



1 


2 Councilmember Elissa Silverman



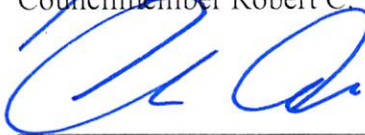
Councilmember Brianne K. Nadeau

3 

4 Councilmember Robert C. White, Jr.



Councilmember Trayon White, Sr.

5 

6 Councilmember Charles Allen



Councilmember David Grosso

7 

8 Councilmember Mary M. Cheh



Councilmember Brandon T. Todd

9
10
11
12
13
14
15
16
17
18 A BILL

19
20
21
22 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

23
24
25
26
27 To amend the District of Columbia Housing Authority Act of 1999 to require the District of
28 Columbia Housing Authority to submit proposed rules governing replacement units to the
29 Council for a 45-day review period prior to submitting a request to the Mayor for any
30 United States Department of Housing and Urban Development-required letter of support
31 for a proposed demolition and/or disposition application for any parcel of land owned by
32 the District of Columbia Housing Authority, to require the District of Columbia Housing
33 Authority to present to the Mayor and Council and make publicly available an Assisted
34 Housing Relocation, Preplace, and Re-occupancy Plan, and to create an enforcement
35 mechanism whereby a person injured by a violation of this law may institute an
36 injunction, mandamus, or any other appropriate legal action for relief.

37
38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the "Public Housing Preservation and Tenant Protection Amendment Act of
40 2020".

Sec. 2. The District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-201) is amended to read as follows:

(1) Insert new paragraphs (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), and (56) to read as follows:

“(45) “Conversion” or “convert” means, unless otherwise indicated, the act of changing or substantially altering the operation and affordability of all or a part of a federally-assisted housing development, including by disposition, sale, conversion, demolition, or conversion of assistance through Rental Assistance Demonstration, project-basing tenant-based vouchers, or other actions.

“(46) “Covered project” means public housing as defined below.

“(47) “Covered unit” means an apartment or housing unit where public housing subsidy is attached to the unit.

“(48) “Current household” means a lawful household, including each member of the household that occupies a public housing unit in a covered project or occupied such a unit at any time after January 1, 2019.

“(49) “Developer” or “master developer” means any person, company, subsidiary of DCHA, or non-profit entity who develops housing units, but does not include a lender.

“(50) “One-for-one basis” or “replacement” means replacement of any public housing unit lost due to conversion, rehabilitation, redevelopment, new construction, demolition, or disposition, with a comparable public housing unit or a project-based voucher unit with the same number of bedrooms for the maximum term allowable under each federal housing program as prescribed by HUD.

“(51) “Owner” means any person who alone, jointly, or severally with others (a) has legal title to any premises or dwelling units, with or without accompanying actual possession thereof; or (b) has charge, care or control of any premises, dwelling, or dwelling unit as owner or agent of the owner. “Owner” includes the owner, his agent for the purpose of managing, controlling or collecting rents, any other person managing or controlling a building or premises or any part thereof, and any person entitled to the control or direction of the management or disposition of a building or of any part thereof.

“(52) “Public housing” means housing as defined in the United States Housing Act of 1937, as amended (42 U.S.C. § 1437) and its regulatory and administrative authority.

“(53) “Rental Assistance Demonstration” (“RAD”) means the program designed to preserve and improve public housing and certain other multifamily housing through the voluntary conversion of properties with assistance under section 9 of the United States Housing Act of 1937, or the moderate rehabilitation program under section 8(e)(2) of the Act into project-based vouchers or project-based rental assistance.

“(54) “Replacement housing” or “replacement unit” means public housing units, or hard units subsidized with long-term project-based voucher or other ongoing operating subsidy contracts that allows the tenant-portion of the rent to be approximately 30% of the household’s income. It does not mean tenant-based Housing Choice Vouchers, tenant-based Tenant Protection Vouchers, or tenant-based Local Rent Supplement Program vouchers, or affordable housing units that lack an operating subsidy.

“(55) “Tenant protection voucher” means subsidized housing assistance as defined in the United States Housing Act of 1937, as amended (42 U.S.C. § 1437f) and regulated by 24 CFR 982.

87 “(56) “Very low-income” means an individual or family whose gross income does
88 not exceed 30% of the area median income.

89 (b) A new section 26f is added to read as follows:

90 “Sec. 26f. Proposed Demolition and/or Disposition Application Submission
91 Requirements and Enforcement.

92 “(a) Prior to the Authority submitting a request to the Mayor for any HUD required letter
93 of support for a proposed demolition and/or disposition application for any parcel of land owned
94 by the Authority:

95 “(1) The Authority shall submit proposed rules governing replacement units to
96 the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and
97 days of Council recess. During that period, the Council shall approve or disapprove the
98 proposed rules in whole or in part by resolution. Such rules must:

99 “(A) Implement and effectuate DCHA Resolution 16-06, expanding its
100 principles to all Rental Assistance Demonstration (“RAD”) and mixed-finance public housing
101 redevelopments/rehabilitations;

102 “(B) Adopt and incorporate:

103 “(i) Public housing admission and recertification rules outlined in
104 Chapter 61 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 61);

105 “(ii) Public housing transfer policy rules outlined in Chapter 64 of
106 Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 64); and

107 “(iii) Informal hearing procedures rules outlined Chapter 89 of
108 Title 89 of the District of Columbia Municipal Regulations (14 DCMR § 89); and

109 “(C) Expressly include the following:

110 “(i) Ensure that current households shall have a right to return to
111 replacement units. Treat current households returning to replacement units as “transfers” in
112 accordance with the Authority’s public housing transfer policy, which prohibits rescreening;
113 “(ii) Ensure that any resident who is transferred out of a covered
114 unit or given a tenant-based voucher by the Authority as a result of serious housing code
115 violations and/or environmental hazards at that covered unit or covered property in the two years
116 preceding the demolition and/or disposition application submission date for the covered property
117 will also have a right to return regardless of the right to return date established in accordance
118 with this Act;
119 “(iii) Require that the Authority provide Tenant Protection
120 Vouchers to any current household who is transferred out of a covered project by the Authority
121 to another covered project as a result of serious housing code violations and/or environmental
122 hazards in the two years preceding the demolition and/or disposition application submission date
123 for the current household’s original covered project;
124 “(iv) Provide that a resident return priority that outlines the order
125 in which current households will return to a replacement unit will be established for each
126 property in conjunction with current residents prior to relocation from the covered project; and
127 “(v) Require that the Authority and any future owner/ownership
128 entity of a covered project execute a control agreement to which the residents of the covered
129 project are expressly granted third-party beneficiary rights as to tenant selection/admissions and
130 any amendments or changes to the residential lease, whereby the Authority retains exclusive
131 control over maintaining and administering the waiting list for the covered project, and the
132 Authority and the future ownership entity assent and agree to compliance with the Authority’s

133 HCVP Administrative Plan as it pertains to covered projects converted through RAD or another
134 mixed-finance transaction.

135 “(2) For each proposed full or partial demolition and/or disposition application,
136 the Authority shall present to the Mayor and Council and make publicly available an Assisted
137 Housing Relocation, Replacement and Re-occupancy Plan that:

138 “(A) Describes the justification for demolition, along with other
139 supporting documentation and cost analysis, in accordance with 24 CFR § 970 and PIH Notice
140 2018-04 (or any successor notice);

141 “(B) Describes in detail all other options besides demolitions and/or
142 disposition that were considered, including supporting documentation, cost analysis, that an
143 explanation of why the options were not chosen;

144 “(C) Details a specific and feasible relocation plan for current residents of
145 occupied covered units who will have to be temporarily relocated for redevelopment. If vouchers
146 are to be utilized for relocation, the Authority must provide data on household and voucher size
147 and demonstrate how current households will be relocated to currently available covered units
148 within the District;

149 “(D) Demonstrates the feasibility of both on-site relocation and “build
150 first” development by showing the number of vacancies and bedroom size mix at the covered
151 project and the “build first” sites that the Authority considered either on-site or in the immediate
152 area surrounding the original public housing footprint;

153 “(E) Outlines a One-For-One Unit Replacement plan that certifies that
154 such replace units shall:

“(i) Be located on the original footprint of the public housing site
or “build first” sites in the immediate area surrounding the original public housing footprint;

“(ii) Have the same or greater number of bedrooms as the covered
units being replaced and shall include at least the same number of covered units that comply with
Section 504 of the Rehabilitation Act of 1974 (29 U.S.C. § 701 et seq.);

“(iii) Remain public housing or be supported by project-based
vouchers or be supported by an operating subsidy that functions like a project-based voucher for
the maximum allowable term under federal or local law, as applicable;

“(iv) First be offered as replacement housing to the residents
displaced from the covered units that were demolished, lost, or otherwise converted to a use
other than housing for low, very low, and extremely low-income tenants; and

“(F) Identifies sources of available subsidy and financing that are
sufficient to produce and operate the replacement units at the same level of affordability as the
original covered units which are being replaced.

“(3) The Committee on Housing and Neighborhood Revitalization shall set a
public hearing date to receive public comments on each Assisted Housing Relocation,
Replacement and Re-occupancy Plan and its compliance with this Act.

“(4) After such a hearing, the Council shall submit to the Authority and the Mayor
a resolution certifying whether the provisions of this Act have been met for each proposed full or
partial demolition and/or disposition application and providing a recommendation for whether or
not the Mayor should support the agency’s application.

“(5) the Authority shall not submit a request to the Mayor for any HUD required
letter of support for a proposed demolition and/or disposition application for any parcel of land

owned by the Authority unless the requirements of this Act have been met, including submitting a compliant Assisted Housing Relocation, Replacement and Re-occupancy Plan.

“(b)(1) If the Authority fails to comply with this Act, the Council shall submit a statement in opposition to the proposed demolition and/or disposition application to the agency’s Board of Commissioners, the Mayor, and HUD.

“(2) A person who has been injured by a violation of this section, may institute an injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this section. In addition, any resident of a public housing development who brings legal action pursuant to this Act and who is adjudged to be a prevailing party is entitled to attorney’s fees and court costs.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect after 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.