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OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

DEC 14 2017

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue N.W., Suite 504  
Washington, D.C. 20004

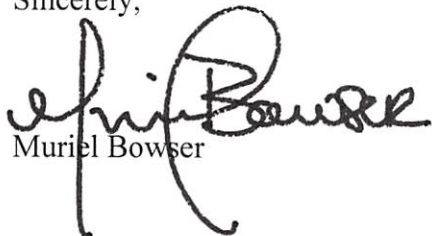
Dear Chairman Mendelson:


Enclosed for the consideration and approval by the Council of the District of Columbia is a resolution titled "Employer Assisted Housing Program Regulations Amendment Approval Resolution of 2017," pursuant to section 8(a) of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2507(a) (2012 Repl.)) This resolution would approve the proposed rulemaking adopted by the Department of Housing and Community Development set forth in chapter 14 in Title 14 of the D.C. Municipal Regulations.

The purpose of this proposed rulemaking is to revise the Employer Assisted Housing Program rules to conform to recent amendments established by the Public Servants and First-Responders Housing Incentive Amendment Act of 2017, enacted July 31, 2017 (D.C. Act 22-0130, 64 DCR 7652)

Please feel free to contact Danilo Pelletiere, Housing Development Advisor (DHCD), at (202) 442-734, to discuss any questions you may have regarding this resolution. I urge the Council to take favorable consideration of the enclosed resolution.

Sincerely,

  
Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on \_\_\_\_\_.

To approve the proposed rules to revise the EAHP rules to conform to recent amendments established by the Public Servants and First-Responders Housing Incentive Amendment Act of 2017, enacted July 31, 2017 (D.C. Act 22-0130, 64 DCR 7652).

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the "Employer Assisted Housing Program Regulation Amendment Approval Resolution of 2017".

Sec. 2. Pursuant to section 8(a) of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2507(a) (2012 Repl.) the Council approves the proposed rulemaking which would increase the maximum loan amount under EAHP from \$10,000 to \$20,000, expand the District government matching contribution towards employee down payment savings, and implement the first-responder grant.

Sec. 3. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia 32 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1- 33 206.02(c)(3)).

Sec. 4. This resolution shall take effect immediately.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

### NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Housing and Community Development (“DHCD”), pursuant to the authority set forth in section 8(a) of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2507(a) (2012 Repl.) and Mayor’s Order 92-118, dated October 6, 1992, hereby gives notice of the intent to amend Chapter 36, D.C. Government Employer-Assisted Housing Program (“EAHP”), of Title 14 of the District of Columbia Municipal Regulations (“DCMR”).

The purpose of the rulemaking is to revise the EAHP rules to conform to recent amendments established by the Public Servants and First-Responders Housing Incentive Amendment Act of 2017, enacted July 31, 2017 (D.C. Act 22-0130, 64 DCR 7652). The proposed rules increase the maximum loan amount under EAHP from \$10,000 to \$20,000, expand the District government matching contribution towards employee down payment savings, and implement the first-responder grant.

The proposed rulemaking shall be submitted to the Council for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rulemaking during the forty-five (45) day review period, the proposed rules shall be deemed approved. The Director of DHCD hereby gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and after Council review and approval, as specified in section 8(c) of the Act (D.C. Official Code § 42-2507(c)).

**Chapter 36 (Employer-Assisted Housing Program) of Title 14 DCMR, is amended as follows:**

**Subsection 3600.2 is amended to read as follows:**

3600.2 The purpose of the Employer-Assisted Housing Program (Program) shall be to provide financial assistance to District of Columbia government employees (Employees) to purchase homes, including a share payment to a housing cooperative, to be used as his or her principal place of residence, and to encourage first-responders to reside in the District. The Program is designed to provide decent, safe, and sanitary housing to District government employees.

**Subsection 3600.4 is amended to read as follows:**

3600.4 The Employer-Assisted Housing Program is reestablished by D.C. Law 13-96, the “Government Employer-Assisted Housing Amendment Act of 1999,” effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2501 *et seq.*), as amended by the “Public Servants and First-Responders Housing Incentive Amendment Act of 2017,” enacted July 31, 2017 (D.C. Act 22-130, 64 DCR 7652).

**Subsection 3600.7 is amended to read as follows:**

3600.7 No officer, employee, or agency of the District of Columbia government who exercises any functions or responsibility in connection with the administration of the Employer-Assisted Housing Program shall be allowed to have any interest, direct or indirect, in the proceeds of a loan, grant, or any contract entered into by the applicant for the purchase of property financed, in whole or in part, with the proceeds of the loan or grant.

**Subsection 3601.1 is amended to read as follows:**

3601.1 The Employer-Assisted Housing Program provides assistance through Downpayment Matching Funds or a Deferred Payment Loan (Loan) or a grant to eligible Employees, consistent with this chapter.

**A new subsection 3601.4 is added to read as follows:**

3601.4 DHCD shall provide a First-Responder Grant (Grant) towards the purchase of a housing unit by eligible First-Responder Employees, consistent with this chapter.

**Subsection 3602.1 is amended to read as follows:**

3602.1 DHCD shall have the authority to establish a time period for the receipt of applications for assistance under the Employer-Assisted Housing Program. Applications for Downpayment Matching Funds, a Loan, or a Grant, as applicable, shall be in the form prescribed by DHCD.

**Subsection 3603.1 is amended to read as follows:**

3603.1 An applicant shall be a full time District government employee, as defined by the District Personnel Manual, who is in good standing and has been employed by the District government for more than one (1) year immediately prior to applying to the Program, and who meets all of the requirements set forth in § 3602.3 of this Chapter.

Except that a First-responder, a District of Columbia public school teacher, or public charter school teacher, or a person who has accepted an offer to be a District of Columbia public school teacher or public charter school teacher need not establish length of District government service nor residency, except as provided in § 3602.3(e).

**Subsection 3603.2 is amended to read as follows:**

3603.2 The applicant shall be a first-time homebuyer in the District of Columbia as defined in § 3699.1.

**Subsection 3603.6 is amended to read as follows:**

3603.6 Except as provided in § 3603.1, each applicant shall verify to DHCD that he or she is an employee in good standing and continues to be a first-time homebuyer on the date of settlement on the purchase of the housing unit prior to any disbursement of Downpayment Matching Funds, a Loan, or Grant.

**Subsection 3605.1 is amended to read as follows:**

3605.1 Upon receipt of documentation acceptable to DHCD, DHCD shall reserve Downpayment Matching Funds in the amount of \$1,000.00 in the Financial Management System (FMS) for each \$2,500.00 saved by a participant. In the case of a first-responder participant, DHCD shall reserve Downpayment Matching Funds in the amount of \$1,500.00 in the FMS for each \$2,500.00 saved by a first-responder participant. District government matching contributions shall be subject to the limitations set forth in § 3605.2.

**Subsection 3605.2 is amended to read as follows:**

3605.2 Downpayment Matching Funds contributed by DHCD shall not exceed a total of \$5,000.00 for each participant, except that for First-responders, matching contributions shall not exceed a total of \$15,000.00.

**Subsection 3605.4 is deleted.**

**Subsection 3606.1 is amended to read as follows:**

3606.1 DHCD shall make available to each participant a Deferred Payment Loan of up to \$20,000.00 to provide financial assistance for the purchase of a housing unit to be used as the participant's principal place of residence.

**Subsection 3606.4 is amended to read as follows:**

3606.4 Applicants shall provide documentation acceptable to DHCD that the housing unit is in good repair and otherwise conforms with the provisions of the Housing Code of the District of Columbia, Title 14 of the District of Columbia Municipal Regulations (DCMR), prior to the disbursement of the Downpayment Matching Funds, Loan, or Grant at settlement. For purposes of this chapter, DHCD may accept, but not be limited to, an inspection report that is approved by the First Mortgage lender.

**Subsection 3607 is deleted.**

**A new Section 3608 is added to read as follows:**

3608 FIRST-RESPONDER HOUSING INCENTIVE GRANT

- 3608.1 In addition to the assistance provided in §§ 3605 and 3606, the Department shall make available a grant of up to \$10,000 to provide financial assistance for the purchase of a housing unit to each first-responder who is a Participant.
- 3608.2 In order to receive a grant for the purchase of a housing unit under this section, a first-responder Participant must agree to a 5-year service obligation, which shall begin at the date of settlement on the purchase of the housing unit.
- 3608.3 Except that if the first-responder Participant is not yet a District employee on the date of settlement, the 5-year service obligation shall begin on the first-responder's first day of employment with the District.
- 3608.4 The employing agency of the first-responder shall be responsible for:
- (a) Determining the form of the 5-year service obligation for the agency's first-responders;
  - (b) Determining the criteria required for completion of the agency's service obligation;
  - (c) Verifying the employee's eligibility as a first-responder;
  - (d) Ensuring that the employee executes a 5-year service obligation that includes a notarized statement sworn under penalty of perjury by the first-responder; and
  - (e) Verifying the employee's compliance with the 5-year service agreement and the requirements of § 3608.6 and reporting this information to DHCD.
- 3608.5 The employing agency of the first-responder shall provide DHCD with a certification that the employee has agreed to a 5-year service obligation and has met the requirements for completion of the service obligation or has not met the 5-year service obligation, as the case may be. The certification shall be made on a form prescribed by DHCD.
- 3608.6 The grant shall convert into a loan to be repaid by the Participant if:
- (a) Within 5 years after the date of settlement on the purchase of the housing unit, the housing unit is sold, transferred, or ceases to be the principal residence of the first-responder Participant; or
  - (b) The first-responder Participant does not complete the 5-year service obligation required by subsection 3608.2 of this section.
  - (c) If the grant to loan conversion is triggered by a sale or transfer of the housing unit or failure to maintain the housing unit as the principal place of residence described in subsection (a), the loan shall become immediately due and repaid in accordance with § 3603.3(c) upon the occurrence of the event that triggers the conversion.
  - (d) If the grant to loan conversion is triggered by the first-responder Participant's failure to complete the 5-year service obligation described in subsection (b) and the Participant continues to maintain the housing unit as his/her principal place of residence, repayment of the loan shall occur under the repayment requirement terms provided in §§ 3606.2, 3606.3, 3606.5 and 3606.7 of this chapter.

**Subsection 3699, Definitions, is amended to add:**

**First-responder** - a District of Columbia police officer, correctional officer, firefighter, paramedic or emergency medical technician, or an individual who has accepted an offer of employment as a District of Columbia police officer, correctional officer, firefighter, paramedic or emergency medical technician.

**Subsection 3699, Definitions, is amended to delete:**

**Metropolitan Police Housing Assistance Program** - the Program identified by D.C. Law 10-70, effective November 5, 1993, that established sliding scale property tax credits and income tax credits to police officers participating in the Employer-Assisted Housing Program.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Danilo Pelletiere, Senior Policy Advisor at [danilo.pelletiere@dc.gov](mailto:danilo.pelletiere@dc.gov) or Department of Housing and Community Development, 1800 Martin Luther King Jr. Avenue SE, Washington DC 20020. Copies of these proposed rules may be obtained from DHCD at the same address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General

ATTORNEY GENERAL  
KARL A. RACINE



Legal Counsel Division

**MEMORANDUM**

**TO:** Alana Intrieri  
Executive Director  
Office of Policy & Legislative Affairs

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** November 13, 2017

**SUBJECT:** Legal Sufficiency Review of Proposed Resolution to Approve the Proposed Rules Amending Chapter 36 (D.C. Government Employer-Assisted Housing Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR)  
(AR-17-595B)

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**This is to Certify that** this Office has reviewed the above-referenced proposed resolution and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

  
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Janet M. Robins