

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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 requirements and to require that specific documents accompany a proposed resolution for a land disposition 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 2014”.

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

“(A) If the multifamily units are located in the following areas, at least 30% of the units shall be dedicated as affordable housing:

“(i) Within 1/2 mile of a Metrorail station that is in operation or for which a construction contract has been awarded on or before the date of the disposition;

“(ii) Within 1/4 mile of a streetcar line that is in operation or for which a construction contract has been awarded on or before the date of the disposition; 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) If the multifamily units are located outside of the areas described in subparagraph (A) of this paragraph, at least 20% of the units shall be dedicated as affordable housing;

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“(C) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall remain affordable housing units for the life of the building; and

“(D) The purchase price for the second and subsequent sales of the units dedicated as affordable housing described in subparagraphs (A) and (B) of this paragraph shall be determined by a formula established by the Mayor.

“(2) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall be made available according to the following affordability levels:

“(A) In the case of rental units, 25% of the units shall be 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 be housing for which a low-income household will pay no more than 30% of its income toward housing costs; and

“(B) In the case of ownership units, 50% of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs.

“(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 or provide additional subsidies to a developer, 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 Mayor 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;

“(B) The terms and conditions under which the real property is to be disposed satisfy the housing requirements to the maximum extent possible; and

“(C) The Chief Financial Officer has provided to the Mayor and the Council a financial analysis, which shall consist of:

“(i) A review and analysis of the financial condition of disposed land; and

“(ii) An advisory opinion stating whether or not it is likely that the developer could be reasonably expected to meet the affordable housing requirements outlined in paragraph (1) of this subsection.

“(5) Paragraph (4) of this subsection shall not apply to the disposition of the building and property owned by the District located at 425 2<sup>nd</sup> Street, N.W., unless the

District commits to using all of the proceeds from the disposition of the property for the construction of a new homeless shelter and affordable housing to serve homeless populations.

“(6) The Mayor may reduce the affordable housing requirements of this section if the proposed disposition of real property finances the development of a significant public facility. For the purposes of this paragraph, the term “public facility” means a building, structure, or system that is an asset of the District government eligible for capital spending and subject to depreciation. A public facility may include a fire station, public library, public school, stadium, or homeless shelter. Notwithstanding the priority to finance a significant public facility, the Mayor shall nevertheless endeavor to provide affordable housing, consistent with this section, to the extent economically feasible.”.

(b) Subsection (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 pursuant to subsection (a-3)(4) of this section;”.

(c) A new subsection (n) is added to read as follows:

“(n) For the purposes of this section, the term:

“(1) “Area median income” means:

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

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

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

“(D) For a household of one person, 70% of the area median income for a household of 4 persons; and

“(E) 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.

“(2) “Housing costs” means:

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

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

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

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

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

**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 the event of 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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia