

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, Chapter 8 of Title 47 of the District of Columbia Official Code to amend the statutes governing tax abatements for housing in downtown to require the tax abatements to be awarded competitively, ensure proper recording of the Tenant Opportunity to Purchase Act exemption, extend the timeframe for receiving a certificate of occupancy, and remove a calculation that is no longer applicable.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Housing in Downtown Tax Abatement Emergency Amendment Act of 2024”.

Sec. 2. Section 47-860.02 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the Mayor may” and inserting the phrase “the Mayor may, through a competitive process,” in its place.

(2) Paragraph (4) is amended by striking the phrase “paragraphs (1) and (2) of this subsection” and inserting the phrase “paragraphs (2) and (3) of this subsection, as well as with the requirements of § 47–860.02a(b). The covenant shall also include any

34 additional terms related to the design and administration of the affordable housing units
35 required by the Mayor by rule” in its place.

36 (3) Paragraph (8) is amended by striking the phrase “imposed by the
37 Mayor and subject to the adjustment of the abatement amount based on the certifications
38 provided for in § 47–860.03(a)” and inserting the phrase “imposed by the Mayor” in its
39 place.

40 (b) Subsection (d) is amended to read as follows:

41 “(d) A tax abatement shall not be provided for a property for which an eligibility
42 and reservation letter was transmitted by the Mayor pursuant to subsection (a)(8) of this
43 section if the project based upon which the eligibility and reservation letter was issued
44 has not received a certificate of occupancy within 24 months after the date the eligibility
45 and reservation letter was transmitted; provided, that the Mayor may, in the Mayor's
46 reasonable discretion, extend the 24-month period for any number of 6-month periods if:

47 “(1)(A)(i) The project's construction has reached grade within the 24-
48 month period, as certified by the project architect and the Mayor; or

49 “(ii) The project has not reached grade within that period,
50 but any delays were beyond the control of the developer; and

51 “(B) The project is making progress toward delivering housing; or

52 “(2) There exists a public emergency as defined in section 2(3) of
53 the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.
54 Law 3-149; D.C. Official Code § 7-2301(3)).”.

55 Sec. 3. The lead-in language to section 47-860.03(a) of the District of Columbia
56 Official Code is amended by striking the phrase “as determined by the Mayor, per

57 residential FAR square foot of real property multiplied by the building’s total residential
58 FAR square footage as certified by the project architect and the Mayor” and inserting the
59 phrase “as reasonably determined by the Mayor for each property” in its place.

60 Sec. 4. Fiscal impact statement.

61 The Council adopts the fiscal impact statement of the Chief Financial Officer as
62 the fiscal impact statement required by section 4a of the General Legislative Procedures
63 Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-
64 301.47a).

65 Sec. 5. Effective date.

66 This act shall take effect following approval by the Mayor (or in the event of veto
67 by the Mayor, action by the Council to override the veto), and shall remain in effect for
68 no longer than 90 days, as provided for emergency acts of the Council of the District of
69 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
70 December 24, 1973 (87 Stat. 788; D.C. Official Code §1-204.12(a)).