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A BILL

25-657

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend, on temporary basis, Chapter 8 of Title 47 of the District of Columbia Official Code to make amend the statutes governing tax abatements for housing in downtown to require the tax abatements to be awarded competitively, ensure proper recording of the Tenant Opportunity to Purchase Act exemption, extend the timeframe for receiving a certificate of occupancy, and remove a calculation that is no longer applicable.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Housing in Downtown Tax Abatement Temporary Amendment Act of 2024”.

Sec. 2. Section 47-860.02 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the Mayor may” and inserting the phrase “the Mayor may, through a competitive process,” in its place.

(2) Paragraph (4) is amended by striking the phrase “paragraphs (1) and (2) of this subsection” and inserting the phrase “paragraphs (2) and (3) of this subsection, as well as with the requirements of § 47–860.02a(b). The covenant shall also include any additional terms related to the design and administration of the affordable housing units required by the Mayor by rule” in its place.

ENGROSSED ORIGINAL

28 (3) Paragraph (8) is amended by striking the phrase “and subject to the adjustment
29 of the abatement amount based on the certifications provided for in § 47–860.03(a)”.

30 (b) Subsection (d) is amended to read as follows:

31 “(d) A tax abatement shall not be provided for a property for which an eligibility and
32 reservation letter was transmitted by the Mayor pursuant to subsection (a)(8) of this section if the
33 project based upon which the eligibility and reservation letter was issued has not received a
34 certificate of occupancy within 24 months after the date the eligibility and reservation letter was
35 transmitted; provided, that the Mayor may, in the Mayor's reasonable discretion, extend the 24-
36 month period for any number of 6-month periods if:

37 “(1)(A)(i) The project's construction has reached grade within the 24-month
38 period, as certified by the project architect and the Mayor; or

39 “(ii) The project has not reached grade within that period, but any
40 delays were beyond the control of the developer; and

41 “(B) The project is making progress toward delivering housing; or

42 “(2) There exists a public emergency as defined in section 2(3) of the District of
43 Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C.
44 Official Code § 7-2301(3)).”.

45 Sec. 3. The lead in language to section 47-860.03(a) of the District of Columbia Official
46 Code is amended by striking the phrase “as determined by the Mayor, per residential FAR square
47 foot of real property multiplied by the building’s total residential FAR square footage as certified

48 by the project architect and the Mayor” and inserting the phrase “as reasonably determined by
49 the Mayor for each property” in its place.

50 Sec. 4. Fiscal impact statement.

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

54 Sec. 5. Effective date.

55 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
56 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
57 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
58 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
59 Columbia Register.

60 (b) This act shall expire after 225 days of its having taken effect.