

AN ACT

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To declare surplus and approve the disposition of District-owned real property known as Malcolm X, located at 1351 Alabama Avenue, S.E., and known for taxation and assessment purposes as Lot 0009 in Square 5914, and an interest in a portion of the real property known for tax and assessment purposes as Lot 10 in Square 5914.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Malcolm X Surplus Declaration and Disposition Approval Act of 2022”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Act” means 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 *et seq.*).

(2) “CBE Act” means the Small and Certified Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(4) “Developer” means Congress Park Community Partners, LLC (“Developer”), with a business address of 1227 Good Hope Road, S.E., Suite 107, Washington, DC 20020, a District of Columbia joint venture by and among special purpose entities affiliated with Banneker Communities LLC, with a business address of 1227 Good Hope Road, S.E., Suite 107, Washington, DC 20020; District Development Group, with a business address of 3215 Martin Luther King Jr. Avenue, S.E., Washington, DC 20032; Congress Heights Community Development Corporation, with a business address of 3215 Martin Luther King Jr. Avenue, S.E., Washington, DC 20032; JLDC, LLC, with a business address of 1227 Good Hope Road, S.E., Suite 107 Washington, DC 20020; MDDC, Excel LLC, with a business address of 3158 Westover Drive S.E., Washington, DC 20020; and Malcolm X Community Partners, with a business address of 1227 Good Hope Road, S.E. Washington, DC 20020.

(5) “First Source Agreement” means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-

219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of the construction on the Property.

(6) "Project" means a mixed-use project that will include approximately 180 residential units, 7,500 square feet of daycare space, and 2,000 square feet of retail space, as further described in the term sheet transmitted by the Mayor to the Council with this act.

(7) "Property" means the real property located at a current address of 1351 Alabama Avenue, S.E., and known for taxation and assessment purposes as Lot 0009 in Square 5914.

**Sec. 3. Findings.**

(a) The District of Columbia is the owner of the Property.

(b) The Property consists of approximately 46,170 square feet of land.

(c) The Property is no longer required for public purposes.

(d) The District government and the public will benefit substantially from the disposition of the Property for private development.

(e) The Mayor, through the Office of the Deputy Mayor for Planning and Economic Development, satisfied the public hearing requirement of section 1(b-2) of the Act by holding a virtual public hearing on Wednesday, February 24, 2021, to obtain community comment and suggestions on the proposed use of the property.

(f) The Mayor, through the Office of the Deputy Mayor for Planning and Economic Development, has selected Developer to develop the Property.

(g) The intended development of the Property is a mixed-use project as further described in section 2(6).

(h) The Mayor has proposed that the terms of the disposition of the Property include the requirements that the Developer shall:

(1) Comply with the requirements of section 1(b-3) of the Act by dedicating at least 30% of the residential units in the Project as affordable housing units;

(2) Enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project and shall require at least 20% equity and 20% development participation of Certified Business Enterprises in the Project, in accordance with section 2349a of the CBE Act and section 1(b)(6) of the Act; and

(3) Enter into a First Source Agreement.

(i) The Mayor has proposed that the method of disposition be a ground lease of greater than 15 years, as further described in the executed term sheet and draft land disposition and development agreement documents transmitted by the Mayor to the Council with this act.

(j) The Land Disposition and Development Agreement for the disposition of the Property shall not be inconsistent with the substantive business terms of the transaction transmitted by the Mayor with this act in accordance with section 1(b-2) of the Act, unless revisions to those substantive business terms are approved by the Council.

**Sec. 4. Surplus declaration and disposition approval.**

(a) Notwithstanding any other provision of law, including section 1(a-1)(4) of the Act and section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09) (“School Reform Act of 1995”), the Council determines that the Property is no longer required for public purposes and approves the disposition of the Property.

(b) Notwithstanding any other provision of law, including the Act and section 2209 of the School Reform Act of 1995, the Council declares as surplus and approves the disposition of an interest in a portion of the real property known for tax and assessment purposes as Lot 10 in Square 5914 through the agreement to and execution of a Declaration of No-Build Covenant, the form of which was transmitted by the Mayor to the Council with this act.

(c) The authority of the Mayor to dispose of the Property pursuant to this act shall expire 2 years after the effective date of this act.

**Sec. 5. 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. 6. 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.

---

Chairman  
Council of the District of Columbia

---

Mayor  
District of Columbia