



2018 APR 26 PM 4:25  
OFFICE OF THE  
SECRETARY

**MURIEL BOWSER**  
MAYOR

APR 26 2018

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

D.C. Official Code § 42-3171.03(a) requires that prior to disposition of PADD properties, there be a public hearing and a 60-day Council review of a proposed resolution of the terms and conditions of the disposition, I have enclosed, for consideration by the Council of the District of Columbia, the Property Disposition Agreement (PDA) between the Department of Housing and Community Development (DHCD) and The Neighborhood Development Company, LLC, to dispose of the property located at Square: 5553; Lots: 0029-0038 also known as 27<sup>th</sup> ST & Minnesota Ave., SE Washington, D.C., in Ward 8. The developer is proposing a 26 unit project. Most units will be 3 bedroom/2 bathroom townhouse units. The affordability mix includes 12 units at 50% of the Area Median Income (AMI) and 6 units at 60% AMI.

As always, I am available to discuss any questions you may have regarding the Property Disposition Agreement. In order to facilitate a response to any questions concerning this Property Disposition Agreement, please have your staff contact Allison Ladd, Deputy Director, DHCD at (202) 442-7206.

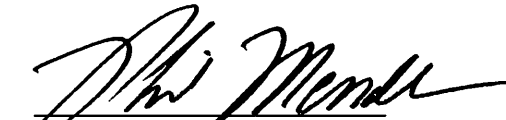
I look forward to your favorable consideration of this Property Disposition Agreement.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures

  
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 sale of certain District-owned real property located at 27<sup>th</sup> & Minnesota Avenue, SE S.E., in Washington, D.C., known for tax and assessment purposes as Lots 0029-0038 in Square 5553.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “27th-Minnesota Disposition Approval Resolution of 2018”.

Sec. 2. (a) Pursuant to section 433(a)(2) of the Due Process Demolition Act of 2002 (D.C. Law No. 14-114; D.C. Official Code § 42-3171.01 *et seq.* (2012 Repl. and 2017 Supp.)) (the “Act”), the Mayor transmitted to the Council a request for Council authority to dispose by means of negotiated sale the District-owned real property located at 27th & Minnesota Avenue t S.E., in Washington, D.C., known for tax and assessment purposes as Lots 0029-0038 in Square 5553.

(b) The negotiated sale shall be subject to the following terms and conditions, in addition to such other terms and conditions as the Mayor deems necessary and appropriate:

(1) The Property shall be sold to Developer(s) selected by the Mayor;

(2) The Developer(s) shall cause the Property to be developed and sold only to Eligible Buyer(s);

1 (3) The Developer(s) shall cause any Affordable Unit(s) developed and sold to  
2 be affordable to persons with incomes at or below either 60% or 50% of the area median  
3 income, as specified by the Mayor;

4 (4) The Developer(s) shall enter into a CBE Utilization and Participation  
5 Agreement with the District of Columbia Department of Small and Local Business  
6 Development (“DSLBD”);

7 (5) The Developer(s) shall enter into a First Source Employment Agreement  
8 with the District of Columbia Department of Employment Services;

9 (6) The Developer(s) shall be current on any obligations outstanding to any  
10 agency or entity of the Government of the District of Columbia, whether or not related to the  
11 disposition or the Property, including all local taxes and charges affecting Developer(s); and

12 (7) The Developer(s) shall be validly organized, existing and in good standing to  
13 do business in the District of Columbia.

14 (c) For purposes of section 2:

15 (1) “Affordable Unit(s)” shall mean a unit to be sold to a household whose  
16 income is equal to, or less than, the maximum area median income (“AMI”) percentage set forth  
17 for that unit, with AMI being the periodic AMI calculation provided by HUD as a direct  
18 calculation without taking into account any adjustments made by HUD for the program it  
19 administers.

20 (2) “CBE Utilization and Participation Agreement” means an agreement with  
21 the Department of Small and Local Business Development governing certain obligations of the  
22 Developer(s) of the Properties under the Small, Local, and Disadvantaged Business  
23 Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33, D.C.

1 Official Code § 2-218.01, *et seq.*), as amended, requiring contracting and employment of local,  
2 small businesses for at least 50% of all the pre-construction and construction of the  
3 improvements contemplated in this resolution.

4 (3) “Developer(s)” means a person, persons, entity, or entities that develop(s)  
5 real estate for commercial or residential use.

6 (4) “Eligible Buyer” shall mean a household consisting of one (1) or more  
7 individuals who purchases the property as a primary residence and certifies that he, she, or they  
8 intend(s) to use the property as his, her, or their primary residence. For all Affordable Unit(s),  
9 Eligible Buyer shall also mean a household meeting the income restrictions of an Affordable  
10 Unit(s).

11 (5) “First Source Agreement” means an agreement with the District of Columbia  
12 Department of Employment Services, governing certain obligations of the Developer(s) of the  
13 Properties pursuant to section 4 of the First Source Employment Agreement Act of 1984,  
14 effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order  
15 83-265 (November 9, 1983) regarding job creation and employment generated as a result of the  
16 construction contemplated in this resolution.

17 (d) In accordance with § 433(a)(1) of the Act, before disposition of the Property, there  
18 shall be a public hearing on the proposed terms and conditions of the disposition after at least 30  
19 days public notice.

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

1           **Sec. 4. The Secretary of the Council shall transmit a copy of this resolution, upon its**  
2 **adoption, to the Office of the Mayor and the Chief Financial Officer.**

3           **Sec. 5. This resolution shall take effect immediately.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Housing and Community Development**



COUNCIL CONTRACT SUMMARY

**Pursuant to DC Official Code § 42-3171.03(a), prior to certain dispositions of Property Acquisition and Disposition Division (PADD) properties, there must be a public hearing and a 60-day Council review of a proposed resolution of the terms and conditions of the disposition.**

**(A) The proposed contractor, contract amount, unit and Method of Compensation, contract term, and type of contract:**

Proposed Contractors:	Neighborhood Development Company (NDC)
Contract Amount:	\$75,000
Unit and Method of Compensation:	N/A
Type of Contract:	Property Disposition Agreement (“PDA”) for purchase of real property
Term of Contract:	PDA shall terminate upon Satisfaction of Terms (as defined in the PDA) or a failure of a condition of Settlement.
Proposed method of transfer:	Special Warranty Deed

**(B) Description of the goods and services to be provided:**

NDC proposes developing the site as condominium unit townhomes. The condominium project will yield 26 units, most of which are family sized units – more than half of the units are three bedroom units. Of the twenty six (26) units to be developed, twelve (12), will be affordable to households at or below 50% of AMI; 6 units, will be affordable to households at or below 60% of AMI and the remaining units will be sold to workforce households.

**(C) A description of the selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including the price and technical components:**

A Solicitation of Offer was issued by DHCD. There were two respondents/offerors. Proposals were evaluated on the following criteria: Capacity of the Development Team, Financial and Economic Feasibility, Income levels served, Homeownership opportunities, Community Involvement, Zoning Feasibility, Design Characteristics, Unit Mix, Community Impact, Sustainability and Affordability Requirement.

**(D) The background and qualifications of the proposed contractor, including its organization, financial stability, personnel, and prior performance on contracts with the District government:**

Developer has completed numerous public-private projects of similar size and scale in the District of Columbia. Developer has a proven track record with evidence of performing and financially managing projects of similar size and scale. Developer has a strong balance sheet and loan commitment evidencing financial capability.

**(E) Performance standards and expected outcomes of the proposed contract:**

The terms of the purchase are subject to the PDA. Upon Council approval of the PDA, the District and the Proposed Developer will proceed to settlement of the transaction, whereby the District will transfer all of its interest in the Property to the Developer through a Special Warranty Deed. Upon Transfer Developer is expected to fully develop and construct the premises in accordance to a schedule provided by the Developer. The evidence of completion shall be a Certificate of Occupancy issued by DCRA.

**(F) A certification that the proposed contract is within the appropriated budget authority for the agency for the fiscal year and is consistent with the financial plan and budget adopted in accordance with Sections 47-392.01 and 47-392.02:**

HPTF (Please see attached financial certification and budget authority)

**(G) A certification that the proposed contract is legally sufficient and has been reviewed by the Office of General Counsel, including the proposed contractor's/proposed**

**grantor's compliance with District and federal tax laws:**

Submission of the proposed Purchase Agreement includes a certification of legal sufficiency by the Office General Counsel for the Department of Housing and Community Development, and tax compliance statements provided by the Office of Tax and Revenue and the Department of Employment Services. See attached statements.

- (H) A certification that the proposed contractor is current with its District and Federal taxes and has worked out and is current with a payment schedule approved by the District or federal government:**

Please see the attached good standing certificates for the Contractors provided by the Office of Tax and Revenue.

- (I) The status of the proposed contractor as a certified local, small or disadvantaged business enterprise (LSDBE).**

Developer is a Certified Business Enterprise (CBE).

- (J) Other aspects of the proposed contract that the Chief Procurement Officer deems significant:**

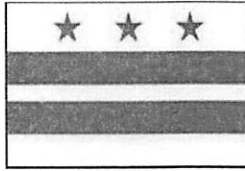
Not Applicable

- (K) A statement indicating whether the proposed contractor is currently debarred from providing services to any governmental entity (federal, state, or municipal), the dates of the debarment, and the reasons for debarment:**

Developer is not debarred.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
CORPORATIONS DIVISION



**C E R T I F I C A T E**

**THIS IS TO CERTIFY** that all applicable provisions of the District of Columbia Business Organizations Code (Title 29) have been complied with and accordingly, this **CERTIFICATE OF GOOD STANDING** is hereby issued to

Minnesota and 27th SE LLC

**WE FURTHER CERTIFY** that the domestic filing entity is formed under the law of the District on 10/12/2017; that all fees, and penalties owed to the District for entity filings collected through the Mayor have been paid and Payment is reflected in the records of the Mayor; The entity's most recent biennial report required by § 29-102.11 has been delivered for filing to the Mayor; and the entity has not been dissolved. This office does not have any information about the entity's business practices and financial standing and this certificate shall not be construed as the entity's endorsement.

**IN TESTIMONY WHEREOF I** have hereunto set my hand and caused the seal of this office to be affixed as of 2/13/2018 12:11 PM

Business and Professional Licensing Administration



A handwritten signature in cursive script that reads 'Patricia E. Grays'.

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PATRICIA E. GRAYS  
Superintendent of Corporations  
Corporations Division

Muriel Bowser  
Mayor

Tracking #: OgrmJLOf



Government of the District of Columbia

## CERTIFICATE OF CLEAN HANDS

NEIGHBORHOOD DEVELOPMENT COMPANY LLC  
3232 GEORGIA AVE NW STE 100  
WASHINGTON, DC 20010-3084

EIN : \*\*\*\*\*2042

As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES  
CHAPTER 28. GENERAL LICENSE LAW  
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT  
D.C. Code § 47-2862 (2006)  
§ 47-2862. Prohibition against issuance of license or permit.

Authorized By Doris Faulkner  
Acting Chief of Collections

Date: Friday this 16th day of February 2018 01:45 PM

Tracking#: 785707

This document is a certified, complete and true copy.



Government of the District of Columbia

## CERTIFICATE OF CLEAN HANDS

MINNESOTA AND 27TH SE LLC  
3232 GEORGIA AVE NW  
WASHINGTON, DC 20010-2511

EIN : \*\*\*\*\*4777

As reported in the Citywide Clean Hands system, the above referenced individual or entity has no outstanding liability with the District of Columbia. As of the date herein, you have complied with the following official DC code and therefore are issued this Certificate of Clean Hands.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS AND FEES  
CHAPTER 28. GENERAL LICENSE LAW  
SUBCHAPTER II. CLEAN HANDS BEFORE RECEIVING A LICENSE OR PERMIT  
D.C. Code § 47-2862 (2006)  
§ 47-2862. Prohibition against issuance of license or permit.

Authorized By Doris Faulkner  
Acting Chief of Collections

Date: Thursday this 22nd day of February 2018 11:28 AM

Tracking#: 787705

This document is a certified, complete and true copy.

AFFIDAVIT

I, Adrian G. Washington, hereby attest that all members of the development team, who are listed below, are not listed in the List of Parties Excluded from Federal Procurement or Non-Procurement Programs.

DEVELOPMENT TEAM

Developer: Neighborhood Development Company, L.L.C. Attn: Adrian G. Washington

Consultant(s): \_\_\_\_\_

Management Agent: \_\_\_\_\_


Attorney: Klein Hornig LLP Attn: Eric Herrmann

Civil Engineer(s): CAS Engineering – DC, LLC Attn: David C. Landsman

Architect(s): MOS Architects PLLC Attn: Hilary Sample

Other(s): \_\_\_\_\_

I further attest that no principal, major stockholder, officer, or director of a development team member is debarred from participating in a federal procurement or non-procurement program.

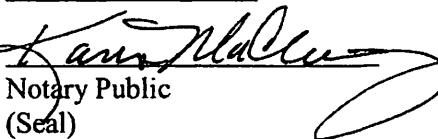
  
\_\_\_\_\_  
Adrian G. Washington

CEO  
\_\_\_\_\_  
Title

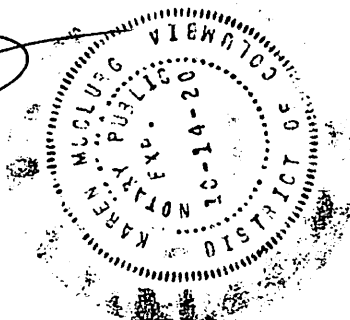
03/20/2018  
\_\_\_\_\_  
Date

Sworn and subscribed to before

Me this 20<sup>th</sup> day of  
March, 2018

  
\_\_\_\_\_  
Notary Public  
(Seal)

KAREN MCCLURG  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires October 14, 2020



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**PROFILE SUMMARY**

(CONTRACTs TO PURCHASE, DISPOSE, ACQUIRE, TRANSFER, LEASE OF REAL PROPERTY/ EXCLUSIVE RIGHT AGREEMENTs/LOANs & GRANTs OVER \$1M/INTRA-DISTRICT.)

Contracting Agency: Dept. Housing and Community Development Agency Code:

Using Agency: \_\_\_\_\_ Agency Code:

Loan/Grant/Lease Subrecipient Name: The Neighborhood Company (NDC) I.D. #:

Should the Authority have any questions regarding this loan/grant/lease, please contact:

Keishon H. Keane  
Realty Project Manager

202-442-7254  
Telephone Number

**TYPE OF DOCUMENT SUBMITTED**

1. <input type="checkbox"/> Loan/Grant/Lease Modification	4. <input type="checkbox"/> Unwritten or Informal Contract
2. <input type="checkbox"/> Exercise of Grant Option Year (E. O.)	5. <input type="checkbox"/> Lease of Real Property
3. <input type="checkbox"/> Loan/Grant/Lease Agreement for:	6. <input checked="" type="checkbox"/> Other: Purchase and Sale Agreement

**LOAN/DISPOSITION TYPE**

1. <input type="checkbox"/> Grant	4. <input type="checkbox"/> Cost Reimbursement
2. <input checked="" type="checkbox"/> Disposition Price \$75,000.00	5. <input type="checkbox"/> Time and Material
3. <input type="checkbox"/> Task Order	6. <input type="checkbox"/> Advance Payment

**GRANT/LOAN/DISPOSITION INFORMATION**

Grant/Loan/Disposition No. : DHCD

Amount: \$75,000 (PADD)

Amt. Required This FY: \$75,000

Amt. Required Next FY: NA

Caption: Neighborhood Development Company

Grant/Loan Term: N/A

Interest Rate: 0%

Does this Grant/Disposition Amount exceed \$1 million:  Yes

No

If yes, please attach a copy of the DC Council approval and provide the following information:

Date received: \_\_\_\_\_

Date approved: \_\_\_\_\_

*LEASE INFORMATION*

Lease No.: NOT APPLICABLE      Total Cost \_\_\_\_\_

Location: \_\_\_\_\_      Annual Cost \_\_\_\_\_

Sq. Ft. Leased: \_\_\_\_\_      Cost Per Sq. Ft. \_\_\_\_\_

Total Bldg. Sq. Ft.: \_\_\_\_\_      % Sq. Ft. Leased By D.C. \_\_\_\_\_

*BRIEF DESCRIPTION OF GRANT/LOAN/LEASE*

*SOURCE OF FUNDING*

1. <input type="checkbox"/> Appropriated	4. <input type="checkbox"/> Intra-District
2. <input type="checkbox"/> Capital	5. <input type="checkbox"/> Inter-Jurisdictional
3. <input type="checkbox"/> Grant ( )	6. <input checked="" type="checkbox"/> Other: Check at Closing

If procurement action is funded by grant or other non-capital or non-appropriated funds, will the District need to expend some portion of its funds prior to receiving funds from the grantor or other funding source?

Yes       No      N/A

If Yes, indicate the amount the District will need to expend and the percentage this amount represents of the total funds required to support the effort. District Funds \$

% \_\_\_\_\_.

**CRITICAL ISSUES ASSOCIATED WITH GRANT/LOAN ACTION**

1. Is this Disposition/Loan one of multiple (more than one) Grants/Loans for similar goods, services, etc., awarded by the Agency to this subrecipient, or related entity, within the last twelve (12) months?

Yes       No

2. Have reserved funds been obligated for payment? (If Yes, ensure documentation is included in Grant/Loan File).

Yes       No

3. Is the File complete? (If Yes, please attach pertinent documentation).

Yes       No

4. Is the subrecipient a successor to or affiliated with another individual or business that has Grant/Loan with the Agency?

Yes       No

If Yes, name of Predecessor/Affiliate:

5. Is a former District employee an owner, officer, or affiliate of the subrecipient?

Yes       No

If Yes, Name and Affiliation:

Please discuss any other critical issues such as time constraints; health and safety issues; or financial/revenue production issues that should be known.

*FUTURE INFORMATION/DOCUMENTATION TO BE SUBMITTED TO AUTHORITY*

*IF Grant/Loan IS AWARDED*

1. <input type="checkbox"/> Award Date	4. <input type="checkbox"/> Claims By/Against Grant/Loan
2. <input type="checkbox"/> Expiration Date	5. <input type="checkbox"/> Certified Completion Date
3. <input type="checkbox"/> Amendments	6. <input type="checkbox"/> Final Payment Date

**CERTIFICATIONS**

I certify that this proposed property disposition agreement between the Department of Housing and Community Development and Neighborhood Development Company, in the amount of \$75,000.00 for the disposition and development of certain parcels are in compliance with the applicable Federal and District of Columbia Regulations and the Department of Housing and Community Development's (DHCD) policies and procedures. The project is located at 27th St S.E. and Minnesota Avenue, S.E., also known as SSL: 5553; 0029-0038, Washington, D.C., in Ward 8. The disposition/sale of certain vacant land parcels from the Department will be used to develop a twenty six (26) unit town-house condominium project which will yield 18 affordable units at or below sixty percent (60%) of the Area Median Income.

  
\_\_\_\_\_  
Mary R. (Polly) Donaldson

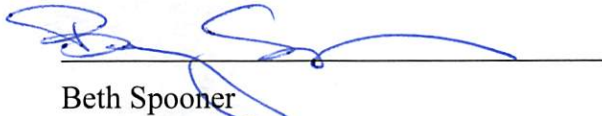
Director, DHCD

3.30.2018  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Allison Ladd  
Deputy Director

3/30/18  
\_\_\_\_\_  
Date

I have reviewed this Grant/Loan/Disposition action and have determined that it is within the District's Financial Plan and Budget for FY 2018 and that funds are available to support the action.

  
\_\_\_\_\_  
Beth Spooner  
Agency Fiscal Officer, DHCD

4/2/18  
\_\_\_\_\_  
Date

*DETERMINATION*

I have reviewed this Grant/Loan/Disposition action and have determined that it is within the District's Financial Plan and Budget for FY \_\_\_\_\_ and that funds are available to support the action.

  
\_\_\_\_\_  
Cyril Byron, Jr.  
Associate Chief Financial Officer

4/9/18  
\_\_\_\_\_  
Date





**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
OFFICE OF THE GENERAL COUNSEL**



**MEMORANDUM**

TO: Muriel Bowser  
Mayor of the District of Columbia

THRU: Julia H. Wiley   
General Counsel

FROM: Joan E. McKenzie   
Assistant General Counsel

DATE: April 4, 2018

RE: Proposed Sale of Property Located at Minnesota Avenue, SE &  
27<sup>th</sup> Street (“Property”) to Minnesota and 27<sup>th</sup> SE LLC  
 (“Purchaser”) from the District of Columbia, acting by and through  
the Department of Housing and Community Development  
 (“DHCD”)

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DHCD proposes to enter into a Property Disposition Agreement (“PDA”) with the Purchaser for the sale of the Property. The Purchaser has agreed to build 26 units of for-sale housing on the Property. The Purchaser shall reserve 18 of the for-sale homes as affordable housing. All of the affordable homes will be affordable to and sold exclusively to low income households or extremely low income households with incomes not to exceed 60% or 50%, respectively, of the area median income (AMI) for the Washington Metropolitan Statistical Area as determined by the U.S. Department of Housing and Urban Development and adjusted in accordance with the HPTF statutes. Twelve of the homes will be sold to households making 50% or less of the AMI and 6 of the homes will be sold to households making 60% or less of the AMI. The remaining 6 homes will be sold as market rate housing. The Purchaser will receive HPTF funding at a later date to finance the construction of the affordable homes in accordance with the HPTF statutes and regulations.

I have reviewed the enclosed Property Disposition Agreement and conclude that it is in compliance with District law and is legally sufficient. The Director will sign it after Council approval.