



Councilmember Kenyan R. McDuffie

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, Chapter 8 of Title 47 of the District of Columbia Official Code to require that tax abatements for housing in downtown 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Purchase Act exemption, extend the timeframe for receiving a certificate of occupancy, and remove a calculation that is no longer applicable.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 Congressional Review Emergency Amendment Act of 2024”.

Sec. 2. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-860.02 is amended as follows:

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

(A) 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.

(B) 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, § 47–

32 860.02a(b), and any additional terms included in the covenant related to the design and
33 administration of the affordable housing units required by the Mayor by rule.” in its place.

34 (C) Paragraph (8) is amended by striking the phrase “and subject to the
35 adjustment of the abatement amount based on the certifications provided for in § 47–860.03(a)”.

36 (2) Subsection (d) is amended to read as follows:

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

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

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

47 “(2)(A) The project is making progress toward delivering housing; or

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

51 (b) The lead in language to section 47-860.03(a) is amended by striking the phrase “as
52 determined by the Mayor, per residential FAR square foot of real property multiplied by the

53 building's total residential FAR square footage as certified by the project architect and the
54 Mayor;" and inserting the phrase "as reasonably determined by the Mayor for each property;" in
55 its place.

56 Sec 3. Fiscal impact statement.

57 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
58 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
59 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

60 Sec. 4. Effective date.

61 This act shall take effect following approval by the Mayor (or in the event of veto by the
62 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
63 90 days, as provided for emergency acts of the Council of the District of Columbia in section
64 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
65 D.C. Official Code § 1-204.12(a)).