

Council of the District of Columbia
OFFICE OF COUNCILMEMBER BRIANNE K. NADEAU
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Brienne K. Nadeau *Brianne K. Nadeau*
RE: Request to Agendize Measures for the January 9, 2024 Legislative Meeting
DATE: January 4, 2024

I am requesting that the following measures be agendized for the January 9, 2024 Legislative Meeting.

Congressional Review Emergency Measures

- **Sexual Harassment Investigation Review Clarification Congressional Review Emergency Declaration Resolution of 2024**
- **Sexual Harassment Investigation Review Clarification Congressional Review Emergency Amendment Act of 2024**

On October 3, 2023, the Council passed B25-519, the Sexual Harassment Investigation Review Congressional Review Emergency Act of 2023, which requires the Inspector General to hire independent counsel in FY 2024 to produce a report of findings within 120 days of the contract award. The Emergency Act is set to expire on January 29, 2024. The temporary measure, B25-520, was passed on November 7th, 2023 and is still pending congressional review. This emergency legislation is necessary to prevent a gap in the law.

Draft measures are attached.

Permanent Measures

- **B25-0412 - Litter Control Amendment Act of 2023**

The purpose of B25-0412 is to remedy certain inconsistencies in current law regarding effective service of a Notice of Violation for violations of the Litter Control Administration Act of 1985. The bill amends the Litter Control Administration Act of 1985 to provide the Department of Public Works (DPW) the ability to serve a party cited for an infraction of said Act with a Notice of Violation (NOV) via first-class mail. It also provides that when such service is by first-class mail, five additional days shall be added to the time period within which the party cited may or is required to take any action specified in the NOV. Finally, the bill clarifies that a residential premises may be inspected and investigated for an alleged nuisance; this provision codifies DPW's existing authority (and current practice), as determined by the Office of the Attorney General.

- **B25-0005 – Uniform Commercial Code Amendment Act of 2023**

B25-0005 makes several amendments to the District’s codification of the Uniform Commercial Code to create uniform rules around digital asset transactions and ensure that the code remains up-to-date. The amendments add a new Article 12, which provides rules for transactions involving digital assets, including cryptocurrency, non-fungible tokens, and electronic promises to pay. The bill also includes related amendments to keep the law current with federal regulations allowing the deposit of checks by sending a photograph to the bank, accommodate the use of controllable electronic records as collateral for loans and other obligations, and to allow for electronic documents and signatures. B25-0005 was introduced by Chairman Mendelson at the request of the Uniform Law Commission on January 03, 2023.

- **Housing Subsidy Contract Stabilization Amendment Act of 2023**

B25-0282 exempts from competitive bidding requirements the renewal of project-based, long-term subsidy contracts (LTSC) for existing affordable housing, for the purpose of maintaining stability for tenants of extremely low-income affordable housing units. The Committee Print also extends the maximum length allowed for an initial subsidy contract from 15 to 20 years.

LRSP was established in 2007. As such, some of the earliest 15-year contracts are coming up for renewal.

Because LTSCs are by definition multi-year contracts, if the Housing Authority would like to continue to provide subsidy to existing units for longer than the standard five-year extension, current law requires that a contract be competitively re-bid. This presents projects in need of LRSP for refinancing in the potential position of having a competitively-bid contract being awarded to a different provider, and thus different units of housing entirely.

In practically every case, LRSP is not the sole financing source of a property – a project undergoing refinancing needs to line up other sources, whether that is other subsidy programs like Low-Income Housing Tax Credits or financing from private lenders. It is extremely challenging, if not impossible to secure the rest of this financing if a significant source of subsidy – the project-based LRSP – can only be guaranteed for an additional 5 years, well out of sync with the terms of those other sources.

This competition exemption does not apply to any new or first-time LRSP projects, and does not change any other procurement practice, including the required Council review and approval of all multiyear contracts.

These measures were approved by the Committee on Public Works & Operations on December 21, 2023 and timely filed with the Secretary the following day.

Please contact Ariel Ardura, Committee Director, at aardura@dccouncil.gov with any questions.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel

Office of the Budget Director
Mayor's Office of Policy and Legislative Affairs