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2 Councilmember David Grosso

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4 Councilmember Anita Bonds

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6 Councilmember Elissa Silverman

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13 A BILL
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17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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21 To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer
22 required for public purposes, to clarify that the affordable housing requirements of the act
23 also apply to the closing of alleys.
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25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the “Alleys for Affordable Housing Clarification Amendment Act of 2019”.

27 Sec. 2. An Act Authorizing the sale of certain real estate in the District of Columbia no
28 longer required for public purposes, approved August 5, 1939, (53 Stat. 1211; D.C. Official Code
29 § 10-801), is amended as follows:

30 (a) Section 1 is amended as follows:

31 (1) Subsection (a-3) is amended as follows:

32 (A) Subparagraphs (A) and (B) of paragraph (1) are amended by striking
33 the word “units” and inserting the phrase “gross residential floor area of the development” in its
34 place.

35 (B) Paragraph (4) is amended as follows:

36 (i) Subparagraph (A) is amended by striking the word
37 “requirements,” and inserting the phrase “requirements, or in the case of a street or alley closing,
38 the cost of the required affordable housing would be overly burdensome,” in its place.

39 (ii) Subparagraph (B) is amended by striking the word
40 “disposed,” and inserting the phrase “disposed, or the street or alley to be closed,” in its place.

41 (iii) Subparagraph (C)(i) is amended by striking the word “land,”
42 and inserting the phrase “land, or the street or alley to be closed” in its place.

43 (C) By adding new paragraphs (7) and (8) to read as follows:

44 “(7) The affordable residential floor area required by this subsection shall be proportional
45 to the relationship between the net ground square footage of the real property disposition and the
46 total ground square footage of the development. This proportion shall then be multiplied by the
47 gross residential floor area of the development, which in turn, shall be multiplied by the relevant
48 percentages of required affordable residential floor area described in paragraph (1) of this
49 subsection.

50 “(8) The provisions of this section shall be interpreted in coordination with any other act
51 or restriction pertaining to affordable housing, as follows:

52 “(A) If the provisions of this section impose a smaller affordable housing
53 requirement, whether in terms of square footage or in terms of unit count, than would be imposed
54 pursuant to any such other act or restriction, then the affordable housing required pursuant to this
55 section shall be in addition to the affordable housing otherwise required; and

56 “(B) If the provisions of this section impose a larger affordable housing

57 requirement, whether in terms of square footage or in terms of unit count, than would be imposed
58 pursuant to any such other act or restriction, then the affordable housing required pursuant to
59 such other act or restriction may be included within the affordable housing required pursuant to
60 this section, provided that such included affordable housing complies in all respects with the
61 requirements of this section.”.

62 (2) By adding a new subsection (a-4) to read as follows:

63 “(a-4) If a proposed closing of a street or an alley pursuant to the Street and Alley
64 Closings and Acquisitions Procedures Act of 1982, effective March 10, 2983 (D.C. Law 4-201;
65 D.C. Official Code § 9-201.01 *et seq.*), adds ground square footage to a multifamily residential
66 development, then the affordable housing requirements of subsections (a-3) and (n) of this
67 section shall apply to the development.

68 “(1) This subsection shall only apply:

69 “(A) If the total residential portion of the development consists of 10 or
70 more residential units; and

71 “(B) If the lost net, street or alley ground square footage, net of any
72 accompanying new or reopened street or alley, is 1000 or more square feet.

73 “(2) The of affordable residential floor area required by this subsection shall be
74 proportional to the relationship between the net lost, street or alley ground square footage, and
75 the total ground square footage of the development. This proportion shall then be multiplied by
76 the total of gross residential floor area of the development, which in turn, shall be multiplied by
77 the relevant percentages of required affordable residential floor area described in subsection
78 (a-3)(1) of this section.

79 “(3) Only the requirements of this subsection, and subsections (a-3) and (n) of this
80 section shall apply to a development that invokes this section solely due to closing of a street or
81 an alley pursuant to the Street and Alley Closings and Acquisitions Procedures Act of 1982,
82 effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9 201.01 *et seq.*).

83 “(4) For the purposes of the calculating total net lost, street or alley ground square
84 footage, as described in paragraph (2) of this subsection, a street or alley shall include a
85 privately-owned street or alley that is fully available for the use of the general public.”.

86 (3) Paragraphs (6) and (7) of subsection (b) are amended by striking the phrase
87 “A finding” and inserting the phrase “If applicable, a finding” in its place.

88 (4) Subsection (b-1) is amended as follows:

89 (A) Paragraph (2)(C) is amended by striking the phrase “A description”
90 and inserting the phrase “If applicable, a description” in its place.

91 (B) Paragraph (5)(A)(iii) is amended by striking the phrase “A Certified
92 Business Enterprise” and inserting the phrase “If applicable, a Certified Business Enterprise” in
93 its place.

94 (5) Subsection (n) is amended by adding a new paragraph (1a) to read as follows:

95 “(1a) “Development” means the construction of single or multiple buildings that are part
96 of one development scheme, built at one time or in phases.”.

97 (b) Section 101 is amended to read as follows:

98 “For the purposes of this subchapter, the term “real property” means land titled in the
99 name of the District of Columbia (“District”), or in which the District has a controlling interest,

100 or which is under the jurisdiction of the Mayor, and includes:

101 “(a) All structures of a permanent character erected thereon or affixed thereto;

102 “(b) Any natural resources located thereon or thereunder;

103 “(c) All riparian rights attached thereto;

104 “(d) Any air space located above or below the land; or

105 “(e) Any street or alley under the jurisdiction of the Mayor”.”.

106 Sec. 2. Fiscal impact statement.

107 The Council adopts the fiscal impact statement in the committee report as the fiscal

108 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

109 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

110 Sec. 3. Effective date.

111 This act shall take effect following approval by the Mayor (or in the event of veto by the

112 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

113 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

114 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the

115 District of Columbia Register.