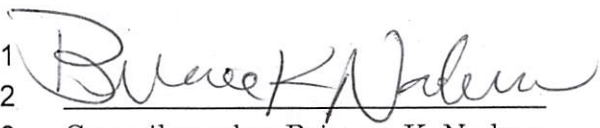
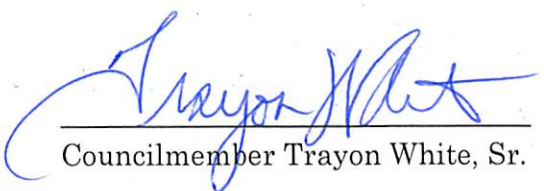
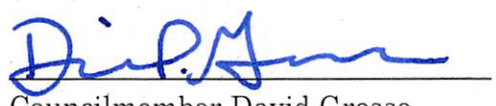


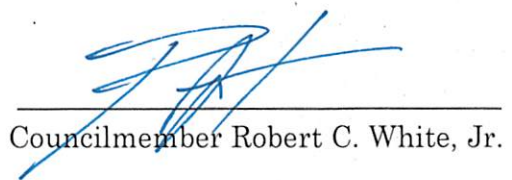
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3 Councilmember Brianne K. Nadeau


Councilmember Trayon White, Sr.

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8 Councilmember David Grosso


Councilmember Robert C. White, Jr.

11 A Bill

14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

17 To establish a Community Land Trust Program to support entities that work towards protecting
18 permanent affordable housing the long-term protection of affordable housing.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the "Affordable Housing Community Land Trust Program Establishment Act
22 of 2019".

23 Sec. 2. Definitions.

24 (a) "Household" means all the persons who occupy a housing unit, whose occupants may
25 be a single family, one person living alone, 2 or more families living together.

26 (b) "Extremely low-income household" means a household income equal to 30% or less
27 of the Median Family Income median income.

28 (c) "Very low-income household" means a household income equal to, or less than, 50%
29 of the Median Family Income and greater than 30% of the Median Family Income.

30 (d) "Low-income household" means a household with an income equal to equal to, or
31 less than, 80% of the Median Family Income and greater than 50% of the Median Family
32 Income.

29 (f) "Moderate-income household" means a household with an income equal to equal to,
30 or less than, 80% of the Median Family Income and greater than 50% of the Median Family
31 Income.

32 (g) "Affordable Housing Community Land Trust (or 'CLT')" means a non-profit or
33 corporation that provides affordable housing to persons living in households ranging between
34 extremely low-income households to moderate-income households through an affordable
35 housing land trust agreement; established with the sole purpose to ensure community
36 stewardship of land, and to provide long-term housing affordability.

37 (h) "Affordable Housing Land Trust Agreement" means an agreement between an
38 affordable housing community land trust and a purchaser of real property owned by the
39 affordable housing land trust, or for which the affordable housing land trust has a proprietary or
40 reversionary interest, that:

41 (1) Grants the affordable housing land trust a preemptive right to purchase or
42 repurchase the property, including any improvements on the property;

43 (2) Contains language restricting the transfer, lease, sublease, assignment, or
44 occupancy of the property regarding:

45 (A) Potential transferees, sublessees, assignees, or occupants; and

46 (B) The price at which the property may be transferred; or

47 (3) Imposes other conditions on the use or transfer of the property that would
48 trigger a reversionary interest and that are designed to ensure that the property remains available
49 and affordable to extremely low and moderate-income families.

50 (j) "First option to purchase" means the right of a CLT to purchase, at a formula-
51 determined price, any improvements, leasehold interests or any other interests of a lessee of
52 property the underlying title of which is vested in the CLT, or which is the subject of restrictive
53 covenants as to continued affordability, which covenants are enforceable by the CLT.

54 (k) "Displacement risk zones" means census tracts showing burgeoning economic
55 expansion and a net decline in low-income population. Including, high concentration of
56 economically declining tracts (neighborhoods) that have experienced decades of strong economic
57 decline and a net increase in low-income population.

58 (l) "Community-based Nonprofit Developer" means a housing developer who qualifies as
59 a nonprofit organization under 26 U.S.C. § 501(c)(3) and is based in the impacted community.

60 (m) "Department" means the District's Department of Housing and Community
61 Development.

62 (n) "Community Representative" means an individual who is a non-fiduciary resident that
63 lives within one mile of the CLT property.

64 Sec. 3. Establishment

65 (a) The Mayor shall establish an Affordable Housing Community Land Trust program
66 to provide funds to support eligible community land trusts (CLT) in preserving the long-term
67 affordability of housing.

68 (b) The Mayor shall establish an Affordable Housing Community Land Trust Fund which
69 can be funded with resources allocated from either the housing production trust fund or the
70 housing preservation fund.

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(c) An eligible CLT's purpose must be to hold legal and equitable title to land, and lease the land to preserve the long-term affordability of housing created for predominantly low-income and moderate-income households, particularly in high displacement risk zones.

(d) The Affordable Housing Community Land Trust Fund shall provide grants to community-led entities and not-for-profit organizations to enhance their capacity to establish CLT's in designated displacement risk zones with targeted assistance to develop Affordable Housing Community Land Trust Agreements. Activities eligible for these grants include:

(1) The land acquisition, holdings, and agreement activities outlined in section 5 of this act;

(2) Assistance for organizing tenant associations, resident councils, community-based organizations and resident-led commissions in Displacement Risk Zones to purchase their apartment buildings under the Tenant Opportunity to Purchase Act of 1980;

(3) Provide technical assistance for CLT boards with CLT's agreements and community development, zoning approvals, construction and financing;

(4) Acquiring consultants to provide assistance in applying for grants and loans that will strengthen the capacity of CLT board and residents within the CLT to manage their property and preserve their homeownership;

(e) The Mayor shall maintain an online list of registered affordable housing land trusts, as mentioned in section 2(d) of the Affordable Housing Community Land Trust Program Establishment Act of 2019 in the District.

93 (f) The Mayor shall award all grants, with input from an independent review panel,
94 subject to the availability of funding, as follows:

95 (1) On a competitive basis; and

96 (2) Grants are limited to a maximum of 3 years with renewal of grants contingent
97 on grant outcomes, unless otherwise specified in the grant.

98 (g) The Mayor shall target all grants exclusively towards the service of District residents
99 in a Displacement Risk Zone;

100 (h) All grants management efforts shall seek to advance equitable development;

101 (i) The Affordable Housing Community Land Trust Fund shall be administered pursuant
102 to the requirements set forth in section 1094 and section 1095 of the Grant Administration Act of
103 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code 1-328.13 and 1-
104 328.14).

105 Sec. 4. Eligible Community Land Trust Structure

106 (c) An eligible CLT board of directors shall be composed of members from three groups
107 as follows:

108 (1) One third of the board shall include the building's occupants;

109 (2) One third of the board shall include community representatives;

110 (3) One third of the board shall consists of public officials, District government
111 stakeholders, local funders, or other individuals presumed to speak for the public interest;

112 permitted members include:

113 (i) Personnel from a community-based non-profit organization in
114 the community;

115 (ii) A local religious leader in the community;

116 (iii) Advisory members from the Housing Production Trust Fund
117 or Preservation Fund; and

118 (iv) Advisory Neighborhood Commissioners.

119 (d) An eligible CLT must give each group mentioned in section 3(c) of the Affordable
120 Housing Community Land Trust Program Establishment Act of 2019 an equal number of seats
121 on the board of the directors.

122 (e) Each eligible CLT shall register its creation with the Mayor on a form prescribed by
123 the Mayor.

124 (1) The form shall include updates relating to its organization, tax status, address,
125 officers, and any other information as required by the Mayor.

126 (f) The land trust shall develop units affordable to households not to exceed 50% of
127 Median Family Income.

128 (g) The land trust shall include a community benefits agreement, delineating a
129 commitment of the CLT entity to provide tangible and quantifiable benefits that address critical
130 needs of the neighborhood/community.

131 Sec. 5. Land Acquisition, Holdings and Agreement.

132 (a) In accordance with this subsection, an eligible affordable housing land trust may:

133 (1) Acquire residential real property;

134 (2) Acquire an interest in property for the construction of residential real property;

135 (3) Make improvements on residential real property;

136 (4) Enter into affordable housing land trust agreements with persons who meet the
137 criteria set out in this subtitle and any other criteria as established in the affordable housing land
138 trust agreement for the transfer of an interest in residential real property; and

139 (5) engage in other activities related to the sale, leasing, management,
140 maintenance, and preservation of properties under the control of the affordable housing land
141 trust.

142 (b) An Affordable Housing Land Trust Agreement may:

143 (1) Restrict the transfer, lease, sublease, or assignment of possession or of any
144 interest in the property to a person who does not meet the conditions set forth in the affordable
145 housing land trust agreement for that property;

146 (2) Grant the affordable housing land trust the right to repurchase any interest in
147 the property and any improvements on the property under terms set forth in the affordable
148 housing land trust agreement and in accordance with the requirements of this section

149 (3) Grant the affordable housing land trust the right to take possession of the
150 property and sell the property if a condition defined in the agreement is met and in accordance
151 with the requirements of sections

152 (4) Provide for the reversion of the property at the end of the term of the
153 affordable housing land trust agreement under conditions set forth in the agreement;

154 (5) Provide a mechanism or formula for the sharing of any proceeds from a future
155 sale or transfer of an interest in the property under terms set forth in the agreement; and

156 (6) Provide other mechanisms to enforce the terms of the affordable housing land
157 trust agreement.

158 (c) An affordable housing land trust agreement may not:

159 (1) Extend for a term longer than 99 years; and

160 (2) Be renewed under the conditions set forth in the agreement.

161 (d) An affordable housing land trust agreement shall be in writing and clearly identify
162 each term and condition.

163 (e) A copy of an Affordable Housing Land Trust Agreement shall be provided to the
164 purchaser of any property covered by the agreement at least 15 days before the purchaser enters
165 into a contract acquiring an interest in or possession of any property covered by the agreement.

166 (1) If a copy of the affordable housing land trust agreement is not provided as
167 required under this subsection, a contract entered into by a purchaser of any property can be
168 voided by the purchaser.

169 (2) Failure to provide a copy of the affordable housing land trust agreement as
170 required under this subsection is cause for the rescission of any transaction involving the transfer
171 of any interest in the property by the purchaser.

172 (g) A copy of the affordable housing land trust agreement and a signed, notarized
173 affidavit acknowledging receipt of the affordable housing land trust agreement by the transferee
174 shall be:

175 (1) recorded in the land records of the county in which the property is located;

176 (2) indexed in the grantor and grantee indices with the seller as grantor and the
177 purchaser as grantee.

178 (h) Recordation of a copy of the affordable housing land trust agreement and the
179 affidavit:

180 (1) Terminates the right of rescission; and

181 (2) Provides a conclusive presumption that a contract of sale was not rescinded.

182 (i) the terms of an affordable housing land trust agreement may be modified or changed
183 only with the written consent of all the parties.

184 Sec. 6. Reporting Requirements.

185 (a) Beginning one year after disbursement of funds to the grant making entity, the entity
186 shall submit an annual report to the Mayor and the Council of District funds allocated, which
187 includes:

188 (1) Detailed subgrantee data;

189 (2) Performance measures and performance outcomes under each grant including
190 metrics related to equity and inclusion across its programmatic work and operations;

191 (3) The specific services provided under each grant;

192 (4) The entity providing the services, if one other than the subgrantee;

193 (5) The time of delivery of the services;

194 (6) The type and geographic location of service provided;

195 (7) The actual amount paid for the series; and

196 (8) The amount of other expenditures under the grant, if any.

197 Sec. 7. Fiscal impact statement.

198 (a) The Council adopts the fiscal impact statement in the committee report as the
199 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

200 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
201 206.02(c)(3)).

202 Sec. 8. Effective date

203 (a) This act shall take effect following approval by the Mayor (or in the event of
204 veto by the Mayor, action by the Council to override the veto), a 60-day period of
205 Congressional review as provided in section 602(c)(2) of the District of Columbia Home
206 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
207 206.02(c)(2)), and publication in the District of Columbia Register.