


Councilmember Jack Evans

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Administrative Procedure Act to modify the procedures governing judicial review of an action or decision of the Zoning Commission or Board of Zoning Appeals; to amend An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes to clarify the authority of the Zoning Commission and the purposes of zoning.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this bill be cited as the “Affordable Housing Protection Act of 2018.”.

Sec. 2. Section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510), is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Judicial review, under this section, of an order or decision of the Zoning Commission or the Board of Zoning Adjustment is available only to a person who participated in the agency proceeding and who, at a minimum, would experience an injury in fact that is not a generalized grievance and is likely to be redressed by a favorable decision. A petitioner is limited to arguments the petitioner made in the agency proceeding, and the petition must name each applicant in the agency proceeding as a respondent unless the applicant is a petitioner.”.

Sec. 3. An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the

33 District of Columbia, and for other purposes (52 Stat. 797 ; D.C. Official Code § 6-641.01 et
34 seq.) is amended as follows:

35 (a) Section 1 (D.C. Official Code § 6-641.01) is amended by adding a new sentence at the
36 end to read as follows:

37 "In administering these regulations, the Zoning Commission shall, consistent with this
38 act, interpret the Comprehensive Plan for the National Capital and, with respect to the District
39 Elements thereof, balance any conflicting provisions within and among the elements, including
40 maps and text."

41 (b) Section 2 (D.C. Official Code § 6-641.02) is amended as follows:

42 (1) Strike the phrase "national capital, and" and insert the phrase "national capital.
43 Zoning" in its place.

44 (2) After the phrase "regulations shall be designed to" insert the phrase "meet the
45 need for housing, office, retail, manufacturing, employment, and other economic uses for a
46 growing population;"

47 (3) Strike the phrase "lessen congestion" and insert the phrase "manage
48 congestion" in its place.

49 (4) Strike the phrase "panic,"

50 (5) Strike the phrase "to create conditions favorable to health, safety,
51 transportation, prosperity, protection of property, civic activity, and recreational, educational,
52 and cultural opportunities, and as would tend to further economy and efficiency in the supply of
53 public services." and inserting the phrase "to create conditions favorable to health, safety, equity,
54 mobility, prosperity, protection of property, civic activity, and recreational, educational, and

55 cultural opportunities, and to further economic development and efficiency in the supply of
56 public services.” in its place.

57 (c) A new section 17 is added to read as follows:

58 “Sec. 17. Zoning Regulations – Withdrawal of Opposition.

59 “An agreement to withdraw opposition in a proceeding before, or to a decision of, the
60 Zoning Commission or Board of Zoning Adjustment in exchange for payment of a sum of
61 money shall be void and unenforceable.”.

62 Sec. 4. Fiscal impact statement.

63 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
64 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
65 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

66 Sec. 5. Effective date.

67 This act shall take effect following approval by the Mayor (or in the event of veto by the
68 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
69 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
70 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
71 Columbia Register.