Councilmember Anita Bonds

Councilmember Kenyan R. McDuffie

Councilmember Jim Graham

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Kenyan McDuffie introduced the following bill, which was referred to the Committee on _______________________.

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to establish affordable housing set-aside requirements and to require that specific documents accompany a proposed resolution for land disposition when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Disposition of District Land for Affordable Housing Amendment Act of 2013”.

Sec. 2. Section 1 of 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), is amended as follows:

(a) A new subsection (a-3) is added to read as follows:

“(a-3)(1) For the purposes of this subsection, the term: “(A) “Affordable” means: “
“(i) In the case of rental units, 25% of such units shall consist of housing for which a very low-income household will pay no more than 30% of its income toward housing costs, and 75% of such units shall consist of housing for which a low-income household will pay no more than 30% of its income toward housing costs.

“(ii) In the case of ownership units:

“(a) 50% of such units shall consist of housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of such units shall consist of housing for which a moderate-income household will pay no more than 30% of its income toward housing costs.

“(B) “Area median income” means:

“(i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

“(ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;

“(iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;

“(iv) For a household of one person, 70% of the area median income for a household of 4 persons; and
“(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a household of 4 persons for each household member exceeding 4 persons.

“(C) “Housing costs” means:

“(i) In the case of rental units, rent and utilities.

“(ii) In the case of ownership units, mortgage payments, including principal, interest, and property insurance and taxes; homeowner association or condominium or cooperative fees, and utilities.

“(D) “Low-income household” means a household consisting of one or more persons with total household income more than 30% and equal to or less than 50% of the area median income.

“(E) “Moderate-income household” means a household consisting of one or more persons with total household income more than 50% and equal to or less than 80% of the area median income.

“(F) “Very low-income household” means a household consisting of one or more persons with total household income equal to or less than 30% of the area median income.

“(2) If the proposed disposition of real property will result in the development of multifamily residential real estate consisting of 10 or more units, the following affordable housing requirements shall apply:

“(A) At least 30% of residential units shall be affordable for a unit of real property located in any of the following areas:
“(i) Within 1/2 mile of a Metrorail station that is currently in operation or for which a construction contract has been awarded;

“(ii) Within 1/4 mile of a streetcar line that is currently in operation or for which a construction contract has been awarded; or

“(iii) Within 1/4 mile of a Priority Corridor Network Metrobus Route as designated by the Washington Area Metropolitan Transit Authority, located entirely or partially within the District of Columbia.

“(B) At least 20% of residential units shall be affordable for all units of real property located outside the areas described in subparagraph (A) of this subsection.

“(C) Residential units shall remain affordable for the life of the building.

“(D) The purchase price for the second and all subsequent sales of affordable units shall be determined by a formula established by the Mayor.

“(3) The Mayor shall take into account the affordable housing requirements of this subsection when establishing the terms and conditions under which real property is to be disposed. The Mayor may transfer real property at less than its appraised value, as necessary, to ensure that the affordable housing requirements imposed by this subsection are met.

“(4) The Mayor may waive the affordable housing requirements of this subsection, provided that the Chief Financial Officer certifies that:

“(A) The appraised value of the property to be disposed is insufficient to support the affordable housing requirements, taking into account all other
available sources of public funding for affordable housing (whether provided by the District of
Columbia or the federal government); and

“(B) The terms and conditions under which the real property is to
be disposed maximize the extent to which the affordable housing requirements can be realized.”.

“(5) This subsection shall not apply to the disposition of the building and
property owned by the District located at 425 2nd Street, N.W., unless the District commits to
using all of the proceeds from the disposition for the construction of new shelter space and
affordable housing to serve homeless populations.”.

(b) Paragraph (b)(5) is amended to read as follows:

“(5) If applicable, a finding that the Developer will achieve the affordable housing
requirements established by subsection (a-3) of this section or, if those requirements will not be
achieved, a written certification by the Chief Financial Officer under paragraph (a-3)(4);”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
approved December 24, 1974 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4 Effective date.

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