 6-1072 and to finance and assist revitalization activities that will benefit residents of Neighborhood Program Target Areas designated in § 6- 1073. There shall be deposited into the fund such funds as may be appropriated from time to time. Subject to the applicable laws relating to the appropriation of District funds, monies received and credited to the Neighborhood Investment fund shall be used to carry out the objectives of this subchapter. All funds deposited into the fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the purposes of the subchapter.

(b) The Mayor shall submit to the Council, as part of the annual budget, a request for an appropriation for expenditures from the Neighborhood Investment Fund. The requested expenditures shall be consistent with the purposes of the Neighborhood Investment Fund set forth in subsection (a) of this section.

(c) Within 9 months of March 30, 2004, the Mayor shall develop an implementation plan for the first year of the program. In subsequent years, the yearly implementation plan shall be submitted to the Council prior to the start of the fiscal year. These implementation plans shall contain specific references to the amount to be spent each year by:

- (1) Targeted area;
- (2) Type of project; and
- (3) Specific project, where known.

(d) The Mayor shall provide the Council with a report, within 90 days of the end of the fiscal year, detailing the expenditures from the Neighborhood Investment Fund by:

- (1) Targeted area;
- (2) Type of project; and
- (3) Specific project.

(e) The plans developed pursuant to subsection (c) of this section shall be submitted by the Mayor 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 plan, in whole or in part, by resolution within this 45-day review period, the proposed plan shall be deemed disapproved.

(f) The implementation plans for the 4th and subsequent years may include additional Neighborhood Investment Program Target Areas. Such neighborhoods shall be proposed by the Mayor and approved by the Council; provided, that:

- (1) All new Target Areas must be areas that have:
 - (A) A historic or ongoing lack of private investment; and
 - (B) Areas of concentrated poverty where 30% or more of the population is below the federal poverty level.
- (2) No more than 3 additional target neighborhoods are designated.

(3) The Deputy Mayor for Planning and Economic Development shall announce and hold a public hearing after the selection of proposed new Target Areas and prior to Council approval, to gain input from District residents, businesses, Advisory Neighborhood Commissions, and community associations on the goals associated with the proposed Target Area.

(g) The Mayor may make loans or grants from the Neighborhood Investment Fund to facilitate revitalization activities in the Neighborhood Program Target Areas designated in § 6-1073.

(h) Repealed.

(i) Repealed.

(j) The Neighborhood Investment Fund dollars under the budget authority for the Office of the Deputy Mayor for Planning and Economic Development in fiscal year 2010 shall be allocated on a one-time basis as follows:

(1) An amount of \$370,613 for personal and administrative costs associated with the implementation of the Neighborhood Investment Fund, including salary, fringe benefits, and supplies;

(2) An amount of \$1,425,000 to be transferred to the Department of Small and Local Business Development through an intra-District transfer and dispersed to the following programs as follows:

(A) Main Street Program; An amount of \$150,000 to Shaw Main Street Program;

(B) Main Street Program; An amount of \$75,000 to Historic Dupont Main Street Program;

(C) Main Street Group; An amount of \$100,000 to Adams Morgan Main Street Group;

(D) Main Street Group; An amount of \$150,000 to Vinegar Hill, N.W. Main Street Group;

(E) Main Street Program; An amount of \$150,000 to Georgia Avenue Main Street Program;

(F) Main Street Program; An amount of \$150,000 to Rhode Island Main Street Program;

(G) Main Street Program; An amount of \$150,000 to North Capitol Main Street Program;

(H) Main Street Program; An amount of \$150,000 to H Street, N.E. Main Street Program;

(I) Main Street Program; An amount of \$50,000 to Barracks Row Main Street Program;

(J) An amount of \$150,000 to Deanwood Main Street Program; and

(K) Main Street Program; An amount of \$150,000 to Congress Heights Main Street Program;

(3) Each Main Streets program receiving \$150,000 or more through the Neighborhood Investment Fund Implementation Plan Amendment Act of 2009 [D.C. Law 18-111, subtitle G of title II], as set forth in paragraph (2) of this subsection, shall use \$50,000 of its \$150,000 allocation for a Business Improvement District Litter Cleanup program pursuant to § 1-325.111;

(4) An amount of \$3 million for the New Communities Human Capital Program;

(5) An amount of \$1.1 million to be transferred annually, adjusted yearly for inflation, to the Career Technical Training Fund pursuant to subsection (i) of this section;

(6) An amount of \$2.091 million for the DC USA parking garage; and

(7) An amount of \$835,000 for each of the following Neighborhood Investment Fund Target Areas to be used for competitive grants for projects, programs, or initiatives, exclusively in each area and consistent with this subchapter:

(A) Columbia Heights;

(B) Brightwood;

(C) Washington Highlands;

(D) Deanwood/Deanwood Heights;

(E) Bloomingdale/Eckington;

(F) Logan Circle Neighborhood;

(G) H Street;

(H) Anacostia;

(I) Congress Heights;

(J) Shaw Neighborhood;

(K) Brookland/Edgewood; and

(L) Bellvue.

(k) The Neighborhood Investment Fund dollars under the budget authority of the Office of the Deputy Mayor for Planning and Economic Development in fiscal year 2011 shall be allocated on a one-time basis as follows:

(1) An amount of \$2,293,502 shall be available to support grants to not-for-profit organizations for projects and programs that fulfill the goals of this subchapter. Project and program types that may be funded under this paragraph include vocational training and job placement for youth and adults, senior- and youth-oriented programming, affordable housing, senior housing, small business technical assistance, and predevelopment and project financing for the construction and rehabilitation of affordable housing, mixed-use, and community-based facility projects.

(2) An amount of \$190,059 shall be available to support personnel and administrative costs associated with the implementation of this subchapter, including salary, fringe benefits, marketing, community outreach, and supplies.

(3) An amount of \$1.1 million shall be deposited in the Career Technical Training Fund and used to fund costs associated with the 24-hour vocational education programs at Phelps Architecture, Construction, and Engineering High School, the Academy for Construction and Design at Cardozo Senior High School, and the Hospitality Public Charter School at Roosevelt High School.

(4) An amount of \$2 million shall be available to provide grants and other funding in support of the New Communities Human Capital program, including intensive case management, workforce development focused on education, training, and employment for adults and youth, financial literacy, health services, and increased public safety.

(I) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

(Mar. 30, 2004, D.C. Law 15-131, § 2, 51 DCR 1797; Sept. 18, 2007, D.C. Law 17-20, § 2132, 54 DCR 7052; Mar. 20, 2008, D.C. Law 17-123, § 2, 55 DCR 1513; Aug. 16, 2008, D.C. Law 17-219, § 7044, 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 2061, 57 DCR 181; Mar. 31, 2011, D.C. Law 18-338, § 2, 58 DCR 616; Apr. 8, 2011, D.C. Law 18-370, § 202, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 2022, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-20, in subsec. (a), inserted "The purposes of the Neighborhood Investment Fund shall be to fund the development and implementation of neighborhood investment plans under § 6-1072 and to finance and assist revitalization activities that will benefit residents of Neighborhood Program Target Areas designated in § 6-1073."; in subsec. (b), inserted "The requested expenditures shall be consistent with the purposes of the Neighborhood Investment Fund set forth in subsection (a) of this section."; and added subsec. (g).

D.C. Law 17-123, in subsec. (a), substituted "17.4%" for "15%".

D.C. Law 17-219, in subsec. (a), deleted ", subject to authorization by Congress in an appropriations act" following "subchapter".

D.C. Law 18-111, in subsec. (c), substituted "the program" for "a 5-year program"; and added subsecs. (h) to (j).

D.C. Law 18-338, in subsec. (j)(2), substituted "following programs" for "following Main Street programs" in the introductory language, substituted "Main Street Program;" for a semicolon in subpars. (A), (B), (E) to (I), and (K), substituted "Main Street Group;" for a semicolon in subpars. (C) and (D), and substituted "Main Street Program; and" for "; and" in subpar. (J).

D.C. Law 18-370 added subsec. (k).

D.C. Law 19-21, in subsec. (a), substituted "There shall be deposited into the fund such funds as may be appropriated from time to time." for "Subject to appropriations, there shall be deposited annually into the Neighborhood Investment Fund 17.4% of the personal property tax imposed by § 47-1522(a); provided, that the amount deposited into the Neighborhood Investment Fund from the personal property tax shall not exceed \$10 million annually." ; repealed subsecs. (h) and (i); and added subsec. (l). Prior to repeal, subsecs. (h) and (i) read as follows:

"(h)(1) There is established as a nonlapsing fund the Get D.C. Residents Training for Jobs Now Career Technical Training Fund ('Career Technical Training Fund'), which shall be used to fund all costs associated with the 24- hour vocational education programs at Phelps Architecture, Construction and Engineering High School, Academy for Construction and Design at Cardozo Senior High School, and the Hospitality Public Charter School at Roosevelt High School.

"(2) All funds deposited into the Career Technical Training Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (1) of this subsection without regard to fiscal year limitation, subject to authorization by Congress.

"(i) The Mayor shall transfer \$1.1 million annually, adjusted yearly for inflation, from the Neighborhood Investment Fund to the Career Technical Training Fund. The initial deposit to the Career Technical Training Fund shall be made on or about October 1, 2009."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Neighborhood Investment Amendment Temporary Act of 2006 (D.C. Law 16-207, March 2, 2007, law notification 54 DCR 2505).

Section 2 of D.C. Law 18-179, in subsec. (j)(2), deleted "Main Street" from the lead-in language, substituted "Main Street Program;" for a semicolon in subpars. (A), (B), (C), (E), (F), (G), (H), (I), and (K), substituted "for direct service delivery managed through, or for an organization chosen by, the Department of Small and Local Business Development for the commercial corridor designated as Vinegar Hill South Main Street" for "to Vinegar Hill, N.W." in subpar. (D), and substituted "Main Street Program; and" for "; and" in subpar. (J).

Section 4(b) of D.C. Law 18-179 provides that the act shall expire after 225 days of its having taken effect.

Temporary Enactments

For temporary (225 day) addition, see § 2 of Lower Georgia Avenue Job Training Center Funding Authorization Temporary Act of 2007 (D.C. Law 17-3, April 18, 2003, law notification 54 DCR 6582).

Section 2 of D.C. Law 18-221, in subsec. (j)(2)(E), substituted "to an organization currently providing business services for the commercial corridor designated as Georgia Avenue Main Street or for direct service delivery managed through the Department of Small and Local Business Development for the commercial corridor designated as Georgia Avenue Main Street" for "to Georgia Avenue, N. W.".

Section 4(b) of D.C. Law 18-221 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(a) of Neighborhood Investment Emergency Amendment Act of 2006 (D.C. Act 16-468, July 31, 2006, 53 DCR 6761).

For temporary (90 day) amendment of section, see § 2(a) of Neighborhood Investment Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16- 517, October 27, 2006, 53 DCR 9101).

For temporary (90 day) amendment of section, see § 2(a) of Neighborhood Investment Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-8, January 16, 2007, 54 DCR 1468).

For temporary (90 day) enactment, see § 2 of Lower Georgia Avenue Job Training Center Funding Authorization Emergency Act of 2007 (D.C. Act 17-12, January 26, 2007, 54 DCR 1517).

For temporary (90 day) amendment of section, see § 2132 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 2061 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) addition, see § 2062 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 § 2061 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) addition, see § 2062 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2 of Adams Morgan Main Street Group Emergency Amendment Act of 2010 (D.C. Act 18-342, March 22, 2010, 57 DCR 2852).

For temporary (90 day) amendment of section, see § 2 of Georgia Avenue Main Street Authorization Emergency Amendment Act of 2010 (D.C. Act 18-434, June 14, 2010, 57 DCR 5384).

For temporary (90 day) amendment of section, see § 2 of Adams Morgan Main Street Group Clarification Emergency Amendment Act of 2010 (D.C. Act 18-677, January 12, 2011, 58 DCR 595).

For temporary (90 day) amendment of section, see § 202 of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

Law 15-131, the "Neighborhood Investment Act of 2004", was introduced in Council and assigned Bill No. 15-128, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 29, 2004, it was assigned Act No. 15-332 and transmitted to both Houses of Congress for its review. D.C. Law 15-131 became effective on March 30, 2004.

For Law 17-20, see notes following § 6-1061.02.

Law 17-123, the "Small Business Commercial Property Tax Relief Act of 2008", was introduced in Council and assigned Bill No. 17-20 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 11, 2007, and January 8, 2008, respectively. Signed by the Mayor on January 24, 2008, it was assigned Act No. 17-272 and transmitted to both Houses of Congress for its review. D.C. Law 17-123 became effective on March 20, 2008.

Law 17-219, the "Fiscal Year 2009 Budget Support Act of 2008", was introduced in Council and assigned Bill

No. 17-678, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 13, 2008, and June 3, 2008, respectively. Signed by the Mayor on June 26, 2008, it was assigned Act No. 17-419 and transmitted to both Houses of Congress for its review. D.C. Law 17-219 became effective on August 16, 2008.

For Law 18-111, see notes following § 6-226.

Law 18-338, the "Adams Morgan Main Street Group Clarification Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-697, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 12, 2011, it was assigned Act No. 18-683 and transmitted to both Houses of Congress for its review. D.C. Law 18-338 became effective on March 31, 2011.

Law 18-370, the "Fiscal Year 2011 Supplemental Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-1100, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 27, 2011, it was assigned Act No. 18-721 and transmitted to both Houses of Congress for its review. D.C. Law 18-370 became effective on April 8, 2011.

For history of Law 19-21, see notes under § 6-226.

Resolutions

Resolution 16-589, the "Neighborhood Investment Act Spending Plan for FY 2006 Resolution of 2006", was approved effective March 7, 2006.

Resolution 16-596, the "Neighborhood Investment Act Spending Plan for Fiscal Year 2006 Resolution of 2006", was approved effective April 4, 2006.

Resolution 16-955, the "Neighborhood Investment Act Spending Plan for FY 2007 Emergency Approval Resolution of 2006", was approved effective December 19, 2006.

Resolution 17-433, the "Neighborhood Investment Act Spending Plan for FY 2008 Emergency Approval Resolution of 2007", was approved effective November 6, 2007.

Resolution 17-824, the "Neighborhood Investment Act Spending Plan for Fiscal Year 2009 Emergency Approval Resolution of 2008", was approved effective October 7, 2008.

Miscellaneous Notes

Short title: Section 2131 of D.C. Law 17-20 provided that subtitle M of title II of the act may be cited as the "Neighborhood Investment Amendment Act of 2007".

Short title: Section 2060 of D.C. Law 18-111 provided that subtitle G of title II of the act may be cited as the "Neighborhood Investment Fund Implementation Plan Amendment Act of 2009".

Section 2062 of D.C. Law 18-111 provides:

"Sec. 2062. NIF Fund Balance.

"There is established as a nonlapsing fund the Fiscal Year 2010 NIF Fund ('Fund') into which the Chief Financial Officer shall deposit \$3.2 million in fiscal year 2009 funds from the anticipated fiscal year 2009 Neighborhood Investment Fund carryover. All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in section 2(j) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071(j)) ('Act'), without regard to fiscal year limitation, subject to authorization by Congress. No funds shall be transferred from the Fund until October 1, 2009, at which time the funds shall be used in accordance with section 2(j) of the Act."

Short title: Section 201 of D.C. Law 18-370 provided that subtitle A of title II of the act may be cited as "Neighborhood Investment Fund Implementation Amendment Act of 2010".

Section 203 of D.C. Law 18-370 provides:

"Sec. 203. Applicability.

"This subtitle shall apply as of October 1, 2010."

Short title: Section 2021 of D.C. Law 19-21 provided that subtitle C of title II of the act may be cited as "Neighborhood Investment Fund Amendment Act of 2011".

§ 6-1072. NEIGHBORHOOD INVESTMENT PROGRAM.

(a) The Mayor shall develop a neighborhood investment plan designed to accomplish the goals of this subchapter for each targeted area, which shall be:

(1) Developed with input from Advisory Neighborhood Commissions, community groups,

neighborhood institutions, the faith community, representatives of the business community, and other neighborhood stakeholders;

(2) Submitted to the affected Advisory Neighborhood Commissions, community groups, neighborhood institutions, the faith community, representatives of the business community, and other neighborhood stakeholders for a comment period of one month; and

(3) Submitted by the Mayor 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 plan, in whole or in part, by resolution within this 45-day review period, the proposed plan shall be deemed approved.

(b) The neighborhood investment plans shall detail, where appropriate, the use of the following tools for neighborhood investment:

(1) The establishment of a pooled or subsidized revenue bond for the use of businesses and organizations within the Neighborhood Investment Program target areas;

(2) The use of tax increment financing districts for the Neighborhood Investment Program target areas;

(3) The specific dedication of District and other resources for the improvement of infrastructure and public spaces, such as roads, sidewalks, lighting, streetscape, parks, community centers, and libraries;

(4) An inventory of each property within the target area detailing the ownership, and, if the property is owned by the District government, a plan for the disposition or improved use of vacant, abandoned, underutilized, or negatively utilized lots, or if owned by the federal government, recommendations for the improved use of vacant, abandoned, underutilized, or negatively utilized lots;

(5) The use of payments in lieu of taxes or tax abatements to facilitate development; and

(6) Increased dedication of the resources of the Metropolitan Police Department, for the purposes of neighborhood stabilization, where necessary.

(c) The Department of Housing and Community Development may give priority scoring to the use of Housing Production Trust Funds or Community Development Block Grants in the targeted areas defined in § 6-1073 or to the targeted areas proposed by the Mayor pursuant to § 6-1071(f).

(d) The plans shall outline the potential roles and responsibilities of the Housing Finance Agency, the National Capital Revitalization Corporation, the RLA Revitalization Corporation, the Department of General Services, and the Board of Education where appropriate.

(e) The plans shall be designed to ensure that expenditures from the Neighborhood Investment Fund are used to supplement, rather than supplant, operating and capital dollars already appropriated to District of Columbia agencies for similar purposes. The plans shall also seek to coordinate the expenditures of operating and capital dollars already appropriated to District of Columbia government agencies to support neighborhood goals.

(f) The plans shall outline how funds will be used to develop, maintain, and improve physical facilities and infrastructure owned by the District of Columbia, particularly for projects or improvements in neighborhood plans that do not qualify for capital budget funding.

(Mar. 30, 2004, D.C. Law 15-131, § 3, 51 DCR 1797; Apr. 13, 2005, D.C. Law 15-354, § 15, 52 DCR 2638; Sept. 26, 2012, D.C. Law 19-171, § 43, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-354, in subsec. (c), validated a previously made technical correction.

D.C. Law 19-171, in subsec. (d), substituted "Department of General Services" for "Office of Property Management".

Legislative History of Laws

For Law 15-131, See notes following § 6-1071

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For history of Law 19-171, see notes under § 6-225.

Resolutions

Resolution 17-878 -- 17-886, the "National Investment Plan", was approved effective December 2, 2008.

Resolution 17-939, the "Brightwood and Upper Georgia Avenue Neighborhood Investment Plan Emergency

Approval Resolution", was approved effective December 16, 2008.

Resolution 17-941, the "Washington Highlands Neighborhood Investment Plan Emergency Approval Resolution of 2008", was approved effective December 16, 2008.

Resolution 18-193, the "Bellevue Neighborhood Investment Plan Approval Resolution of 2009", was approved effective June 30, 2009.

§ 6-1073. NEIGHBORHOOD INVESTMENT PROGRAM TARGET AREAS.

(a) There are established the following Neighborhood Investment Program Target Areas within which revitalization activities shall be supported by funds appropriated from the Neighborhood Investment Fund:

(1)(A) Target Area #1 -- Shaw. The Shaw target area is defined as starting at the corner of 9th Street and Florida Avenue, N.W., east along Florida Avenue, N.W., to North Capitol Street, south along North Capitol Street to Massachusetts Avenue, west along Massachusetts Avenue, N.W., to 9th Street, N.W., and north along 9th Street, N.W., to Florida Avenue, N.W.

(B) Among the goals of this target area are increasing foot and bicycle police patrols, the preservation of project based Section 8 multifamily affordable housing, increasing homeownership opportunities for neighborhood residents, and renovating and upgrading the Watha T. Daniel public library.

(2)(A) Target Area #2 -- Logan Circle. The Logan Circle target area is defined as as starting at the corner of 9th Street, N.W., and Florida Avenue, N.W., south on 9th Street, N.W., to Massachusetts Avenue, N.W., west on Massachusetts Avenue, N.W., to 16th Street, N.W., north on 16th Street, N.W., to U Street, N.W., and east on U Street, N.W., to Florida Avenue, N.W.

(B) Among the goals of this target area are preserving affordable housing, including project based Section 8 housing, housing code enforcement and receivership of slum properties, acquisition, preservation, and redevelopment of 15 to 20 multifamily buildings for low-income residents, development of special-needs housing paired with social service delivery systems, and better library and recreation facilities, especially for neighborhood youth.

(3)(A) Target Area #3--Deanwood Heights. The Deanwood Heights target area is defined as starting at the corner of Hayes Street and 50th Street, N.E., east along Hayes Street, N.E., to 54th Place, N.E., south along 54th Place, N.E., to Nannie Helen Burroughs Avenue, N.E., east along Nannie Helen Burroughs Avenue, N.E., to Eastern Avenue, N.E., southeast along Eastern Avenue, N.E., to Southern Avenue, N.E., southwest along Southern Avenue, N.E., to East Capitol Street, west along East Capitol Street, to Division Avenue, N.E., north along Division Avenue, N.E., to Nannie Helen Burroughs Avenue, N.E., west along Nannie Helen Burroughs Avenue, N.E., to B&O(CSX) Railroad, northwest along B&O(CSX) Railroad to Eastern Avenue, N.E., southeast along Eastern Avenue, N.E., to Nannie Helen Burroughs Avenue, N.E., west along Nannie Helen Burroughs Avenue, N.E., to Division Avenue, N.E., north along Division Avenue, N.E., to Hayes Street, N.E., and west along Hayes Street, N.E., to the starting point. The Deanwood Heights Target area shall also include west along Marvin Gaye Park and north along 50th Street, N.E.

(B) Among the goals of this target area are the acquisition and demolition of abandoned properties, the acquisition and demolition of slum multifamily properties, the building of affordable housing, including housing for senior citizens and assisted living housing, the building of a full service recreation center, the revitalization of neighborhood commercial areas on Eastern and Division Avenues, infrastructure improvements to curbs, sidewalks, and roadways throughout the target area, and the development of a full service restaurant in the neighborhood.

(4)(A) Target Area #4 -- Washington Highlands. The Washington Highlands target area is defined as starting at the corner of Southern Avenue and South Capitol Street, S.E., north along South Capitol Street, north along Livingston Road, S.E., northeast along Valley Avenue, S.E., southeast along Wheeler Road, S.E., and southwest along Southern Avenue, S.E.

(B) Among the goals of this target area are the acquisition and demolition of abandoned properties, the building of affordable housing, including housing for senior citizens and assisted living housing, the building of recreational and entertainment facilities such as a bowling alley and ice skating rink on South Capitol Street, the building of a full-service supermarket, and the revival of neighborhood commercial strips to include book stores, florists, and other retail uses.

(5)(A) Target Area #5 -- Columbia Heights. The Columbia Heights target area is defined as starting at the corner of Spring Road and Sherman Avenue, N.W., northeast along Rock Creek Church Road, N.W., to Warder Street, N.W., south along Warder Street, N.W., to 4th Street, N.W., southwest along 4th Street, N.W., to Gresham Place, N.W., west along Gresham Place, N.W., to Sherman Avenue, N.W., south along Sherman Avenue to Florida Avenue, N.W., west along Florida Avenue to W Street, N.W., west along W Street, N.W., to 16th Street, N.W., west along Florida Avenue, N.W. to Champlain Street, N.W., north along Champlain Street, N.W., to Columbia Road, N.W., northeast along Columbia Road, N.W., to Mt. Pleasant Street, N.W., northwest along Mt. Pleasant Street, N.W., to Park Road,

N.W., west along Park Road, N.W., to Mt. Pleasant Street, N.W., north on Mt. Pleasant Street, N.W., to Piney Branch Park, east through Piney Branch Park to Spring Road, N.W., and east along Spring Road, N.W., to Sherman Avenue, N.W.

(B) Among the goals of this target area are housing code enforcement, and receivership of slum properties, the acquisition, preservation, and redevelopment of 15 to 20 multifamily properties in the area to preserve affordable housing, especially for immigrant families, rent stabilization measures, and the improvement of the Mt. Pleasant Street commercial corridor.

(6)(A) Target Area #6 --Brightwood and Upper Georgia Avenue The Brightwood and Upper Georgia Avenue target area is defined as starting at the corner of Kennedy Street, N.W., and 16th Street, N.W., north along 16th Street, N.W., to Alaska Avenue, N.W., northeast along Alaska Avenue, N.W., to Fern Street, N.W., east along Fern Street, N.W., to Georgia Avenue, N.W., north along Georgia Avenue, N.W., to Fern Place, N.W., east along Fern Place, N.W., to Blair Road, N.W., southeast along Blair Road, N.W., to Cedar Street, N.W., east on Cedar Street, N.W., to Carroll Street, N.W., east on Carroll Street, N.W., to Eastern Avenue, N.W., southeast on Eastern Avenue, N.W., to Willow Street, N.W., south on Willow Street, N.W., to Aspen Street, N.W., west on Aspen Street, N.W., to Blair Road, N.W., southeast on Blair Road, N.W., to North Capitol Street, N.E., south along North Capitol Street, N.E., to Kennedy Street, N.W., and west along Kennedy Street, N.W., to 13th Street, N.W., south along 13th Street, N.W., to Arkansas Avenue, N.W., south along Arkansas Avenue, N.W., to 16th Street, N.W., north on 16th Street, N.W., to Kennedy Street, N.W.

(B) Among the goals of this target area are a comprehensive revitalization plan for Georgia Avenue, the development of a full service restaurants to serve the neighborhood, affordable housing for senior citizens and assisted living housing, the development of neighborhood oriented retail establishments such as coffee shops, ice cream parlors, books stores, and neighborhood recreation and entertainment centers such as a bowling alley and movie theater, and the enhancement of neighborhood parking.

(7)(A) Target Area #7 -- Bloomingdale and Eckington. The Bloomingdale and Eckington target area is defined as starting at New York Avenue, N.W., northwest along Florida Avenue, to 4th Street, N.W., north along 4th Street, N.W., to 5th Street, N.W., east along Michigan Avenue, N.W., to Franklin Street, N.E., east along Franklin Street, N.E., to 4th Street, N.E., south on 4th Street, N.E., to the CSX rail yard, south along the rail yard to New York Avenue, N.E., southwest along New York Avenue, N.E., to Florida Avenue.

(B) Among the goals of this target area are to clean and seal abandoned buildings, to create affordable housing, build a new recreation center and playground, increase foot and bicycle patrols by the Metropolitan Police Department and to eliminate drug trafficking and street prostitution, eradicate rodents through better vector control; revitalize Bloomingdale and Eckington neighborhood commercial areas, and build affordable housing at the Soldier's Home and McMillan Reservoir sites.

(8)(A) Target Area #8 -- Brookland and Edgewood. The Brookland and Edgewood target area is defined as starting at 4th Street, N.E., and Rhode Island Avenue, N.E., north along 4th Street, N.E., to Michigan Avenue, N.E., northeast along Michigan Avenue to South Dakota Avenue, N.E., southeast along South Dakota Avenue, N.E., to Rhode Island Avenue, N.E., southwest along Rhode Island Avenue, N.E., to the railroad tracks, south along the railroad tracks to W Street, N.E., southwest along W Street, N.E., to 5th Street, N.E., north along 5th Street, N.E., to Rhode Island Avenue, and southwest along Rhode Island Avenue, N.E., to 4th Street, N.E.

(B) Among the goals of this target area are to revitalize the neighborhood commercial areas in Brookland, along 12th Street, N.E., and upper Rhode Island Avenue from 13th Street to South Dakota Avenue, N.E., eradicate prostitution in the Rhode Island Avenue corridor, build affordable housing in Ft. Lincoln, rebuild the Woodridge Library, and build a new youth recreation center.

(9)(A) Target Area #9 -- Anacostia. The Anacostia target area is defined as starting at the Anacostia waterfront and Good Hope Road, S.E., southeast along Good Hope Road, S.E., to Naylor Road, S.E., southeast on Naylor Road, S.E., to Alabama Avenue, S.E., southwest on Alabama Avenue, S.E., to the Suitland Parkway, northwest along the Suitland Park to 18th Street, S.E., north on 18th Street, S.E., to Erie Street, S.E., west on Erie Street, S.E., to Morris Road, S.E., and northwest on Morris Road, S.E., to the Anacostia waterfront.

(B) Among the goals of this target area are to clean and seal abandoned buildings, demolish blighted properties and replace them with affordable housing, build a recreation center for youth, revitalize the Good Hope Road neighborhood commercial district, build a new supermarket to serve the area, and renovate area schools and playgrounds.

(10)(A) Target Area #10 -- H Street, N.E. The H Street, N.E., target area is defined as the area within 2 blocks north or south of H Street, N.E., Benning Road, N.E., and Maryland Avenue, N.E., between North Capitol Street and 17th Street, N.E.

(B) Among the goals for this target area are improving connectivity and transit use, creating mixed-use housing opportunities, enhancing neighborhood retail, building on cultural assets, and creating

a dynamic destination.

(11)(A) Target Area #11 -- Congress Heights. The Congress Heights target area is defined as the area bounded by a line starting at Mississippi Avenue, S.E., and 13th Street, S.E., and running north along 13th Street, S.E., to Alabama Avenue, S.E., then west along Alabama Avenue, S.E., to the southwestern boundary of the St. Elizabeths campus, then northwest along the southwest boundary of the St. Elizabeths campus, then on a line parallel to Lebaum Street, S.E., to Interstate 295, then southwest along Interstate 295 to a line parallel to 4th Street, S.E., then along a line parallel to 4th Street, S.E. to 4th Street, S.E., then along 4th Street, S.E., to Mississippi Avenue, S.E., then along Mississippi Avenue, S.E., to the starting point.

(B) Among the goals for this target area are economic development, increasing homeownership opportunities, and improving the condition of housing stock in the area.

(12)(A) Target Area #12 -- Bellevue. The Bellevue target area is defined as the area bounded by Galveston Street, S.W., on the south, First Street, S.E., on the east, Halley Street, S.E., on the north, and Interstate 295 on the west.

(B) Among the goals for this target area are improving public facilities, increasing homeownership opportunities, and enhancing neighborhood retail.

(b) In determining the geographic extent of the target areas set forth in subsection (a) of this section, the Mayor shall include the properties on both sides of the streets that establish the outer boundaries of each target area.

(Mar. 30, 2004, D.C. Law 15-131, § 4, 51 DCR 1797; Jan. 29, 2008, D.C. Law 17-81, § 2, 54 DCR 11885; Mar. 20, 2009, D.C. Law 17-305, § 2, 56 DCR 21; Oct. 26, 2010, D.C. Law 18-246, § 2, 57 DCR 7564.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-81 designated the existing text as subsec. (a); rewrote the lead-in text of subsec. (a), which had read as follows: "There are established the following Neighborhood Investment Program Target Areas:"; designated the existing texts of subsecs. (a)(10), (11), and (12) as (a)(10)(A), (11)(A), and (12)(A); and added subsecs. (a)(10)(B), (11)(B), and (12)(B) and (b).

D.C. Law 17-305 rewrote subsec. (a)(6)(A), which had read as follows:

"(6)(A) Target Area #6 -- Brightwood and Upper Georgia Avenue. The Brightwood and Upper Georgia Avenue target area is defined as starting at the corner of Kennedy Street, N.W., and 16th Street, N.W., north along 16th Street, N.W., to Alaska Avenue, N.W., northeast along Alaska Avenue, N.W., to Fern Street, N.W., east along Fern Street, N.W., to Fern Place, N.W., east along Fern Place, N.W., to Blair Road, N.W., southeast along Blair Road, N.W., to 5th Street, N.W., south along 5th Street, N.W., to Kennedy Street, N.W., and west along Kennedy Street, N.W., to 16th Street, N.W."

D.C. Law 18-246 rewrote subsec. (a)(8)(A), which formerly read:

"(8)(A) Target Area #8 -- Brookland and Edgewood. The Brookland and Edgewood target area is defined as starting at 4th Street, N.E., and Rhode Island Avenue, N.E., north along 4th Street, N.E., to Michigan Avenue, N.E., northeast along Michigan Avenue to South Dakota Avenue, N.E., southeast along South Dakota Avenue, N.E., to Rhode Island Avenue, N.E., and southwest along Rhode Island Avenue, N.E., to 4th Street, N.E."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Neighborhood Investment Amendment Temporary Act of 2006 (D.C. Law 16-207, March 2, 2007, law notification 54 DCR 2505).

For temporary (225 day) amendment of section, see § 2 of Neighborhood Investment Clarification Temporary Amendment Act of 2007 (D.C. Law 17-78, January 23, 2008, law notification 55 DCR 1458).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(b) of Neighborhood Investment Emergency Amendment Act of 2006 (D.C. Act 16-468, July 31, 2006, 53 DCR 6761).

For temporary (90 day) amendment of section, see § 2(b) of Neighborhood Investment Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16- 517, October 27, 2006, 53 DCR 9101).

For temporary (90 day) amendment of section, see § 2(b) of Neighborhood Investment Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-8, January 16, 2007, 54 DCR 1468).

For temporary (90 day) amendment of section, see § 2 of Neighborhood Investment Emergency Amendment Act of 2007 (D.C. Act 17-158, October 18, 2007, 54 DCR 10926).

For temporary (90 day) amendment of section, see § 2 of Neighborhood Investment Clarification Emergency Amendment Act of 2007 (D.C. Act 17-176, November 2, 2007, 54 DCR 11221).

For temporary (90 day) amendment of section, see § 2 of Neighborhood Investment Congressional Review

Emergency Amendment Act of 2008 (D.C. Act 17-270, January 29, 2008, 55 DCR 1504).

For temporary (90 day) amendment of section, see § 2 of Ward 4 Neighborhood Investment Fund Boundary Expansion Emergency Amendment Act of 2008 (D.C. Act 17-603, December 16, 2008, 56 DCR 15).

For temporary (90 day) amendment of section, see § 2 of Ward 4 Neighborhood Investment Fund Boundary Expansion Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-30, March 16, 2009, 56 DCR 2325).

Legislative History of Laws

For Law 15-131, See notes following § 6-1071

Law 17-81, the "Neighborhood Investment Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-181 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on October 2, 2007, and November 6, 2007, respectively. Signed by the Mayor on November 26, 2007, it was assigned Act No. 17-192 and transmitted to both Houses of Congress for its review. D.C. Law 17-81 became effective on January 29, 2008.

Law 17-305, the "Ward 4 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-779 which was referred to the Committee of Economic Development. The Bill was adopted on first and second readings on October 7, 2008, and December 2, 2008, respectively. Signed by the Mayor on December 16, 2008, it was assigned Act No. 17-605 and transmitted to both Houses of Congress for its review. D.C. Law 17-305 became effective on March 20, 2009.

Law 18-246, the "Ward 5 Neighborhood Investment Fund Boundary Expansion Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-800, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 29, 2010, and July 13, 2010, respectively. Signed by the Mayor on July 10, 2010, it was assigned Act No. 18-497 and transmitted to both Houses of Congress for its review. D.C. Law 18-246 became effective on October 26, 2010.