



MURIEL BOWSER  
MAYOR

JUN 27 2018

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

2018 JUN 27 PM 3:33  
OFFICE OF THE  
SECRETARY

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 Howard University to dispose of the property located at Square: 6170; Lots: 0804; also known as 10 Brandywine Street, SE Washington DC, in Ward 8. The developer has proposed to build co-living environment to meet the housing demands of faculty, staff, and nontraditional students, with each tenant provided with a private full bathroom and common area kitchen, living, and dining space. The Developer is targeting 6 bedrooms for this property. The units will be affordable at or below 80% of the area median income.

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 Latrena Owens, Chief of Staff, DHCD at (202) 442-6972.

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

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser". The signature is stylized and written in cursive.

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 10 Brandywine Street, SE, in Washington, D.C., known for tax and assessment purposes as Lot 0804 in Square 6170.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “10 Brandywine Street, SE 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 10 Brandywine Street, SE, in Washington, D.C., known for tax and assessment purposes as Lot 0804 in Square 6170.

(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 leased only to Eligible Tenant(s);

1           (3) The Developer(s) shall cause any Affordable Unit(s) developed and leased to  
2 be affordable to persons with incomes at or below 80% of the area median income, as specified  
3 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 leased 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 Tenant” shall mean a household consisting of one (1) or more  
7 individuals who leases a property residential unit as a primary residence and certifies that he,  
8 she, or they intend(s) to use the property as his, her, or their primary residence. For all  
9 Affordable Unit(s), Eligible Tenant shall also mean a household meeting the income restrictions  
10 of an Affordable 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**



**PROPERTY DISPOSITION SUMMARY**

Pursuant to DC 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.

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

Proposed Contractors:	Howard University
Contract Amount:	Two Hundred Eighty-Eight Thousand, Seven Hundred Fifty Dollars (\$288,750.00)
Unit and Method of Compensation:	NA
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:**

Developer plan to build co-living environment to meet the housing demands of faculty, staff, and nontraditional students, with each tenant provided with a private full bathroom and common area kitchen, living, and dining space. The initiative will serve as the model to build a platform to provide affordable, small residential housing options. The Developer is targeting 6 bedrooms for this property.. The units will be affordable at or below 80% or the area median income. Location: 10 Brandywine Street, SE

**(C) A description of the selection process, including the number of offerors, the**

**evaluation criteria and results, and the basis for selecting the proposed contractor:**

Pursuant to D.C. Official Code § 42-3171.03 (2012 Supp.), the District offered for sale through a competitive process the Property for the purpose of eliminating or reducing blight by providing for the disposition and development of the Property at the highest bid price at an auction held January 18, 2018 through January 23, 2018 ("PADD Auction"), provided that the successful bidder agrees to develop or rehabilitate a single-family or multi-family affordable workforce housing project approved by the District on the Property in accordance with a property disposition agreement ("PDA") between the District and the successful bidder. The Developer was the successful bidder at the PADD Auction.

- (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 provided DHCD with documents evidencing their ability to enter into the Contract.

- (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, the 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:**

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 the 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 of the General Counsel.

- (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 clean hands certificate for the Developer 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).**

The Developer is not a 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:**

Please see attached Debarment Affidavit.



**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

HOWARD UNIVERSITY (THE)

**WE FURTHER CERTIFY** that the domestic filing entity is formed under the law of the District on 3/2/1867; 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 4/26/2018 4:07 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 #: RhECypDU



Government of the District of Columbia

## CERTIFICATE OF CLEAN HANDS

THE HOWARD UNIVERSITY  
2244 10TH ST NW STE 302  
WASHINGTON, DC 20001-4012

EIN : \*\*\*\*\*4707

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 26th day of April 2018 08:35 AM

Tracking#: 816007

This document is a certified, complete and true copy.

DEBARMENT AFFIDAVIT

I, Anthony Freeman, 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: Howard University

Consultant(s): Alvarez & Marsal

Management Agent: Zalco Realty


Attorney: Lerch, Early & Brewer, Tiber Hudson LLC

Civil Engineer(s): Teass/Warren Architects, ARCHI-TEXTUAL, PLLC, FMC & Associates, LLC

Other(s): H2 Design Build, Broughton Construction Co, Menkiti Group

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.


I DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THIS AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

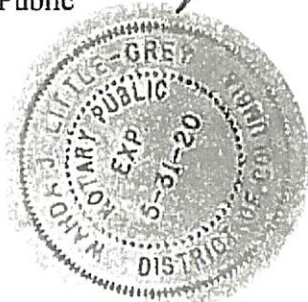
  
\_\_\_\_\_

AVP REAL ESTATE  
Title

4/20/18  
Date

Sworn and subscribed to before Me this 20th day of April, 20 18.

  
Notary Public  
(Seal)



WANDA J. LITTLE-GREY  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires May 31, 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 Sub recipient Name: Howard University

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

Latrena Owens  
Chief of Staff

202-442-6972  
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 \$ 288,750.00	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: \$288,750.00 (PADD)

Amt. Required This FY: N/A

Amt. Required Next FY: NA

Caption: Howard University

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.: N/A

Total Cost: N/A

Location: N/A

Annual Cost: N/A

Sq. Ft. Leased: N/A

Cost Per Sq. Ft.: N/A

Total Bldg. Sq. Ft.: N/A

% Sq. Ft. Leased By D.C.: N/A

*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



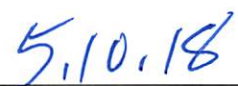
**CERTIFICATIONS**

I certify that this proposed Property Disposition Agreement between the Department of Housing and Community Development and Howard University, in the amount of \$288,750.00 for the disposition and development of certain parcels is 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 10 Brandywine Street, SE Washington, DC, also known as Square 6170; Lot: 0804, in Ward 8. The disposition/sale of certain vacant land parcels or properties from the Department will be used to develop co-living environment to meet the housing demands of faculty, staff, and nontraditional students, with each tenant provided with a private full bathroom and common area kitchen, living, and dining space. The Developer is targeting 6 bedrooms for this property. The units will be rented and affordable at or below 80% of the area median income.

  
\_\_\_\_\_

Mary R. (Polly) Donaldson  
Director, DHCD

  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Allison Ladd  
Deputy Director

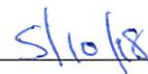
  
\_\_\_\_\_

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.

  
\_\_\_\_\_

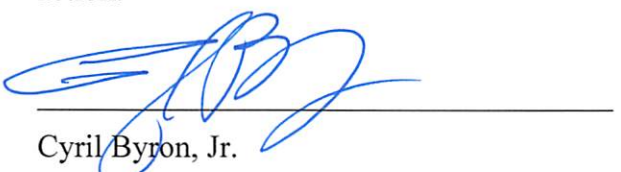
Beth Spooner  
Agency Fiscal Officer, DHCD

  
\_\_\_\_\_

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 2018 and that funds are available to support the action.

  
\_\_\_\_\_

Cyril Byron, Jr.  
Associate Chief Financial Officer

  
\_\_\_\_\_

Date

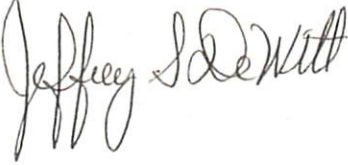
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** June 1, 2018

**SUBJECT:** Fiscal Impact Statement – 10 Brandywine St, SE Disposition Approval Resolution of 2018

**REFERENCE:** Draft Proposed Resolution shared with the Office of Revenue Analysis on May 16, 2018

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**Conclusion**

Funds are sufficient in the fiscal year 2018 budget and the proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed resolution. The District will dispose of the property for \$288,750 under an agreement providing for the construction of a co-living residence with at least 50 percent of the units priced to be affordable to tenants earning up to 120 percent of area median income (AMI).

**Background**

The proposed resolution approves the disposition of approximately 9,800 square feet of District-owned land located at 10 Brandywine Street, S.E.<sup>1</sup> to Howard University (the Developer). The disposition will take place in accordance with District law authorizing acquisition and disposal of abandoned and deteriorated properties<sup>2</sup>.

The Developer will construct a co-living residence on the site for the University's faculty, staff and nontraditional students. The residence is anticipated to include six bedrooms and shared kitchen, dining and living areas. Eligible tenants for the units designated affordable are those whose income is equal to or less than 120 percent of AMI. The proposed Property Disposition Agreement provides that the closing shall take place on June 30, 2018, and it requires the Developer to enter into a CBE Utilization and Participation Agreement with the Department of Small and Local Business

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<sup>1</sup> Known for tax assessment purposes as Square 6170, Lot 804.

<sup>2</sup> D.C. Official Code § 42-3171.03



The Honorable Phil Mendelson

FIS: "10 Brandywine St, SE Disposition Approval Resolution of 2018," Draft Proposed Resolution as shared with the Office of Revenue Analysis on May 16, 2018

Development and a First Source Employment Agreement with the Department of Employment Services.

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2018 budget and the proposed fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed resolution. The District will receive \$288,750 from the Developer for the sale of the property, which will be deposited in DHCD's Unified Fund, and the District's capital assets will be reduced by \$161,700.

While the disposition and construction on the site will change the site's real property tax status, the District's revenue estimates already account for new property taxes from such activity.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



MEMORANDUM

**TO:** Muriel C. Bowser  
Mayor

**FROM:** Julia H. Wiley   
General Counsel  
Department of Housing and Community Development

**DATE:** April 27, 2018

**SUBJECT: Proposed Property Disposition Agreement (“PDA”) Between the District of Columbia, acting by and through the Department of Housing and Community Development (the “District” or “DHCD”), and Howard University, a nonprofit educational institution (the “Developer”) to dispose of the real property located at Square: 6170; Lot: 0804, also known as 10 Brandywine Street, SE, Washington, D.C., in Ward 8 (the “Property”)**

Pursuant to the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.03(a) (2012 Repl. and 2017 Supp.)), the District offered the Property for sale through a competitive process at the highest bid price at an auction held January 18, 2018 through January 23, 2018 (“PADD Auction”). The Developer was the successful bidder at the PADD Auction and has agreed to produce on the Property a co-living housing initiative to meet the housing demands of faculty, staff, and nontraditional students. The housing model will consist of a bedroom for each tenant with a private full bathroom, and a common area kitchen, living, and dining space in accordance with the terms and conditions set forth in the proposed PDA between the District and the Developer. The project rental housing units will be affordable to households earning up to 80% of the Median Family Income. A public hearing required by D.C. Official Code § 42-3171.03(a)(1) was held on April 4, 2018 to discuss the proposed terms and conditions of the Property disposition.

The Office of the General Counsel for DHCD has reviewed the attached PDA and has

determined that it is legally sufficient. If you have any questions concerning this PDA, please contact Julia Wiley on 202-442-6975.

cc: Polly Donaldson, Director, DHCD  
Allison Ladd, Deputy Director, DHCD  
Latrena Owens, Chief of Staff, DHCD  
Taura Smalls, Legislative Affairs Specialist, DHCD