


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: September 12, 2024
RE: Requests for September 17 Legislative Meeting

I request that the following measures appear on the agenda for the legislative meeting scheduled for September 17, 2024.

Congressional Review Emergency Legislation

- **Foreclosure Moratorium and Homeowner Assistance Fund Coordination Congressional Review Emergency Declaration Resolution of 2024**
- **Foreclosure Moratorium and Homeowner Assistance Fund Coordination Congressional Review Emergency 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.

On June 25, the Council unanimously passed emergency legislation to maintain the protection for those homeowners whose applications for assistance are still unresolved as the program moves toward close out. Corresponding temporary legislation is projected to become law in December. The attached emergency legislation is necessary to prevent a lapse.

- **Tenant Payment Plan Phasing Continuation Congressional Review Emergency Declaration Resolution of 2024**
- **Tenant Payment Plan Phasing Continuation Congressional Review Emergency Act of 2024**

Beginning during the 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.

On June 25, the Council unanimously passed emergency legislation to ensure continuity in the law for tenants whose payment plans are not yet complete and uphold the requirement that providers retain payment plan application records for at least 3 years. Corresponding temporary legislation

is projected to become law in December. The attached emergency legislation is necessary to prevent a lapse.

- **Voluntary Agreement Moratorium Congressional Review Emergency Declaration Resolution of 2024**
- **Voluntary Agreement Moratorium Congressional Review Emergency 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.

On June 25, the Council unanimously passed emergency legislation to extend the moratorium to allow the Council to finalize a long-term solution that will serve both tenants and landlords. Corresponding temporary legislation is projected to become law in December. The attached emergency legislation is necessary to prevent a lapse.

Emergency contract legislation at the request of the Housing Authority

- **Local Rent Supplement Program Contract No. 2024-LRSP-05A with Congress LIHTC Owner, LLC Emergency Declaration Resolution of 2024**
- **Local Rent Supplement Program Contract No. 2024-LRSP-05A with Congress LIHTC Owner, LLC Approval Emergency Act of 2024**

In 2021, the Department of Housing and Community Development (DHCD) and its partner agencies initiated a Consolidated Request for Proposals process to determine which affordable housing proposals would receive various subsidies, including project-based Local Rent Supplement Program (LRSP) funding. Congress LIHTC Owner, LLC (the “Contractor”) was one of the successful bidders. The attached legislation would approve a contract between the Contractor and the DC Housing Authority for one piece of the resulting subsidy package: a 15-year agreement to enter into a long-term subsidy contract for an annual LRSP payment starting at \$2,087,724. As this is a multiyear contract, the Home Rule Act requires affirmative Council approval.

The Contractor is an affiliate of MacArthur Development, operating in partnership with Community Connections. The Contractor plans to build a new 8-story mixed-use building at 1109 Congress Street NE, in the NoMa neighborhood of Ward 6. All 69 residential units will be dedicated to Permanent Supportive Housing participant households making 30% or less of the Area Median Income. The building will also feature supportive service offices and ground-floor space for production, distribution and repair uses.