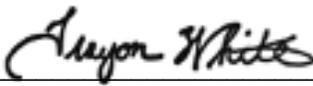




Councilmember Robert C. White, Jr.



Councilmember Janeese Lewis George



Councilmember Trayon White, Sr.



Councilmember Brianne K. Nadeau



Councilmember Charles Allen



Councilmember Brooke Pinto



Councilmember Anita Bonds

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish an Office of Social Housing Developments to foster the construction, maintenance, and growth of District-owned residential properties designed to be mixed-income housing with up to two-thirds priced to be permanently affordable for extremely and very low income households; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for the appointment of the Director of the Office, to amend the Green Finance Authority Establishment Act of 2018 to allow investments in District-owned social housing developments; to amend an Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that the Mayor evaluate such properties for conversion into social housing developments before disposing of them; to amend the Housing Production Trust Fund Act of 1988 to make social housing developments eligible to receive loans and grants; and to amend The Rental Housing Conversion and Sale Act of 1980 to allow the District to purchase residential property for conversion into social housing developments;

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Green New Deal for Housing Amendment Act of 2022”.

Title I: SOCIAL HOUSING DEVELOPMENTS.

Sec. 101. Definitions.

For the purposes of this chapter, the term:

(1)(A) “Area Median Income” means:

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

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

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

(iv) For a household of one person, 70% of the area median income for a household of 4 persons;

(v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons (e.g., the area median income for a family of 5 shall be 110% of the area median income for a family of 4; the area median income for a household of 6 shall be 120% of the area median income for a family of 4).

(B) Any percentage of household income referenced in this chapter (e.g., 80% of household income) shall be determined through a direct mathematical calculation and shall not take into account any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.

(2) “Bonds” means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness of the Office authorized to be issued under the provisions of this chapter.

(3) “Development costs” means any cost associated with the construction, rehabilitation, or conversion of a social housing development.

(4) “Extremely Low income” means a household income equal to, or less than, 30% of the area median income.

(5) “Low income” means a household income equal to between 50% and 80% of the Standard Metropolitan Statistical Area median.

(6) “Mixed-income” means a property that includes a range of income levels, including extremely low, very low, low, moderate, and above moderate income.

(7) “Moderate income” means a total income equal to between 80% and 120% of the Standard Metropolitan Statistical Area median.

(8) “Net-zero emissions” means a facility in which all energy is produced on-site, and to the degree that off-site energy production is necessary, it is provided via contracts for electricity produced from renewable sources. No energy produced in net-zero facilities may result from combustion or other sources that emit greenhouse gases.

(9) “Operating costs” means any costs associated with maintaining a Social Housing Development including management expenses, maintenance, utilities, taxes, and associated services.

(10) “Permanently affordable” means a property in which a majority of units will remain affordable to extremely low, very low-, low-, and moderate-income households relative to area median income, in perpetuity.

(11) “Personal mobility device” shall have the same meaning as provided in § 50-2201.02(13).

(12) “Rent” means the money tenants pay to occupy a unit, including:

(A) Money paid directly by a tenant, and

(B) Any District of Columbia administered housing voucher

(14) “Rent cross-subsidization” means a system in which rents paid by households residing in units priced for extremely- and very low-income households are balanced by rents paid, in the same property, by households residing in units priced for moderate-income earners and above to create an overall balance in property revenue to meet recurring operational costs and reimburse outstanding debts from development costs.

(14) “Revenue neutrality” means a system in which all monetary expenditures that result from the development and maintenance of social housing owned by the District are returned to the District through rents or other public and private subsidies received by the District.

(15) “Social Housing Development” means a property owned by the District that uses the revenue it generates from rent towards construction and maintenance of permanently affordable mixed-income social housing.

(16) “Very low income” means a household income equal to between 30% and 50% of the Standard Metropolitan Statistical Area median.

Sec. 102. Office of Social Housing Development Establishment.

(a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes an Office of Social Housing Development as a subordinate agency within the executive branch of the District government.

(b) The purpose of the Office of Social Housing Development is the ownership, development, conversion, retention, and maintenance of District-owned, permanently affordable, mixed-income housing accommodations for District residents.

(c) The Office shall be headed by a Director, who shall report to the Mayor. The Mayor shall appoint the Director with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

Sec. 103. Duties of the Office of Social Housing Development.

(a) The duties of the Office shall be as follows:

(1) Develop and maintain permanently affordable, mixed-income housing accommodations that pay for themselves through rent cross-subsidization;

(2) Upon the purchase of privately-owned housing accommodations pursuant to The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), convert these housing accommodations into social housing developments;

(3) Use federal and local grants and loans including the Housing Production Trust Fund and Green Finance Authority to develop mixed-income, permanently affordable housing accommodations;

(4) To issue bonds and to give security pursuant to § 8-173.43; provided, that the Office's debts shall not be backed by the full faith and credit of the District of Columbia;

(5) Hire and supervise, with approval and consultation from current social housing development residents, private management companies to oversee the day-to-day operations and maintenance of each social housing development in accordance with Section 108; and

(6) To the greatest extent possible, lease ground-floor commercial space to defray operational and development costs and provide beneficial community amenities such as childhood development centers, grocery stores, and small locally-owned businesses.

(b) (1) The Director of the Office of Social Housing Development shall establish and sustain a social housing coordinating council to advance the creation and maintenance of social housing developments.

(2) The social housing coordinating council shall include:

(A) District government housing agencies;

(B) District-based private sector affordable housing developers and financiers;

(C) Non-profit housing providers and advocates; and

(D) Not less than five District renters or tenants of social housing developments.

(3) Meeting of the social housing coordinating council shall be subject to the requirements of the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)

Sec. 104. Social Housing Development Fund.

(a) There is established as a special fund the Social Housing Development Fund ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this section. The purpose of the Fund is to collect and use rent from social housing developments to construct and maintain more social housing developments while maintaining revenue neutrality.

(b) Monies obtained pursuant to Section 105 shall be deposited into the Fund and shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(c) Money in the Fund shall be used for the following:

- (1) Development costs associated with creating social housing developments;
- (2) Operating costs associated with maintaining social housing developments; and
- (3) Administrative costs of the Office of Social Housing Development, provided that not more than 3% of Social Housing Development Fund may be used to defray these costs.

Sec. 105. Affordability Levels for Social Housing Developments.

(a) To the extent practicable, social housing developments shall structure residential rents at the following distribution:

- (1) One-third of units should be affordable for households at the extremely low income level;
- (2) One-third of units should be affordable for households earning at the very low income level; and
- (3) One-third of units available at rates necessary to achieve rent cross-subsidization.

(b) Residential rent shall be based on households spending approximately 30% of their annual income on housing. Housing vouchers, either District or federal, shall not count towards household income for this calculation.

(c) Commercial rent rates should be based on the market rate and shall adjust not more than once in a two-year period.

Sec. 106. Environmental Standards for Social Housing Developments.

(a) Social housing developments shall be constructed to high environmental standards, including:

(1) Net-zero emissions, including no energy from combustion or any sources that emit greenhouse gases;

(2) On-site solar energy production to the maximum extent practicable, including using the District's solar installation program and employing labor through the District's solar installation workforce training programs;

(3) Landscape architecture to maximize natural cooling; and

(4) Multimodal transportation access, including pedestrian linkages and facilities for bicycles and personal mobility devices.

(b) Social housing developments should incorporate the following technologies:

(1) All electric heating and cooling using only highly efficient systems; and

(2) Energy-efficient appliances and lights.

(c) Social housing developments shall not include the following:

(1) Natural gas for heating, hot water, or cooking;

(2) Off-street parking in excess of zoning regulations.

Sec. 107. Construction Labor Standards for Social Housing Developments.

(a) Social housing developments shall be constructed in compliance with federal and District law, including:

- (1) Procurement laws pursuant to Subchapter VI of Chapter 3A of Title 2;
- (2) First source employment laws pursuant to Subchapter X of Chapter 2 of Title 2;
- (3) Small and local business enterprise development laws pursuant to Subchapter IX-A of Chapter 2 of Title 2;
- (4) Clean Hands requirements pursuant to Subchapter II of Chapter 28 of Title 47;
- (5) Green building requirements pursuant to Chapter 14A of Title 6;
- (6) Whistleblower protections pursuant to Subchapter XII of Chapter 2 of Title 2;
- (7) Prevailing wage requirements pursuant to the Davis-Bacon Act of 1931, approved March 3, 1931 (46 Stat. 1494; 40 U.S.C. § 3141 et seq.); and
- (8) Labor peace agreements pursuant to Chapter 8A of Title 32.

Sec. 108. Tenant Governance.

(a) Social housing developments may maintain tenant leadership boards at each property, responsible for the following administrative duties:

- (1) Establish by-laws and a process by which residents elect leadership;
- (2) Establish and maintain community rules and expectations; and
- (3) Manage a budget for community initiatives.

(b) (1) Tenant leadership boards shall have the right to review and approve any service agreements in place related to their property, including any private management companies hired to maintain the building and its systems.

(2) Tenant leadership boards shall have the right to initiate a process with the Office of Social Housing Development to procure a new vendor for building management if a majority of the a tenant leadership board finds the current company's performance unsatisfactory and the board conducts a recorded vote to initiate a process to hire a new vendor.

(c) (1) The Office of Social Housing Development shall facilitate a relationship between each social housing development and the Office of Tenant Advocate to establish the Office of Tenant Advocate as a primary tenant-rights resource for residents of the development

(2) Tenant leadership boards may seek outside support or technical assistance, as needed, to exercise their rights and execute their duties.

(d)(1) The Office of Social Housing Development shall work with tenant leadership boards and property management companies to produce biannual reports on each development's finances, expenditures, revenues, and any projected rent adjustments. The report shall be provided electronically to all tenants.

(2) A tenant may request a report copy be provided to them as a paper copy.

Title II: CONFORMING AMENDMENTS.

Sec. 201. Section 301(q) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(17)), is amended as follows:

(a) Paragraph (56) is amended by striking the word "and" at the end.

(b) Paragraph (57) is amended by striking the phrase "District of Columbia Public Schools." and inserting the phrase "District of Columbia Public Schools; and" in its place.

(c) A new paragraph (58) is added to read as follows:

"(58) Office of Social Housing Developments."

Sec. 202. Section 301(b) of the Green Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.31(b)) is amended by striking the period and inserting the phrase "including Social Housing Developments as defined pursuant to Title I of the Green New Deal for Housing Amendment Act of 2022, introduced April __, 2022 (B24-__)."'

Sec. 203. Section 1(a-1)(2)(A) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)(2)(A)), is amended to read as follows:

"(A) Whether the real property could have any use by the District, including:

"(i) A description of the District's current needs for real property,

"(ii) A description of potential public uses considered by the Mayor,

"(iii) The square footage of green space on the real property,

"(iv) A narrative explaining why the real property is unsuited for each public use considered; and

"(v) If the property is being disposed of in order to provide affordable housing, a justification and mathematical assessment for why the proposed disposition

will result in more permanently affordable housing for extremely and very low income households than would be created if the property were converted into a social housing development as defined pursuant to Title I of the Green New Deal for Housing Amendment Act of 2022, introduced April __, 2022 (B24-___).”.

Sec. 204. The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 42–2801) is amended by adding a new paragraph (13) to read as follows:

“(13) “Social Housing Development” means a District-owned property that uses the revenue it generates from rent towards construction and maintenance of permanently affordable mixed-income housing.

(b) Section 3(b) (D.C. Official Code § 42–2802(b)) is amended by adding a new paragraph (12) to read as follows:

“(12) Funds for Social Housing Developments.”

Sec. 205. Section 431 of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.31), is amended by adding a new subparagraph (b-1) to read as follows:

“(b-1) If the Mayor assigns the District’s purchasing rights pursuant to § 42-3404.36, they must first issue a justification and mathematical assessment for why doing so will create more permanent affordable housing for extremely and very low income households than converting it into a social housing development as defined pursuant to Title I of the Green New Deal for Housing Amendment Act of 2022, introduced April __, 2022 (B24-___).”.

TITLE III. FISCAL IMPACT STATEMENT.

Sec. 8. Fiscal impact statement.

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

TITLE IV. EFFECTIVE DATE.

Sec. 9. Effective date.

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