


COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

To: Chairman Phil Mendelson
From: Councilmember Elissa Silverman 
Date: December 1, 2022
Subject: Notice of intent to move emergency and temporary measures on December 6, 2022

I request the inclusion of the following two sets of emergency and temporary measures on the agenda of the December 6, 2022 legislative meeting. Drafts of the measures are attached.

1. Continuation of Tenant Payment Plans

- Tenant Payment Plan Phasing Continuation Declaration Resolution of 2022
- Tenant Payment Plan Phasing Continuation Emergency Act of 2022
- Tenant Payment Plan Phasing Continuation Temporary Act of 2022

These measures will prevent an early expiration of the law related to rental payment plans for residential and commercial tenants which, without Council action, would expire on December 29, 2022.

Specifically, the current statute on tenant payment plans requires commercial and residential rental providers to offer a rent payment plan for eligible tenants with a minimum one-year term, the last of which would end on July 24, 2023. Although the requirement to offer tenant payment plans expired on July 25, 2022, an extension of the current statute will maintain the substantive requirements of the existing plans. The current statute also requires that any rent that is covered under a payment plan not be reported to credit reporting agencies as delinquent. With the expiration of the Tenant Payment Plan Phasing Temporary Act on December 29, 2022, commercial and residential tenants would face uncertainty about whether the amounts subject to the payment plan could be prematurely reported to credit reporting agencies.

The attached measures extend the current law, unchanged, and will not need to be further extended to continue the protections as promised.

Please contact Maya Brennan, Policy Advisor, mbrennan@dccouncil.gov with any questions.

2. Amendment of ANC Boundary

- Advisory Neighborhood Commission Boundaries Emergency Declaration Resolution of 2022
- Advisory Neighborhood Commission Boundaries Emergency Amendment Act of 2022
- Advisory Neighborhood Commission Boundaries Temporary Amendment Act of 2022

Earlier this year, the Council adopted the Advisory Neighborhood Commission Boundaries Act of 2022 (D.C. Law 24-148), establishing new boundaries for ANCs and SMDs effective in 2023. These emergency and temporary measures would adjust a portion of the new boundary between SMDs 6D01 and 6D07 in an offshore area that has seen dramatic physical change due to completion of the Wharf development.

As originally written, the boundary between SMD 6D01 and 6D07 follows a census block boundary over the water in the Washington Channel. But newly available aerial photographs show that this boundary cuts across several new residential piers and through a new commercial building. Changing this boundary will avoid unintended confusion as to whether the piers and the building were divided between two different SMDs. Instead, the residential piers and the commercial building would be clearly and entirely within SMD 6D01.

Residential Piers. Importantly, this boundary change would *not* result in the reassignment of any voters from one SMD to another. The residential piers are used as boat slips for liveaboard residents of the Wharf. Like the apartments in a multifamily residential building, the boat slips share a common street address and each residence has a unique unit number. All voters residing at the boat slips were assigned to SMD 6D01 based on the location of their street address (650 Wharf St., S.W.), even though most of the boat slips physically lie within the original boundaries of SMD 6D07. This boundary change would affirm the Board of Elections' assignment of the voters to SMD 6D01.

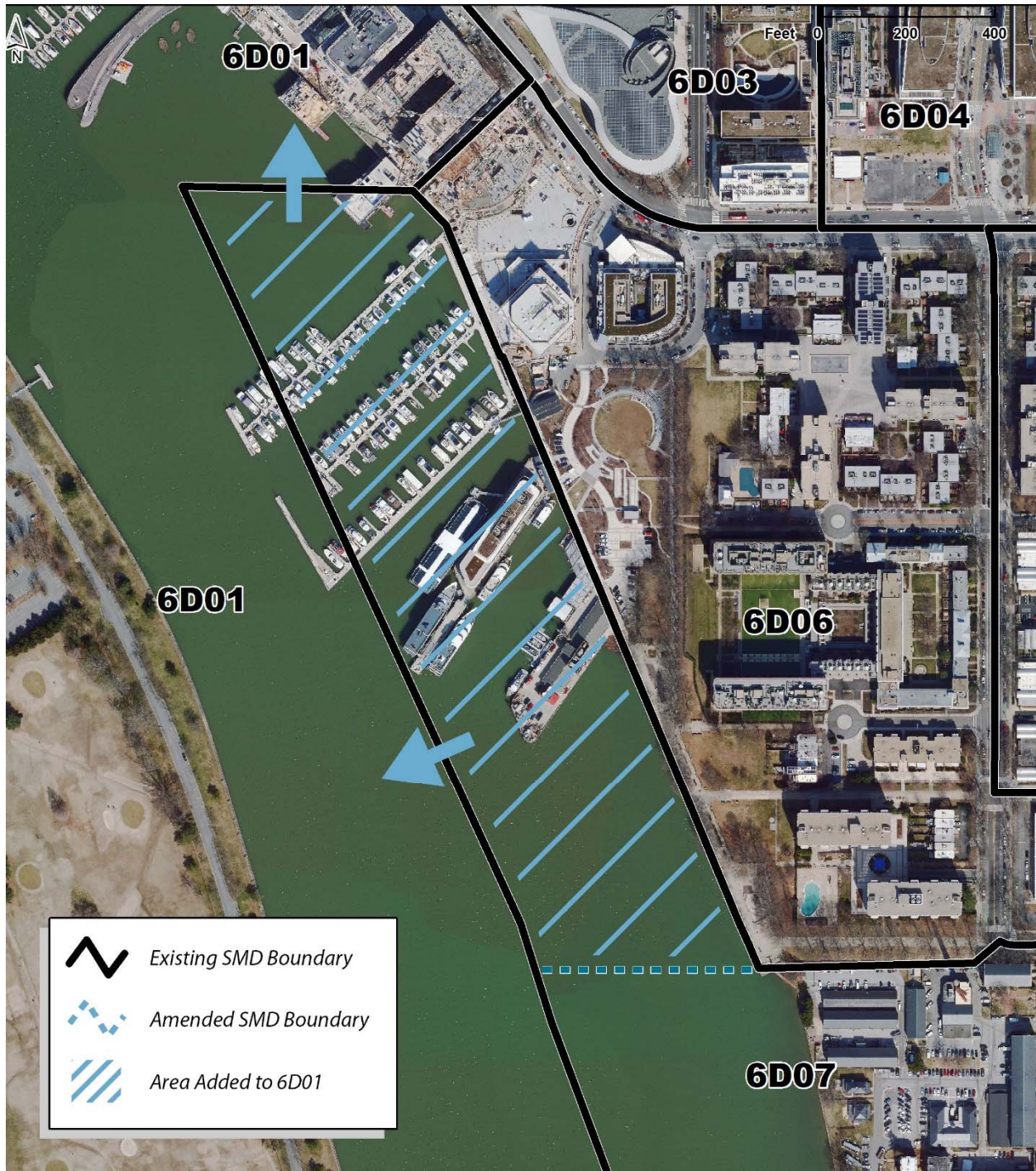
In contrast, for purposes of the 2020 Census population only, the boundary change would appear to transfer 105 people. This discrepancy is merely a product of varying levels of precision, which is tracked by census block rather than mailing address. After the boundary change, the population of SMD 6D01 would be 2,122, a difference of 6.1% from the average SMD population of 2,000; however, the emergency declaration resolution states that this deviation of more than 5% is appropriate due to the limitations of census geography.

SMD	Original Boundary	Original Deviation	Changed Boundary	Changed Deviation
6D01	2,017	0.9%	2,122	6.1%
6D07	2,097	4.9%	1,992	0.0%
Total	4,114		4,114	

Commercial Building. The commercial building has multiple entrances with different street addresses. Because the original SMD boundary line runs through the building, the street addresses are assigned to different SMDs. Thus, 652 Wharf St., S.W., is in SMD 6D01, while 658 Wharf St., S.W., is in SMD 6D07, even though they are a single building. Both addresses are home to an ABRA licensee, and this boundary change will ensure that notice of future license renewals is provided to the appropriate ANC commissioner.

To avoid unintended and absurd results, this boundary will change so that SMD 6D01 encompasses all of the offshore area of the Washington Channel down to Southwest Waterfront Park. The effect of this boundary change is depicted on the map that follows.

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Should you have questions, please contact Will Singer, Legislative Director in my office, at wsinger@dccouncil.gov.

cc: All Councilmembers
Office of the Secretary
Mayor's Office of Policy and Legislative Affairs