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2 Councilmember Robert C. White, Jr.

  
Councilmember Janeese Lewis George

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5 Councilmember Trayon White, Sr.

  
6 Councilmember Brianne K. Nadeau

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9 Councilmember Charles Allen

  
10 Councilmember Brooke Pinto

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12  
13 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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18  
19 To establish an Office of Social Housing Developments to foster the construction, maintenance,  
20 and growth of District-owned residential properties designed to be mixed-income housing  
21 with up to two-thirds priced to be permanently affordable for extremely and very low  
22 income households; to amend the District of Columbia Government Comprehensive Merit  
23 Personnel Act of 1978 to provide for the appointment of the Director of the Office, to  
24 amend the Green Finance Authority Establishment Act of 2018 to allow investments in  
25 District-owned social housing developments; to amend an Act Authorizing the sale of  
26 certain real estate in the District of Columbia no longer required for public purposes to  
27 require that the Mayor evaluate such properties for conversion into social housing  
28 developments before disposing of them; to amend the Housing Production Trust Fund Act  
29 of 1988 to make social housing developments eligible to receive loans and grants; and to  
30 amend The Rental Housing Conversion and Sale Act of 1980 to allow the District to  
31 purchase residential property for conversion into social housing developments;

32  
33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
34 act may be cited as the “Green New Deal for Housing Amendment Act of 2022”.

35 **Title I: SOCIAL HOUSING DEVELOPMENTS.**

36 Sec. 101. Definitions.

37 For the purposes of this chapter, the term:

38 (1)(A) “Area Median Income” means:

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

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

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

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

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

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

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

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

62 (4) “Extremely Low income” means a household income equal to, or less than,  
63 30% of the area median income.

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

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

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

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

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

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

80 (11) “Personal mobility device” shall have the same meaning as provided in § 50-  
81 2201.02(13).

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

83 (A) Money paid directly by a tenant, and

84 (B) Any District of Columbia administered housing voucher

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

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

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

97 (16) “Very low income” means a household income equal to between 30% and  
98 50% of the Standard Metropolitan Statistical Area median.

99 Sec. 102. Office of Social Housing Development Establishment.

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

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

107 (c) The Office shall be headed by a Director, who shall report to the Mayor. The Mayor  
108 shall appoint the Director with the advice and consent of the Council pursuant to section 2(a) of  
109 the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §  
110 1-523.01(a)). Sec. 103. Duties of the Office of Social Housing Development.

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

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

114 (2) Upon the purchase of privately-owned housing accommodations pursuant to  
115 The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law  
116 3-86; D.C. Official Code § 42-3401.01 *et seq.*), convert these housing accommodations into  
117 social housing developments;

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

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

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

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

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

133 (2) The social housing coordinating council shall include:

134 (A) District government housing agencies;

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

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

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

140 (3) Meeting of the social housing coordinating council shall be subject to  
141 the requirements of the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-  
142 350; D.C. Official Code § 2-571 *et seq.*)

143 Sec. 104. Social Housing Development Fund.

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

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

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

152 (1) Development costs associated with creating social housing developments;

153 (2) Operating costs associated with maintaining social housing developments; and

154 (3) Administrative costs of the Office of Social Housing Development, provided  
155 that not more than 3% of Social Housing Development Fund may be used to defray these costs.

156 Sec. 105. Affordability Levels for Social Housing Developments.

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

159 (1) One-third of units should be affordable for households at the extremely low  
160 income level;

161 (2) One-third of units should be affordable for households earning at the very low  
162 income level; and

163 (3) One-third of units available at rates necessary to achieve rent cross-  
164 subsidization.

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

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

170 Sec. 106. Environmental Standards for Social Housing Developments.

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

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

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

178 (3) Landscape architecture to maximize natural cooling; and

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

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

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

183 (2) Energy-efficient appliances and lights.

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

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

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

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

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

190 (1) Procurement laws pursuant to Subchapter VI of Chapter 3A of Title 2;

191 (2) First source employment laws pursuant to Subchapter X of Chapter 2 of Title  
192 2;

193 (3) Small and local business enterprise development laws pursuant to Subchapter  
194 IX-A of Chapter 2 of Title 2;

195 (4) Clean Hands requirements pursuant to Subchapter II of Chapter 28 of Title 47;

196 (5) Green building requirements pursuant to Chapter 14A of Title 6;

197 (6) Whistleblower protections pursuant to Subchapter XII of Chapter 2 of Title 2;



198 (7) Prevailing wage requirements pursuant to the Davis-Bacon Act of 1931,  
199 approved March 3, 1931 (46 Stat. 1494; 40 U.S.C. § 3141 et seq.); and

200 (8) Labor peace agreements pursuant to Chapter 8A of Title 32.

201 Sec. 108. Tenant Governance.

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

204 (1) Establish by-laws and a process by which residents elect leadership;

205 (2) Establish and maintain community rules and expectations; and

206 (3) Manage a budget for community initiatives.

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

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

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

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

219 (d)(1) The Office of Social Housing Development shall work with tenant leadership  
220 boards and property management companies to produce biannual reports on each development's

221 finances, expenditures, revenues, and any projected rent adjustments. The report shall be  
222 provided electronically to all tenants.

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

224 **Title II: CONFORMING AMENDMENTS.**

225 Sec. 201. Section 301(q) of the District of Columbia Government Comprehensive Merit  
226 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-  
227 603.01(17)), is amended as follows:

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

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

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

232 "(58) Office of Social Housing Developments."

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

238 Sec. 203. Section 1(a-1)(2)(A) of An Act Authorizing the sale of certain real estate in the  
239 District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat.  
240 1211; D.C. Official Code § 10-801(a-1)(2)(A)), is amended to read as follows:

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

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

244                                   “(ii) A description of potential public uses considered by the  
245 Mayor,  
246                                   “(iii) The square footage of green space on the real property,  
247                                   “(iv) A narrative explaining why the real property is unsuited for  
248 each public use considered; and  
249                                   “(v) If the property is being disposed of in order to provide  
250 affordable housing, a justification and mathematical assessment for why the proposed disposition  
251 will result in more permanently affordable housing for extremely and very low income  
252 households than would be created if the property were converted into a social housing  
253 development as defined pursuant to Title I of the Green New Deal for Housing Amendment Act  
254 of 2022, introduced April \_\_, 2022 (B24-\_\_).”.

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

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

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

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

264                                   “(12) Funds for Social Housing Developments.”

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

268                       “(b-1) If the Mayor assigns the District’s purchasing rights pursuant to §  
269   42-3404.36, they must first issue a justification and mathematical assessment for why doing so  
270   will create more permanent affordable housing for extremely and very low income households  
271   than converting it into a social housing development as defined pursuant to Title I of the Green  
272   New Deal for Housing Amendment Act of 2022, introduced April \_\_, 2022 (B24-\_\_).”.

273   **TITLE III. FISCAL IMPACT STATEMENT.**

274           Sec. 8. Fiscal impact statement.

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

278   **TITLE IV. EFFECTIVE DATE.**

279           Sec. 9. Effective date.

280           This act shall take effect following approval by the Mayor (or in the event of veto by the  
281   Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
282   provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
283   24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
284   Columbia Register.