


COMMITTEE ON HOUSING

ROBERT C. WHITE, JR., CHAIR
COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White, Jr. 
Chair, Committee on Housing
DATE: June 19, 2024
RE: Requests for June 25, 2024, Legislative Meeting

I request that the following measures appear on the agenda for the legislative meeting scheduled for June 25, 2024.

Emergency and temporary legislation

- **Green Housing Coordination Emergency Declaration Resolution of 2024**
- **Green Housing Coordination Emergency Amendment Act of 2024**
- **Green Housing Coordination Temporary Amendment Act of 2024**

This legislation creates a pathway for the District government to continue subsidizing affordable housing development and preservation in the immediate term, while continuing to press toward building code standards that can help meet the demands of the climate crisis.

First, the legislation would clarify allowable uses of the Housing Production Trust Fund for certain categories of residential and mixed-use buildings over the next few years. It would amend the Housing Production Trust Fund Act of 1988 to require that the Department of Housing and Community Development and its housing subsidy partner agencies continue to include net zero energy readiness requirements in their consolidated requests for proposals for District subsidies for the construction of new residential and mixed-use buildings of 50,000 square feet or more.

Second, the legislation would require the Mayor to issue periodic progress reports on subsidizing sustainable affordable housing of all kinds and implementing a comprehensive net zero energy building code pursuant to the Clean Energy DC Building Code Amendment Act of 2022, and to note any barriers in other parts of District law so that the Council can better play its part in advancing this goal.

Finally, the legislation would repeal certain portions of the Greener Government Buildings Amendment Act of 2022 that apply to housing—provisions that attempted to achieve some of the same goals listed above, but through different enforcement mechanisms that the executive and regulated industries have not been able to implement within the intended timeframe.

This legislation builds on several earlier rounds of permanent and emergency legislation. A policy memo explaining the technicalities of this legislation in greater depth is attached.

- **Foreclosure Moratorium and Homeowner Assistance Fund Emergency Declaration Resolution of 2024**
- **Foreclosure Moratorium and Homeowner Assistance Fund Emergency Amendment Act of 2024**

The John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 114
Washington, DC 20004

- **Foreclosure Moratorium and Homeowner Assistance Fund Temporary Amendment Act of 2024**

As part of its response to the COVID-19 pandemic, the District imposed a temporary moratorium on residential foreclosures. In 2022, through emergency and temporary legislation, Council ended the blanket moratorium, but maintained protection from foreclosure for those homeowners who had already applied for support from the Homeowner Assistance Fund (HAF) prior to November 11, 2022. The attached legislation would maintain the protection for those homeowners whose applications for assistance are still unresolved as the program moves toward close out.

- **Tenant Payment Plan Phasing Continuation Emergency Declaration Resolution of 2024**
- **Tenant Payment Plan Phasing Continuation Emergency Amendment Act of 2024**
- **Tenant Payment Plan Phasing Continuation Temporary Amendment Act of 2024**

Beginning during COVID-19 public health emergency, the Council passed a series of emergency and temporary laws to protect eligible residential and commercial tenants, by requiring rental providers to offer a rent payment plan program through which tenants could pay rents over the course of at least one year due to financial hardship as a demonstrated result of COVID-19. Under the law, providers could not report to credit reporting agencies as delinquent any payments made under an agreed upon plan. The coverage period for providing a payment plan option was from March 11, 2020, through July 25, 2022, with a minimum repayment period of 1 year. Providers were also required to maintain any tenant’s application record for at least 3 years. The attached legislation would ensure continuity in the law for tenants whose payment plans are not yet complete and would uphold the requirement that providers retain payment plan application records for at least 3 years, following the expiration of the current temporary law on August 1, 2024.

- **Voluntary Agreement Moratorium Emergency Declaration Resolution of 2024**
- **Voluntary Agreement Moratorium Emergency Amendment Act of 2024**
- **Voluntary Agreement Moratorium Temporary Amendment Act of 2024**

Section 215 of the Rental Housing Act of 1985 allows housing providers to enter into “voluntary agreements” with tenants to adjust rents, building conditions, and other services in a building. Landlords must file voluntary agreements with the Rent Administrator, whose position is currently located within the Department of Housing and Community Development. Through a series of permanent, emergency, and temporary measures, the Council has placed a moratorium on voluntary agreements to mitigate the harm that some voluntary agreements have caused tenants. The most recent such extension will expire on August 1, 2024. The attached measures would extend the moratorium to allow the Council to finalize a long-term solution that will serve both tenants and landlords.

- **Family Re-Housing Stabilization Program Protection Emergency Declaration Resolution of 2024**
- **Family Re-Housing Stabilization Program Protection Emergency Amendment Act of 2024**

- **Family Re-Housing Stabilization Program Protection Temporary Amendment Act of 2024**

This emergency and temporary legislation extends legislation currently in effect that ensures, should funding be available in the rapid rehousing program and should circumstances warrant it, residents in rapid re-housing have the ability to extend their housing assistance with appropriate procedural protections in place. This existing legislation is not repealed by the Mayor's legislative proposal incorporated into the pending budget support act.

- **Migrant Services and Supports Extension Emergency Declaration Resolution of 2024**
- **Migrant Services and Supports Extension Emergency Amendment Act of 2024**
- **Migrant Services and Supports Extension Temporary Amendment Act of 2024**

To address the pressing needs of migrant residents, the Council enacted the Migrant Services and Supports Temporary Act of 2022 on October 4, 2022. This act, which was subsequently clarified and extended, established the Office of Migrant Services (OMS) to provide essential services to support migrants. Unless further Council action is taken, the most recent temporary version of this important legislation would expire on July 10, 2024. Abrupt discontinuation of these services would result in significant harm to both migrants and District residents.

Congressional Review Emergency Legislation

- **Association Meeting Flexibility Congressional Review Emergency Declaration Resolution of 2024**
- **Association Meeting Flexibility Congressional Review Emergency Amendment Act of 2024**

This legislation prevents a lapse between emergency and temporary measures that extend the authority of condominium and cooperative associations to hold virtual and hybrid meetings without amending their bylaws.

- **Relief for River East at Grandview Condominium Owners Congressional Review Emergency Declaration Resolution of 2024**
- **Relief for River East at Grandview Condominium Owners Congressional Review Emergency Amendment Act of 2024**

This legislation prevents a lapse between emergency and temporary measures that support the homeowners who purchased units at the River East at Grandview Condominiums with District assistance but cannot occupy them due to structural concerns. Specifically, the law is intended to grant authority to the Mayor to forgive existing Home Purchase Assistance Program and Housing Production Trust Fund loans, engage with an established housing counseling agency to work on subsequent ownership opportunities, and provide other assistance and relief to the owners so that they can finally move forward with their lives.