

COUNCIL OF THE DISTRICT OF COLUMBIA  
**COMMITTEE ON GOVERNMENT OPERATIONS AND FACILITIES**  
ROBERT C. WHITE, JR., CHAIR

November 2, 2022

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Today I am pleased to introduce the Common Ground Amendment Act of 2022. This legislation will foster healthy, stable communities by strengthening our commitments to creating more affordable housing and by ensuring that we do not overlook opportunities to offer important services on our existing public lands.

Government-owned land is a valuable resource, and in the District it is very scarce. As of March 2022, our entire local government real estate portfolio added up to less than 6 square miles,<sup>1</sup> including some real estate holdings in Maryland. Sometimes it is in District residents' best interest to hold onto our real property assets and use them to build government facilities such as schools, shelters, libraries, recreation centers, public housing, municipal offices, or transit infrastructure. In other cases, we can meet our residents' needs by turning land over to private parties.

[DC Code § 10-801](#) currently governs the process, first for declaring that real property is “surplus” (no longer needed for public purposes), and then for approving its “disposition” (transfer out of government control). Importantly, subsection 10-801(b-3) states that when we dispose of public real estate for private housing development, certain percentages of units must be “affordable,” that is, set aside for households making 0-30%, 30-50%, or 50-80% of the area median income (AMI).<sup>2</sup>

Since January 2019 I have chaired the Council committees with oversight jurisdiction over the agency responsible for public land management, the Department of General Services, and therefore could evaluate numerous proposed resolutions and bills finding that public lands are no longer required for public purposes so that they can be redeveloped into housing.<sup>3</sup> Many of these follow a consistent pattern: 99-year ground leases; ground-floor commercial space; rent of \$1 per year; and, in exchange, a commitment to offer the income-restricted units legally required under § 10–801(b-3). Sometimes the community gets amenities such as a publicly accessible pocket park or promenade, or additional units that are set aside for roughly median-income residents.

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<sup>1</sup> Department of General Services 2022 performance oversight pre-hearing response 1.

<sup>2</sup> Percentages depend on whether the development is in a major transit corridor and whether units are for rent or sale.

<sup>3</sup> See [PR23-422](#); [PR23-653](#); [PR24-223](#); [B24-466](#); [B24-953](#); [B24-997](#); [B24-1033](#).

Today's bill would help create more truly affordable housing by **increasing the affordability percentages** currently codified at § 10-801(b-3).

The status quo approach is also inadequate to meet the demand for affordable housing units specifically for larger families requiring 3 bedrooms or more. A recent study procured by the Office of the Deputy Mayor for Planning and Economic Development (DMPED) suggested that 8,700 large, lower-income renter households were rent-burdened; 3,800 large renter households were “underhoused,” that is, in smaller units than they needed; and as many as 5,700 additional larger, lower-income households were likely to need housing over the next 26 years.<sup>4</sup> Yet § 10-801 is silent as to unit size.

Today's bill would require that when our public real estate assets are disposed of for housing development, **30% of the housing units must be 3-bedroom or larger units**. Using data from the “36,000 by 2025” housing production dashboard,<sup>5</sup> even if 30% of all affordable housing built and covenanted over the next 7 years (not just 10-801 units) were large units, we would still barely meet our existing need for large affordable units—let alone the projected increase that DMPED's research partners have identified. Today's bill is one step toward closing the gap.

I am also concerned that we may be overlooking important opportunities to meet communities' needs for government amenities using government land. Today's bill seeks to rectify this gap in two main ways. It would direct the Office of Planning to prepare a **detailed written analysis of the need for certain public amenities in a neighborhood** as the very first step in deciding whether public land in that neighborhood is ripe for disposition. And it would establish a new **Office of the Public Lands Ombudsperson** to guide communities, especially those communities with the fewest existing resources for advocacy around community development, as they participate in the community input processes that already exist under § 10-801. Moreover, I have taken this opportunity to substantially rework the substance of § 10-801—which has grown extremely convoluted through various amendments over the last 83 years—into a new statutory title that I hope will be easier for agencies and the public to navigate. And I have made adjustments throughout to give communities information and opportunities necessary to weigh in not just on *how* we will give away government real estate, but *whether* doing so is in their best interest. The authority to declare our real property surplus and to prepare and approve disposition proposals will still rest exclusively with the Mayor and Council.

I am grateful to my colleagues, Councilmembers Anita Bonds, Elissa Silverman, Brianne K. Nadeau, Brooke Pinto, and Janeese Lewis George, for joining this bill as co-introducers. I believe we have set forth a proposal that would meaningfully create more equitable public land development. I look forward to working with the Mayor, land-use experts in her administration, the public, and my Council colleagues to further refine these proposals and advance our shared goals.

Sincerely,



Robert C. White, Jr.  
*Councilmember, At-Large*  
*Chair, Committee on Government Operations and Facilities*  
*Council of the District of Columbia*

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<sup>4</sup> Peter A. Tatian and Leah Hendey, Urban Institute, and Scott Bruton, Coalition for Nonprofit Housing & Economic Development, “An Assessment of the Need for Large Units in the District of Columbia (June 2019), [https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/Formatted FSU Study FINAL 6-24 1.pdf](https://dmped.dc.gov/sites/default/files/dc/sites/dmped/publication/attachments/Formatted_FSU_Study_FINAL_6-24_1.pdf).

<sup>5</sup> <https://open.dc.gov/36000by2025/>.



Councilmember Anita Bonds



Councilmember Robert C. White, Jr.



Councilmember Brianne K. Nadeau



Councilmember Elissa Silverman



Councilmember Janeese Lewis George



Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To recodify certain real property surplus and disposition provisions currently found in An Act Authorizing the sale of certain real estate in the District of Columbia, with modifications to ensure more robust analysis prior to the surplus of District land, to generate more meaningful community engagement in real property surplus and disposition decisions, to bifurcate Council consideration of surplus determinations from disposition proposals, to increase affordable housing requirements in the event of property disposition for housing development, and to reorder and otherwise improve the readability of existing provisions; to establish an Office of the Public Lands Ombudsperson responsible for assisting the public with understanding and participating in public land surplus and disposition procedures; and to make conforming amendments and provide for the orderly discontinuation of the existing procedures established under Act Authorizing the sale of certain real estate in the District of Columbia.

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63 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
64 act may be cited as the “Common Ground Amendment Act of 2022”.

65 TITLE I. REAL PROPERTY SURPLUS AND DISPOSITION PROCEDURES.

66 Sec. 101. Definitions.

67 For the purposes of this title, the term:

68 (1) “Acquirer” means a person to whom the Mayor seeks to dispose or has  
69 disposed of real property pursuant to this title, or an acquirer’s successor in interest in such real  
70 property as applicable.

71 (2) “Affordable” shall have the meaning set forth in section 108(b)(1).

72 (3) “Area median income” means:

73 (A) For a household of 4 persons, the area median income in the  
74 Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the  
75 United States Department of Housing and Urban Development;

76 (B) For a household of 3 persons, 90% of the area median income for a  
77 household of 4 persons;

78 (C) For a household of 2 persons, 80% of the area median income for a  
79 household of 4 persons;

80 (D) For a household of one person, 70% of the area median income for a  
81 household of 4 persons; and

82 (E) For a household of more than 4 persons, the area median income for a  
83 household of 4 persons, increased by 10% of the area median income for a household of 4  
84 persons for each household member exceeding 4 persons.

85 (4) “Chief Equity Officer” means the head of the Office of Racial Equity  
86 appointed pursuant to section 102(b) of the Racial Equity Achieves Results (REACH)  
87 Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-181; D.C. Official Code § 2-  
88 1471.02(b)(1)).

89 (5) “Comprehensive Plan Area Element” means, with respect to real property, the  
90 one or more geographic area chapters of section 3 of the District of Columbia Comprehensive  
91 Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 10-A DCMR § 1500.1 et seq. to 10-  
92 A DCMR § 2500.1 et seq.), or planning elements of similar scope in a more recently adopted  
93 Comprehensive Plan, that fully cover the real property.

94 (6) “Green space” means an area of grass, trees, or other vegetation that is located  
95 on real property and accessible to the public.

96 (7) “Highest and best use” means the reasonably probable and legal use that is  
97 physically possible, appropriately supported, and financially feasible, and that results in the  
98 highest value of real property.

99 (8) “Housing costs” means:

100 (A) In the case of rental units, rent and utilities.

101 (B) In the case of ownership units, mortgage payments, including  
102 principal, interest, and property insurance, taxes, homeowner association, condominium, or  
103 cooperative fees, and utilities.

104 (9) “Key nonpublic uses” means:

- 105 (A) Child care facility development;
- 106 (B) Conveyance to a community land trust;
- 107 (C) Health care facility development;
- 108 (D) Housing development; and
- 109 (E) Nonresidential commercial development.

110 (10) “Key public amenities” include District-owned or -operated:

- 111 (A) Fire stations;
- 112 (B) Municipal offices;
- 113 (C) Parks;
- 114 (D) Police stations;
- 115 (E) Public housing or social housing;
- 116 (F) Public schools;
- 117 (G) Recreation centers;
- 118 (H) Shelters; and
- 119 (I) Transit stations and buildings.

120 (11) “Low-income household” means a household consisting of one or more  
121 persons with a total household income that is more than 30% and less than or equal to 50% of the  
122 area median income.

123 (12) “Moderate-income household” means a household consisting of one or more

124 persons with total household income more than 50% and less than or equal to 80% of the area  
125 median income.

126 (13) “Ombudsperson” shall have the same meaning as provided in section 201(5)  
127 of this act.

128 (14) “Project page” means an online collection of property-specific documents  
129 established pursuant to section 104(a) of this act and maintained according to section 103 of this  
130 act.

131 (15) “Real property” means land titled in the name of the District or in which the  
132 District has a controlling interest and includes all structures of a permanent character erected  
133 thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights  
134 attached thereto, or any air space located above or below the property or any street or alley under  
135 the jurisdiction of the Mayor.

136 (16) “Surplusing agency” means the Office of Planning established pursuant to  
137 Mayor’s Order 83-25, effective January 3, 1983, or a successor agency with similar  
138 responsibilities established after the effective date of this title.

139 (17) “Very low-income household” means a household consisting of one or more  
140 persons with total household income less than or equal to 30% of the area median income.

141 Sec. 102. Authorization and general procedure to dispose of District real property.

142 (a) The requirements of this title shall apply to any disposition of real property owned in  
143 fee simple now or hereafter by the District, including any sale, lease for greater than 15 years  
144 (including options), or exchange, that is signed into effect after October 1, 2025, except for:

145 (1) Real property disposed of pursuant to section 6(c) of the District of Columbia  
146 Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C.

147 Official Code § 6-1005(c));

148 (2) Real property acquired under section 432 of the Abatement and Condemnation  
149 of Nuisance Properties Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law  
150 14-114; D.C. Official Code § 42-3171.02); or

151 (3) Real property acquired by the District or an instrumentality of the District (or  
152 a subsidiary thereof) under D.C. Official Code § 47-1353(a)(3).

153 (b) Before the Mayor may sign into effect a disposition of real property subject to this  
154 title, the following must occur in the order listed:

155 (1) The initial surplus analysis requirements set forth in section 104 are satisfied  
156 by the surplus agency;

157 (2) The public surplus hearing requirements set forth in section 105 are satisfied  
158 by the surplus agency;

159 (3) A surplus resolution finding that the real property is no longer required for any  
160 public purpose is filed by the Mayor and approved by the Council in accordance with section  
161 106;

162 (4) The public disposition hearing requirements set forth in section 107 are  
163 satisfied;

164 (5) The Mayor develops a disposition proposal that satisfies the substantive  
165 requirements of section 108; and

166 (6) A disposition resolution approving the proposed disposition of the real  
167 property is filed by the Mayor and approved by the Council in accordance with section 109.

168 (c) For real property that the Mayor believes, after input from affected communities, to be  
169 no longer needed by the District of Columbia Public Schools, the Mayor shall submit to the



170 Council a report on whether the Mayor intends to dispose of the real property to a public charter  
171 school under An Act Making appropriations for the Departments of Commerce, Justice, and  
172 State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for  
173 other purposes, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09, or  
174 for use by another agency of the District government. The report shall be submitted to the  
175 Council by the Mayor within 90 days of the determination that the real property is no longer  
176 needed by the District of Columbia Public Schools. If the report is not submitted by the Mayor to  
177 the Council within the 90-day period, the Mayor shall dispose of the real property in accordance  
178 with the provisions of this subchapter and shall transmit to the Council the proposed surplus  
179 resolution required by section 106 within 180 days of the Mayor's determination.

180 (d) Nothing in this title shall be interpreted to give any party any additional right of action  
181 against the District government or any private party unless otherwise specified.

182 (e)(1) The Mayor is authorized to execute proper deeds for the conveyance of real estate  
183 sold under the provisions of this subchapter, which shall contain a full description of the land  
184 sold, either by metes and bounds, or otherwise, according to law.

185 (2) The Mayor is authorized to pay the reasonable and necessary expenses of sale  
186 of each parcel of land sold and shall deposit the net proceeds of the sale in the District Treasury.

187 Sec. 103. Online access to surplus and disposition information.

188 (a) The Mayor shall establish and maintain a publicly accessible website regarding real  
189 property surplus and disposition projects, including a project page for each property subject to a  
190 pending surplus or disposition analysis.

191 (b) In addition to project pages, the website shall include general information regarding  
192 District-owned real property, key public amenities, the procedures established by this title, and

193 the Ombudsperson.

194 (c) Each project page shall allow members of the public to submit comments and  
195 questions.

196 (d) Each project page shall allow members of the public to sign up to receive email alerts  
197 regarding events relevant to the project, including any hearings and ANC presentations held  
198 pursuant to this title.

199 Sec. 104. Initial surplus analysis.

200 (a) If the Mayor seeks to determine whether real property is no longer required for public  
201 purposes, then the Mayor shall establish a project page for the real property, and the surplusing  
202 agency shall prepare and post to the project page an initial surplus analysis demonstrating the  
203 anticipated benefits and drawbacks of declaring the real property surplus.

204 (b) The initial surplus analysis shall include at least the following components:

205 (1) A description of the District's current needs for real property;

206 (2) A map showing all key public amenities within ½ mile of the real property;

207 (3) An analysis of how the availability of key public amenities and affordable  
208 housing within ½ mile of the real property compares to their availability across the entire  
209 District, including:

210 (A) The total number of each type of key public amenity within ½ mile of  
211 the real property;

212 (B) An estimate of the number of District residents living within ½ mile of  
213 the real property;

214 (C) Estimates of the ratio of District residents to each type of key public  
215 amenity within ½ mile of the real property and across the entire District;

216 (D) Estimates of the numbers of housing units within ½ mile of the real  
217 property that are affordable for moderate-income, low-income, and very low-income households,  
218 broken down by affordability level, number of bedrooms, and public or private ownership; and

219 (E) Estimates of the ratio District residents to each unit type listed in  
220 subparagraph (D) within ½ mile of the real property and across the entire District;

221 (4) A description of each public use for the real property considered by the  
222 Mayor, including each key public amenity, and an explanation as to why the real property may  
223 not be needed or suited for such use; and

224 (5) The square footage of green space on the real property.

225 Sec. 105. Public surplus hearing.

226 (a) If after preparation and posting of an initial surplus analysis pursuant to section 104  
227 the Mayor believes that the real property may no longer be required for public purposes, then the  
228 surplusing agency shall complete the following steps before holding a public surplus hearing  
229 pursuant to subsection (c):

230 (1) At least 60 days before the hearing, provide written notice to the Advisory  
231 Neighborhood Commission with jurisdiction over the real property and to the Ombudsperson,  
232 and post a notice of the hearing to the project page;

233 (2) At least 30 days before the hearing, post written notice at the real property and  
234 at the nearest public library; and

235 (3) At least 15 days before the hearing, place a notice in the District of Columbia  
236 Register.

237 (b) Where feasible under the circumstances, the surplusing agency shall also publicize the  
238 hearing through additional methods such as placing posters or distributing flyers with

239 information regarding the hearing at food stores, beauty salons, places of worship, or other  
240 community gathering places near the real property.

241 (c) The surplus agency shall hold at least one public surplus hearing to obtain  
242 community input on potential public uses of the real property to inform the Mayor's  
243 determination whether the real property is no longer required for public purposes.

244 (1) The hearing shall be held at an accessible evening or weekend time and in an  
245 accessible location near the real property.

246 (2) At the hearing:

247 (A) The surplus agency shall present an overview of the  
248 Comprehensive Plan Area Element in which the real property is located, the initial surplus  
249 analysis prepared pursuant to section 104, and any comments and questions submitted via the  
250 project page prior to the hearing;

251 (B) The surplus agency shall invite participants to offer comments on  
252 the contemplated determination that the real property is no longer required for public purposes  
253 and shall endeavor to answer participants' questions during the hearing; and

254 (C) The Ombudsperson may offer comments on the proposed surplus  
255 determination.

256 (d) Within 15 days after the hearing, the Mayor shall post to the project page a verbatim  
257 written transcript of the hearing.

258 (e) Within 45 days after the hearing, the Mayor shall prepare, post to the project page,  
259 and transmit to the ANC with jurisdiction over the real property a written transcript of the  
260 hearing that is annotated with any additional responses to comments or questions that the Mayor  
261 wishes to provide.

262 Sec. 106. Surplus resolution.

263 (a) Before filing a proposed surplus resolution pursuant to this section, the Mayor shall  
264 make a reasonable effort to schedule a presentation at a meeting of the ANC with jurisdiction  
265 over the real property regarding the contemplated determination that the real property is no  
266 longer required for public purposes.

267 (b) If after completion of the public surplus hearing procedures required by section 105  
268 the Mayor believes that real property is no longer required for public purposes, then the Mayor  
269 shall submit to the Council a proposed surplus resolution which includes a finding that the real  
270 property is no longer required for public purposes.

271 (c) In the proposed surplus resolution submitted to the Council, the Mayor shall also  
272 provide a description of the real property.

273 (d) The proposed surplus resolution shall be accompanied by:

274 (1) The materials prepared pursuant to section 104(b) and the annotated transcript  
275 prepared pursuant to section 105(e), with any updates that the Mayor wishes to make;

276 (2) A statement from the Chief Equity Officer regarding any anticipated positive  
277 or negative effects of the proposed surplus declaration on racial equity in the District; and

278 (3) A detailed explanation as to why the Mayor believes that the real property is  
279 no longer required for public purposes, and why a determination that the real property is no  
280 longer required for public purposes is in the best interests of the District.

281 (d) The Mayor shall post to the project page any new or updated materials submitted to  
282 the Council pursuant to this section.

283 (e) The proposed resolution shall be submitted to the Council for a 90-day period of  
284 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council

285 does not approve or disapprove the proposed resolution within the 90-day period, the proposed  
286 resolution shall be deemed disapproved.

287         Sec. 107. Public disposition hearing; negotiation of disposition.

288         (a) After the Council has declared that real property is no longer required for public  
289 purposes pursuant to section 106, the Mayor must complete the actions described in subsections  
290 (b) through (f) of this section, in order, before the Mayor may solicit developer proposals or  
291 otherwise proceed to negotiate the disposition of the real property.

292         (b) The Mayor must prepare and post to the project page an initial disposition analysis of  
293 the real property, including at least the following elements:

294                 (1) An assessment of whether the real property is suitable for each key nonpublic  
295 use and whether using the real property for such use would be in the District's best interest, alone  
296 or in combination with other uses; and

297                 (2) A description of any other uses of the real property that the Mayor believes  
298 may be in the District's best interest and the basis for that belief.

299         (c) The Mayor must publicize in advance any public disposition hearing to be held  
300 pursuant to subsection (d), in the same manner as set forth in section 105(a)(1)-(3). Where  
301 feasible under the circumstances, the Mayor must also publicize the hearing as described in  
302 section 105(b).

303         (d) The Mayor must hold at least one public disposition hearing to obtain community  
304 input on potential nonpublic uses of the real property.

305                 (1) The hearing shall be held at an accessible evening or weekend time and in an  
306 accessible location near the real property.

307                 (2) At the hearing:

308 (A) The Mayor shall present an overview of the process to date, including  
309 the Council’s finding that the real property is no longer required for public purposes, the initial  
310 disposition analysis prepared pursuant to paragraph (a), and any comments and questions  
311 submitted via the project page regarding possible nonpublic uses of the real property;

312 (B) The Mayor shall invite participants to offer comments on possible nonpublic  
313 uses of the real property and shall endeavor to answer participants’ questions during the hearing;  
314 and

315 (C) The Ombudsperson may offer comments on the initial disposition analysis.

316 (e) Within 15 days after the hearing, the Mayor must post to the project page a verbatim  
317 written transcript of the hearing.

318 (f) Within 45 days after the hearing, the Mayor must transmit the following to the ANC  
319 with jurisdiction over the real property:

320 (1) A notice that the Mayor is considering pursuing a disposition of the real  
321 property and that the ANC is encouraged to comment on possible nonpublic uses in the best  
322 interest of the District;

323 (2) A written transcript of the hearing that is annotated with any additional  
324 responses to comments or questions that the Mayor wishes to provide; and

325 (3) A description of any specific types of nonpublic use of the real property that  
326 the Mayor is considering at the time of the notice.

327 Sec. 108. Housing affordability and other substantive requirements for dispositions.

328 (a) The Mayor shall attempt to conform real property dispositions to uses with direct  
329 public benefits as described in a specific government plan adopted by the Mayor or Council,  
330 including the Community Development Plan, the Comprehensive Plan, the Strategic

331 Neighborhood Area Plan, or the Comprehensive Housing Strategy Plan.

332 (b)(1) For the purposes of this title, a unit of housing shall be considered affordable for a  
333 moderate-income, low-income, or very low-income household residing in the unit if the  
334 household will pay no more than 30% of its income toward housing costs.

335 (2) If a proposed disposition of real property will result in the development of  
336 multifamily residential property consisting of 10 or more units, the following affordable housing  
337 requirements shall apply:

338 (A) If the units are located in the following areas, at least 35% of the units  
339 shall be dedicated as affordable housing at the levels specified in subparagraph (C):

340 (i) Within ½ mile of a Metrorail station that is in operation or for  
341 which a construction contract has been awarded on or before the date of the disposition; or

342 (ii) Within ¼ mile of a Priority Corridor Network Metrobus Route,  
343 as designated by the Washington Area Metropolitan Transit Authority, located entirely or  
344 partially within the District of Columbia.

345 (B) If the multifamily units are located outside of the areas described in  
346 paragraph (1), at least 25% of the units shall be dedicated as affordable housing at the levels  
347 specified in subparagraph (C).

348 (C) The units dedicated as affordable housing pursuant to subparagraphs  
349 (A) and (B) shall be made available at the following affordability levels:

350 (i) In the case of rental units, at least 25% of the units shall be  
351 affordable for very low-income household, and the remainder of such units shall be affordable  
352 for low-income households; and

353 (ii) In the case of ownership units, 50% of the units shall be



354 affordable for low-income household, and 50% of the units shall be affordable for moderate-  
355 income households.

356 (D) Of the units dedicated as affordable housing pursuant to this  
357 subsection, at least 30% in each affordability category shall have 3 or more bedrooms each.

358 (3) The units dedicated as affordable housing pursuant to paragraph (2) shall  
359 remain affordable-housing units for the life of the ground lease if the land disposition is by  
360 ground lease, or shall remain affordable-housing units in perpetuity, secured by a covenant  
361 running with the land that may be extinguished at the sole discretion of the District.

362 (4) The purchase price for the second and subsequent sales of the units dedicated  
363 as affordable housing described in paragraph (2) shall be determined by a formula established by  
364 the Mayor.

365 (5) The Mayor shall take into account the affordable-housing requirements of this  
366 subsection when establishing the terms and conditions under which real property is to be  
367 disposed; provided, that the Mayor may provide subsidies to a developer, as necessary, to ensure  
368 that the affordable-housing requirements imposed by this subsection are met.

369 (6) The Mayor may waive the affordable housing requirements of paragraph (2)  
370 if:

371 (A) The appraised value of the property to be disposed of is insufficient to  
372 support the affordable-housing requirements, taking into account all other available sources of  
373 public funding for affordable housing, whether provided by the District of Columbia or the  
374 federal government;

375 (B) The terms and conditions under which the real property is to be  
376 disposed of satisfy the affordable-housing requirements to the maximum extent possible; and

377 (C) The Chief Financial Officer has provided to the Mayor a financial  
378 analysis that shall consist of:

379 (i) A review and analysis of the financial condition of disposed-of  
380 land; and

381 (ii) An advisory opinion stating whether or not it is likely that the  
382 developer reasonably could be expected to satisfy the affordable-housing requirements set forth  
383 in paragraph (2).

384 (7) The Mayor may waive the affordable housing requirements of paragraph (2) if  
385 the District-owned real property is less than 5,000 square feet, even though the property may be  
386 consolidated with a private development of multifamily housing consisting of 10 or more units.

387 (c) In the case of any real property to be disposed of under this title through a request for  
388 proposals or competitive sealed proposals, the Mayor shall include economic factors, including  
389 revenues, fees, and other payments to the District, as one of the criteria to evaluate the request  
390 for proposals or competitive sealed proposals.

391 (d) In the case of any real property to be disposed of under this title through a negotiated  
392 sale, the Mayor shall incorporate into the terms of the disposition the right of the District to  
393 reacquire the property at the price originally conveyed plus any amounts secured by the property  
394 that have been approved by the Mayor, if the property is no longer used for the authorized  
395 purpose. For property located within the corporate boundaries of the District, if the District does  
396 not exercise its reacquisition option, the owner in fee simple shall be entitled to use the property  
397 or sell, convey, or otherwise dispose of the property for use in a manner that is consistent with  
398 the designation of the real property on the Generalized Land Use Maps adopted pursuant to  
399 section 7 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984

400 (D.C. Law 5-76; D.C. Official Code § 1-306.02) and with applicable zoning requirements  
401 adopted pursuant to section 1 of An Act Providing for the zoning of the District of Columbia and  
402 the regulation of the location, height, bulk, and uses of buildings and other structures and of the  
403 uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat.  
404 797; D.C. Official Code § 6-641.01).

405 (e) Each acquirer must enter into an agreement that shall require the acquirer to, at a  
406 minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar  
407 volume of the project, and shall require at least 20% equity and 20% development participation  
408 of Certified Business Enterprises;

409 (f) Each acquirer must enter into a First Source Agreement with the District that shall  
410 govern certain obligations of the acquirer pursuant to section 4 of the First Source Employment  
411 Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-  
412 219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment  
413 generated as a result of the construction on the Property.

414 (g) When soliciting or negotiating with prospective acquirers, the Mayor shall encourage  
415 communication and the negotiation of community benefit agreements with ANCs, including the  
416 ANC with jurisdiction over the real property, to the extent feasible under the circumstances and  
417 consistent with the best interest of the District.

418 Sec. 109. Disposition resolution.

419 (a) Before filing a proposed disposition resolution pursuant to subsection (b), the Mayor  
420 shall make reasonable efforts to schedule a presentation at a meeting of the ANC with  
421 jurisdiction over the real property regarding the Mayor's intended disposition of the real  
422 property.

423 (b) If the Mayor seeks to dispose of real property that the Council has declared no longer  
424 required for public purposes pursuant to section 106 and regarding which the Mayor has  
425 completed the procedures set forth in section 107, the Mayor shall submit to the Council a  
426 proposed disposition resolution that contains the following:

427 (1) The name and business address of the acquirer, and, if the acquirer is a joint  
428 venture or partnership, the names and business addresses of all persons constituting the acquirer;

429 (2) A description of the real property;

430 (3) A description of the intended use of the real property;

431 (4) The proposed method of disposition, which may be one of the following:

432 (A) A public or private sale to the highest bidder;

433 (B) A negotiated sale to a for-profit or nonprofit entity for specifically  
434 designated purposes;

435 (C) A lease for a period of greater than 15 years;

436 (D) A combination sale/leaseback for specifically designated purposes;

437 (E) An exchange of interests in real property; or

438 (F) A public or private sale to the bidder providing the most benefit to the  
439 District;

440 (5) To the extent applicable, a finding that the acquirer will comply with the  
441 affordable housing requirements set forth in section 108(b)(2), or that such affordable housing  
442 requirements are waived pursuant to section 108(b)(6) or 108(b)(7);

443 (6) A finding that the acquirer will comply with the Certified Business Enterprise  
444 requirements of section 108(e) and the First Source requirements of section 108(f); and

445 (7) Where applicable, the following statement:

446 “The Land Disposition Agreement for the disposition of the real property shall not be  
447 inconsistent with the substantive business terms of the transaction submitted by the  
448 Mayor with this resolution in accordance with section 109(c)(2) of the Common Ground  
449 Amendment Act of 2022, D.C. Official Code §\_\_, unless revisions to those substantive  
450 business terms are approved by the Council.”

451 (c) The Mayor shall submit all of the following materials to the Council along with the  
452 proposed disposition resolution filed pursuant to subsection (b), and shall promptly transmit all  
453 of the following materials to the Ombudsperson and the ANC with jurisdiction over the real  
454 property and post the materials to the project page:

455 (1) An analysis prepared by the Mayor of the economic factors that were  
456 considered in proposing the disposition of the real property, including:

457 (A) The chosen method of disposition, and how competition was  
458 maximized;

459 (B) The manner in which economic factors were weighted and evaluated,  
460 including estimates of the monetary benefits and costs to the District that will result from the  
461 disposition. The benefits shall include revenues, fees, and other payments to the District, as well  
462 as the creation of jobs;

463 (C) A description of all disposition methods considered and an  
464 accompanying narrative for the proposed disposition method that contains comparisons to the  
465 other methods and shows why the proposed method was more beneficial for the District than the  
466 others in the areas of return on investment, subsidies required, revenues paid to the District, and  
467 any other relevant category, or why it is being proposed despite it being less beneficial to the  
468 District in any of the measured categories; and

469 (D) A pre-disposition economic impact statement in the form of a  
470 quantitative analysis that estimates the economic benefits, including revenues, tax receipts, and  
471 job creation, that will result from the disposition, including the anticipated benefits of any  
472 development project to be undertaken at the property and any offsite property, including direct,  
473 indirect, or induced outcomes;

474 (2) An executed term sheet or memorandum of understanding between the  
475 District and the acquirer that includes:

476 (A) A description of the substantive business terms of the transaction;

477 (B) A description of the method of disposition;

478 (C) A description of the Certified Business Enterprise requirements  
479 pursuant to section 108(e) and First Source requirements pursuant to section 108(f);

480 (D) A description of applicable green building requirements;

481 (E) A description of the schedule of performance;

482 (F) A description of any applicable affordable housing requirements  
483 pursuant to section 108(b) and the District's remedies in the event of noncompliance with such  
484 requirements; and

485 (G) Any other terms that the Mayor finds to be in the best interest of the  
486 District.

487 (3)(A) An appraisal report of the value of the property prepared by an  
488 independent licensed appraiser, performed no earlier than 5 months before the transmission of  
489 the proposed resolution to the Council, analyzing both the highest and best use value of the  
490 property and the value of the property under the development proposed pursuant to the  
491 disposition; and

492 (B) An explanation of the difference, if any, between the appraised value  
493 determined pursuant to subparagraph (A) and the purchase or lease price to be paid pursuant to  
494 the disposition;

495 (4) An itemization, together with an explanation, of any government assistance to  
496 be received, or contemplated to be received, by the acquirer under the proposed disposition,  
497 including any discount on the price or rent, grants, loans, tax credits, tax abatements, tax  
498 increment financing, affordable housing subsidies, land exchange, and negotiated contributions;

499 (5) For real property to be disposed of for purposes of development and requiring  
500 government assistance, the following additional items:

501 (A) A Land Disposition Agreement between the District and the acquirer;

502 (B) Any community benefits agreement between the acquirer and the  
503 relevant community; and

504 (C) A Certified Business Enterprise Agreement pursuant to subpart 2 of  
505 Part D of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance  
506 Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et*  
507 *seq.*);

508 (6) A statement from the Chief Equity Officer regarding any anticipated positive  
509 or negative effects of the proposed disposition on racial equity in the District; and

510 (7) If applicable, a copy of the Chief Financial Officer's analysis prepared  
511 pursuant to section 108(b)(6)(C).

512 (d) Any documents provided pursuant to subsection (c)(5) shall be transmitted in the  
513 most current form available at the time of transmission, and if such documents are revised prior  
514 to the Council's adoption of the disposition resolution, the Mayor shall promptly transmit the

515 revised documents to the Council, Ombudsperson, and ANC with jurisdiction over the real  
516 property and post the revised documents to the project page. Such documents shall be consistent  
517 with the proposed disposition resolution and shall contain language to that effect.

518 (e) If the Council does not adopt or reject a proposed disposition resolution submitted  
519 pursuant to subsection (b) within 90 days, excluding Saturdays, Sundays, legal holidays, and  
520 days of Council recess, then the proposed resolution shall be deemed disapproved.

521 (f) If the Council adopts a resolution submitted pursuant to subsection (b), the approval  
522 shall expire 2 years after the effective date of such resolution. If the Mayor determines  
523 subsequent to Council approval that the real property cannot be disposed of within the 2-year  
524 period, the Mayor may submit to the Council a resolution to extend the time for the disposition  
525 of the property, and shall include with the transmittal a detailed status report on efforts made  
526 toward disposition of the property as well as the reasons for the inability to dispose of the  
527 property within the 2-year period. The resolution may extend the time for any specified period up  
528 to 2 years. If the Council does not take action to approve or disapprove the extension resolution  
529 within 45 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or  
530 days of Council recess, then the extension resolution shall be deemed disapproved.

531 (g) If the Council adopts a resolution submitted pursuant to subsection (b) and a  
532 subsequent, substantive change is made to the business terms of the transaction described in the  
533 term sheet or memorandum of understanding submitted with the resolution pursuant to  
534 subsection (c)(2), then the Mayor shall transmit to the Council a proposed resolution describing  
535 the change and accompanied by the amended documents in redline format. If the Council does  
536 not approve or disapprove the proposed amendments to the documents, in whole or in part, by  
537 resolution within 45 days, excluding Saturdays, Sundays, legal holidays, and days of Council



538 recess, then the proposed amendments shall be deemed approved.

539 Sec. 110. Reports.

540 (a) The Mayor shall submit to the Council a semiannual report explaining the status of  
541 each disposition approved by the Council during the previous 2 years, including a schedule for  
542 project completion of each disposition, an explanation of impediments, if any, to completion of  
543 the project, and a description of the steps that are being taken to resolve them.

544 (b) Within 180 days after March 16, 2021, and on an annual basis thereafter, the  
545 Department of General Services shall transmit to the Council a report on green space in the  
546 District, which shall include:

547 (1) The total square footage of green space owned by the District, broken down  
548 by ward and by the District agency that owns the real property;

549 (2) The square footage of green space that the District gained or lost over the  
550 preceding year, broken down by ward and by the District agency that owns the real property; and

551 (3) A summary of measures taken over the preceding year to increase access to  
552 green space for District residents.

553 TITLE II. PUBLIC LANDS OMBUDSPERSON.

554 Sec. 201. Definitions.

555 (a) For the purposes of this title, the term:

556 (1) “Agency” means any office, department, division, board, commission, or  
557 agency of the government of the District, including independent agencies, but does not include:

558 (A) The District of Columbia Courts, as that term is defined in section  
559 103(13) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777;  
560 D.C. Official Code § 1-201.03(13));

561 (B) The Council;

562 (C) Any instrumentality formed pursuant to an interstate compact; or

563 (D) The Office of the Inspector General;

564 (2) “ANC” means Advisory Neighborhood Commission.

565 (3) “Surplus and Disposition Law” means title I of this act.

566 (4) “Office” means the Office of the Public Lands Ombudsperson.

567 (5) “Ombudsperson” means the administrator of the Office.

568 (6) “Record” means any record, document, book, paper, file, photograph,

569 microfilm, sound recording, video recording, magnetic storage media, computer data, or other

570 material, regardless of physical form or characteristics, created, generated, recorded, received,

571 possessed, controlled, accessible, or auditable by an agency.

572 (b) For the purposes of this title, the terms “key public amenity,” “project page,” and

573 “surplusing agency” shall have the same meanings as provided in section 101 of the Disposition

574 Law.

575 Sec. 202. Office of the Public Lands Ombudsperson; establishment; term.

576 (a) There is established for the District of Columbia the Office of the Public Lands

577 Ombudsperson, which shall be an impartial office responsible to the Council and tasked with

578 assisting the public in securing informed and appropriate uses of lands owned by the District of

579 Columbia.

580 (b) The Office shall be headed by the Public Lands Ombudsperson, who shall be

581 appointed by the Chairman of the Council in consultation with the chairs of the committees of

582 the Council with jurisdiction over the surplusing agency and the Department of Housing and

583 Community Development, subject to the approval of a majority of the Council by resolution.

584 (c)(1) The Ombudsperson shall serve for a term of 5 years and may be reappointed.

585 (2) The Ombudsperson shall be paid at a rate of compensation as may be  
586 established from time to time by the Council.

587 (3) The Ombudsperson may be removed during a term of office only for cause by  
588 a majority of the Council and shall receive 2-weeks' notice of removal.

589 (d) The Ombudsperson shall serve as the personnel authority for the Office and shall have  
590 such staff as is appropriated in an approved budget, to whom the Ombudsperson may delegate  
591 duties at their discretion. The Ombudsperson and all employees of the Office shall be appointed  
592 in the Excepted Service pursuant to Title IX of the District of Columbia Government  
593 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.  
594 Official Code 1-609.01 *et seq.*).

595 (e) The Ombudsperson shall have exclusive authority to administer the Office's budget.  
596 Sec. 203. Qualifications.

597 (a) The Ombudsperson shall:

598 (1) Be a person of recognized judgment, objectivity, and integrity, and qualified  
599 by training or experience to analyze problems of law, administration, and public policy;

600 (2) Possess significant experience in the field of community organizing, urban  
601 planning, or racial justice advocacy; and

602 3) Have management experience that demonstrates an ability to hire and supervise  
603 qualified staff.

604 (b) The Ombudsperson shall not:

605 (1) Participate in partisan political activities;

606 (2) Be a candidate for or hold any other elective or appointive government office;

607 or

608 (3) Engage in any other occupation, business, or profession that may detract from  
609 the performance of the Ombudsperson's duties or result in a conflict of interest or an appearance  
610 of impropriety or partiality with the duties of the Ombudsperson,

611 Sec. 204. Duties.

612 (a) The Ombudsperson shall:

613 (1) Meet no less than annually with the principal agency or agencies responsible  
614 for the operation of each type of key public amenity to understand each agency's anticipated real  
615 property needs for key public amenities.

616 (2) Develop expertise in District residents' and agencies' various concerns and  
617 priorities regarding public property use and the development of key public amenities, including  
618 by monitoring agencies' and the Council's land use and facilities planning processes and public  
619 participation therein.

620 (3) Attend public surplus hearings, public disposition hearings and ANC  
621 presentations held pursuant to the Surplus and Disposition Law.

622 (4) Review materials posted to project pages and prepare written comments where  
623 the Office believes that such comments would be helpful to the public.

624 (5) Develop and maintain guidance materials for a variety of audiences and  
625 regarding the Surplus and Disposition Law, community benefit agreements, and other matters  
626 relevant to the Office's mission.

627 (6) Create and maintain a website for the Office that, at a minimum:

628 (A) Contains summaries of anticipated District government real property  
629 needs, including information on agencies' forecasted real property needs for key public

630 amenities obtained pursuant to paragraph (1); and

631 (B) Allows for the submission of requests for the Ombudsperson's  
632 assistance, including assistance pursuant to paragraphs (7) and (8) of this subsection and such  
633 other related assistance as the Ombudsperson sees fit to offer.

634 (7) Assist members of the public with questions regarding real property surplus  
635 and disposition.

636 (8) Provide guidance to ANCs and other community representatives regarding  
637 best practices for developing equitable and enforceable community benefit agreements.

638 (9) Advise Councilmembers and staff on real property surplus and disposition  
639 decisions, with a focus on identifying relevant community-level and District-wide goals and  
640 plans.

641 (b) In performing their duties, the Ombudsperson shall endeavor to prioritize the needs of  
642 lower-income communities, communities at risk of displacement from the District, and  
643 communities that lack professional representation or other relevant assistance.

644 Sec. 205. Powers.

645 (a) Notwithstanding any other provision of law, the Ombudsperson may:

646 (1) Access, examine, and copy, without payment of a fee, any agency record that  
647 is required for the discharge of the Ombudsperson's duties; and

648 (2) Make inquiries and obtain assistance and information from an agency that is  
649 required for the discharge of the Ombudsperson's duties, including agency participation in the  
650 meetings required by section 204(1).

651 (b) The Ombudsperson shall not:

652 (1) Take any personnel action, except regarding the employees of the Office; or

653 (2) Provide legal advice or legal representation.

654 Sec. 206. Reporting.

655 (a) The Ombudsperson may at any time report the Office’s activities to the Council or  
656 any of its committees, the Mayor, the Office of the Inspector General, any relevant agency, or the  
657 public.

658 (b) Each year, no later than January 31, the Ombudsperson shall provide an annual report  
659 to the Council, which shall contain the following information based on the work and  
660 observations of the Office during the prior fiscal year:

661 (1) A list of real property surplus or disposition matters on which the Office  
662 provided assistance;

663 (2) A summary of the types of assistance that the Office provided in connection  
664 with each matter;

665 (3) A description of the main users of the Office’s services in connection with  
666 each matter, including an estimate of the number of individuals assisted; and

667 (4) Any policy recommendations, including recommended legislation,  
668 regulations, or best practices to improve transparency and accountability in public land use  
669 planning; reduce displacement of working-class and lower-income households and people of  
670 color; and ensure equitable distribution of key public amenities.

671 Sec. 207. Budgeting.

672 Beginning in Fiscal Year 2024, the Chief Financial Officer shall assign an individual  
673 agency-level code for the Office in the District’s financial system.

674 TITLE III. TRANSITIONAL AND CONFORMING AMENDMENTS.

675 Sec. 301. Conforming amendments to existing surplus and disposition procedures.

676 An Act Authorizing the sale of certain real estate in the District of Columbia, approved  
677 August 5, 1939 (53 Stat. 1222; D.C. Official Code §§ 10-801 *et seq.*), is amended as follows:

678 (1) Section 1(a) (D.C. Official Code § 10-801(a)) is amended as follows:

679 (A) Paragraph (1) is amended to read as follows:

680 “(a)(1) Prior to the applicability date of the Common Ground Amendment Act of  
681 2022, effective \_\_\_ (Bill 24-\_\_\_; D.C. Official Code §§ \_\_\_ *et seq.*), the Mayor is authorized and  
682 empowered, in their discretion, for the best interests of the District of Columbia, and with the  
683 approval of the Council by resolution pursuant to this section, to sell, convey, lease (inclusive of  
684 options) for a period of greater than 15 years, exchange, or otherwise dispose of real property, in  
685 whole or in part, now or hereafter owned in fee simple by the District, whether purchased with  
686 appropriated, grant, or other funds, the proceeds of general obligation bonds or tax revenue  
687 anticipation notes issued by the District government, or United States Treasury Notes, or  
688 obtained by any other means including exchange, condemnation, eminent domain, gift,  
689 dedication, donation, devise or assignment, for municipal, community development, or other  
690 public purpose, which the Council finds to be no longer required for public purposes by  
691 resolution pursuant to this section; provided, that this section shall not apply to real property  
692 disposed of pursuant to section 6(c) of the District of Columbia Community Development Act of  
693 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1005(c)). After the  
694 applicability date of the Common Ground Amendment Act of 2022, effective \_\_\_ (Bill 24-\_\_\_;  
695 D.C. Official Code §§ \_\_\_ *et seq.*), title I of that act shall govern real property dispositions.”.

696 (B) Paragraphs (3) and (4) are repealed.

697 (2) Section 1b (D.C. Official Code § 10-801.01) is repealed.

698 Sec. 303. Conforming amendments regarding racial equity analyses.

699 Section 102(c) of the Racial Equity Achieves Results (REACH) Amendment Act of  
700 2020, effective March 16, 2021 (D.C. Law 23-181; D.C. Official Code § 2-1471.02(b)(1)) is  
701 amended as follows:

702 (1) Paragraph (7) is amended by striking the phrase “; and” and inserting a  
703 semicolon in its place.

704 (2) Paragraph (8)(C) is amended by striking the period and inserting the phrase “;  
705 and” in its place.

706 (3) A new paragraph (9) is added to read as follows:

707 “(9) Prepare statements regarding proposed real property surplus and disposition  
708 resolutions for submission to the Council by the Chief Equity Officer pursuant to sections  
709 106(d)(2) and 109(c)(6) of the Common Ground Amendment Act of 2022, effective \_\_ (B24-  
710 \_\_\_\_).”.

711 Sec. 302. Conforming amendments to cross-references.

712 (a) D.C. Official Code § 16-1332(a) is amended by striking the phrase “in accordance  
713 with section 10-801,” and inserting the phrase “in accordance with section 10-801 or title I of the  
714 Common Ground Amendment Act of 2022,” in its place.

715 (b) Section 2(c) of the Southwest Waterfront Redevelopment Clarification Act of 2010,  
716 effective April 8, 2011 (D.C. Law 18-359; D.C. Official Code § 2-1217.151(c)) is amended to  
717 read as follows:

718 “(c) All future amendments to the Land Disposition Agreement shall be submitted to the  
719 Council for approval in accordance with the procedures set forth in section 109(g) of the  
720 Common Ground Amendment Act of 2022, effective \_\_\_\_ (Bill 24-\_\_\_\_; D.C. Official Code  
721 § \_\_\_\_).”.



722 (c) Chapter 283 of An Act To permit the exchange of land belonging to the District of  
723 Columbia for land belonging to the abutting property owner or owners, and for other purposes,  
724 approved August 1, 1951 (65 Stat. 150; D.C. Official Code § 10-901), is amended to read as  
725 follows:

726 “Where 2 lots or parcels of land abut each other and 1 of such lots or parcels belongs to  
727 the District of Columbia, the Council of the District of Columbia, in accordance with title I of the  
728 Common Ground Amendment Act of 2022, effective \_\_\_ (Bill 24-\_\_\_, D.C. Official Code §§  
729 \_\_\_ *et seq.*), is hereby authorized and empowered, when in its judgment and discretion it is for  
730 the best interest of the District of Columbia, to exchange such District-owned land, or part  
731 thereof, for the abutting lot or parcel of land, or part thereof.”.

732 (d) The Small, Local, and Disadvantaged Business Development and Assistance Act of  
733 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code§ 2-218.01 *et seq.*), is  
734 amended as follows:

735 (1) Section 2302(9)(F) (D.C. Official Code§ 2-218.02(9)(F)) is amended to read  
736 as follows:

737 “(F) A development project conducted pursuant to a disposition under  
738 section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no  
739 longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code  
740 § 10-801) or title I of the Common Ground Amendment Act of 2022, effective \_\_\_ (Bill 24-\_\_\_;  
741 D.C. Official Code § \_\_\_).”.

742 (2) Section 2349a(a)(1) (D.C. Official Code § 2–218.49a(a)(1)) is amended by  
743 striking the phrase “small investors” and inserting the phrase “or title I of the Common Ground  
744 Amendment Act of 2022, effective \_\_\_ (Bill 24-\_\_\_; D.C. Official Code §§ \_\_\_ *et seq.*), small

745 investors” in its place.

746 TITLE IV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

747 Sec. 401. Applicability.

748 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
749 budget and financial plan.

750 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
751 an approved budget and financial plan, and provide notice to the Budget Director of the Council  
752 of the certification.

753 (c)(1) The Budget Director shall cause the notice of the certification to be published in  
754 the District of Columbia Register.

755 (2) The date of publication of the notice of the certification shall not affect the  
756 applicability of this act.

757 Sec. 402. Fiscal impact statement.

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

761 Sec. 403. Effective date.

762 This act shall take effect following approval by the Mayor (or in the event of veto by the  
763 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
764 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
765 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
766 Columbia Register.