

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO : Nyasha Smith, Secretary to the Council

FROM : Phil Mendelson, Chairman 

DATE : January 28, 2026

RE : **Request to Place Emergency Measures on the Agenda for the February 3, 2026 Legislative Meeting**

This memorandum is to request that the following measures be placed on the agenda for the February 3, 2026 Legislative Meeting:

- **Residential Building Permit Classification Emergency Declaration Resolution of 2026**
- **Residential Building Permit Classification Emergency Amendment Act of 2026**
- **Residential Building Permit Classification Temporary Amendment Act of 2026**

On March 4, 2025, the Council approved the “Residential Building Permit Classification Emergency Amendment Act of 2025” (D.C. Act 26-33)(“emergency act”) in response to a policy enacted by the Office of Tax and Revenue on October 1, 2024 whereby developers converting a commercial property to a residential property could not benefit from a change in classification from Class 2 to Class 1 until construction was “100 complete” and the building was “in actual use.”

The emergency act clarified that developers may have commercial-to-residential reclassified after a building permit has been issued to construct a new improvement or substantially rehabilitate an existing improvement. The emergency act became applicable on April 1, 2025 and expired on June 19, 2025.

The Council approved identical temporary legislation on April 1, 2025 (D.C. Law 26-15). The temporary legislation became law on June 27, 2025 and expired on January 28, 2026. As such, there is a need to approve additional emergency legislation with an applicability date of January 28, 2026 to ensure that there is no gap in the law.

Similar provisions were also included in the “Vacant to Vibrant Amendment Act of 2025” (D.C. Law 26-41). Those provisions are currently subject-to-appropriation. The Committee is working with the Office of the Chief Financial Officer to determine the cost of funding those provisions.

The draft measures are attached. Please call me or Blaine Stum, Deputy Committee Director, if you have any questions at (202) 724-8092.

cc: All Councilmembers
Council Officers