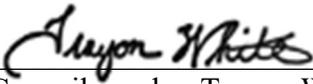


1 
2 Councilmember Robert C. White, Jr.


Councilmember Janeese Lewis George

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5 Councilmember Trayon White, Sr.


6 Councilmember Brianne K. Nadeau

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9 Councilmember Charles Allen


10 Councilmember Brooke Pinto

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13 Councilmember Anita Bonds

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17 A BILL

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19
20 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

21
22
23 To establish an Office of Social Housing Developments to foster the construction, maintenance,
24 and growth of District-owned residential properties designed to be mixed-income housing
25 with up to two-thirds priced to be permanently affordable for extremely and very low
26 income households; to amend the District of Columbia Government Comprehensive Merit
27 Personnel Act of 1978 to provide for the appointment of the Director of the Office, to
28 amend the Green Finance Authority Establishment Act of 2018 to allow investments in
29 District-owned social housing developments; to amend an Act Authorizing the sale of
30 certain real estate in the District of Columbia no longer required for public purposes to
31 require that the Mayor evaluate such properties for conversion into social housing
32 developments before disposing of them; to amend the Housing Production Trust Fund Act
33 of 1988 to make social housing developments eligible to receive loans and grants; and to
34 amend The Rental Housing Conversion and Sale Act of 1980 to allow the District to
35 purchase residential property for conversion into social housing developments;

36
37 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
38 act may be cited as the “Green New Deal for Housing Amendment Act of 2022”.

39 **Title I: SOCIAL HOUSING DEVELOPMENTS.**

40 Sec. 101. Definitions.

41 For the purposes of this chapter, the term:

42 (1)(A) “Area Median Income” means:

43 (i) For a household of 4 persons, the area median income for a household
44 of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic
45 calculation provided by the United States Department of Housing and Urban Development;

46 (ii) For a household of 3 persons, 90% of the area median income for a
47 household of 4 persons;

48 (iii) For a household of 2 persons, 80% of the area median income for a
49 household of 4 persons;

50 (iv) For a household of one person, 70% of the area median income for a
51 household of 4 persons;

52 (v) For a household of more than 4 persons, the area median income for a
53 household of 4 persons, increased by 10% of the area median income for a family of 4 persons
54 for each household member exceeding 4 persons (e.g., the area median income for a family of 5
55 shall be 110% of the area median income for a family of 4; the area median income for a
56 household of 6 shall be 120% of the area median income for a family of 4).

57 (B) Any percentage of household income referenced in this chapter (e.g., 80% of
58 household income) shall be determined through a direct mathematical calculation and shall not
59 take into account any adjustments made by the United States Department of Housing and Urban
60 Development for the purposes of the programs it administers.

61 (2) “Bonds” means any bond, note, debenture, interim certificate, or other
62 evidence of financial indebtedness of the Office authorized to be issued under the provisions of
63 this chapter.

64 (3) “Development costs” means any cost associated with the construction,
65 rehabilitation, or conversion of a social housing development.

66 (4) “Extremely Low income” means a household income equal to, or less than,
67 30% of the area median income.

68 (5) “Low income” means a household income equal to between 50% and 80% of
69 the Standard Metropolitan Statistical Area median.

70 (6) “Mixed-income” means a property that includes a range of income levels,
71 including extremely low, very low, low, moderate, and above moderate income.

72 (7) “Moderate income” means a total income equal to between 80% and 120% of
73 the Standard Metropolitan Statistical Area median.

74 (8) “Net-zero emissions” means a facility in which all energy is produced on-site,
75 and to the degree that off-site energy production is necessary, it is provided via contracts for
76 electricity produced from renewable sources. No energy produced in net-zero facilities may
77 result from combustion or other sources that emit greenhouse gases.

78 (9) “Operating costs” means any costs associated with maintaining a Social
79 Housing Development including management expenses, maintenance, utilities, taxes, and
80 associated services.

81 (10) “Permanently affordable” means a property in which a majority of units will
82 remain affordable to extremely low, very low-, low-, and moderate-income households relative
83 to area median income, in perpetuity.

84 (11) “Personal mobility device” shall have the same meaning as provided in § 50-
85 2201.02(13).

86 (12) “Rent” means the money tenants pay to occupy a unit, including:

87 (A) Money paid directly by a tenant, and

88 (B) Any District of Columbia administered housing voucher

89 (14) “Rent cross-subsidization” means a system in which rents paid by
90 households residing in units priced for extremely- and very low-income households are balanced
91 by rents paid, in the same property, by households residing in units priced for moderate-income
92 earners and above to create an overall balance in property revenue to meet recurring operational
93 costs and reimburse outstanding debts from development costs.

94 (15) “Revenue neutrality” means a system in which all monetary expenditures
95 that result from the development and maintenance of social housing owned by the District are
96 returned to the District through rents or other public and private subsidies received by the
97 District.

98 (16) “Social Housing Development” means a property owned by the District that
99 uses the revenue it generates from rent towards construction and maintenance of permanently
100 affordable mixed-income social housing.

101 (16) “Very low income” means a household income equal to between 30% and
102 50% of the Standard Metropolitan Statistical Area median.

103 Sec. 102. Office of Social Housing Development Establishment.

104 (a) Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved
105 December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.04(b)), the Council establishes an
106 Office of Social Housing Development as a subordinate agency within the executive branch of
107 the District government.

108 (b) The purpose of the Office of Social Housing Development is the ownership,
109 development, conversion, retention, and maintenance of District-owned, permanently affordable,
110 mixed-income housing accommodations for District residents.

111 (c) The Office shall be headed by a Director, who shall report to the Mayor. The Mayor
112 shall appoint the Director with the advice and consent of the Council pursuant to section 2(a) of
113 the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §
114 1-523.01(a)). Sec. 103. Duties of the Office of Social Housing Development.

115 (a) The duties of the Office shall be as follows:

116 (1) Develop and maintain permanently affordable, mixed-income housing
117 accommodations that pay for themselves through rent cross-subsidization;

118 (2) Upon the purchase of privately-owned housing accommodations pursuant to
119 The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law
120 3-86; D.C. Official Code § 42-3401.01 *et seq.*), convert these housing accommodations into
121 social housing developments;

122 (3) Use federal and local grants and loans including the Housing Production Trust
123 Fund and Green Finance Authority to develop mixed-income, permanently affordable housing
124 accommodations;

125 (4) To issue bonds and to give security pursuant to § 8-173.43; provided, that the
126 Office's debts shall not be backed by the full faith and credit of the District of Columbia;

127 (5) Hire and supervise, with approval and consultation from current social
128 housing development residents, private management companies to oversee the day-to-day
129 operations and maintenance of each social housing development in accordance with Section 108;
130 and

131 (6) To the greatest extent possible, lease ground-floor commercial space to defray
132 operational and development costs and provide beneficial community amenities such as
133 childhood development centers, grocery stores, and small locally-owned businesses.

134 (b) (1) The Director of the Office of Social Housing Development shall establish and
135 sustain a social housing coordinating council to advance the creation and maintenance of social
136 housing developments.

137 (2) The social housing coordinating council shall include:

138 (A) District government housing agencies;

139 (B) District-based private sector affordable housing developers and
140 financiers;

141 (C) Non-profit housing providers and advocates; and

142 (D) Not less than five District renters or tenants of social housing
143 developments.

144 (3) Meeting of the social housing coordinating council shall be subject to
145 the requirements of the Open Meetings Amendment Act of 2010, effective March 31, 2011 (D.C. Law 18-
146 350; D.C. Official Code § 2-571 *et seq.*)

147 Sec. 104. Social Housing Development Fund.

148 (a) There is established as a special fund the Social Housing Development Fund
149 ("Fund"), which shall be administered by the Mayor in accordance with subsection (c) of this
150 section. The purpose of the Fund is to collect and use rent from social housing developments to
151 construct and maintain more social housing developments while maintaining revenue neutrality.

152 (b) Monies obtained pursuant to Section 105 shall be deposited into the Fund and shall
153 not revert to the unassigned fund balance of the General Fund of the District of Columbia at the
154 end of a fiscal year, or at any other time.

155 (c) Money in the Fund shall be used for the following:
156 (1) Development costs associated with creating social housing developments;
157 (2) Operating costs associated with maintaining social housing developments; and
158 (3) Administrative costs of the Office of Social Housing Development, provided
159 that not more than 3% of Social Housing Development Fund may be used to defray these costs.

160 Sec. 105. Affordability Levels for Social Housing Developments.

161 (a) To the extent practicable, social housing developments shall structure residential rents
162 at the following distribution:

- 163 (1) One-third of units should be affordable for households at the extremely low
164 income level;
165 (2) One-third of units should be affordable for households earning at the very low
166 income level; and
167 (3) One-third of units available at rates necessary to achieve rent cross-
168 subsidization.

169 (b) Residential rent shall be based on households spending approximately 30% of their
170 annual income on housing. Housing vouchers, either District or federal, shall not count towards
171 household income for this calculation.

172 (c) Commercial rent rates should be based on the market rate and shall adjust not more
173 than once in a two-year period.

174 Sec. 106. Environmental Standards for Social Housing Developments.

175 (a) Social housing developments shall be constructed to high environmental standards,
176 including:

177 (1) Net-zero emissions, including no energy from combustion or any sources that
178 emit greenhouse gases;

179 (2) On-site solar energy production to the maximum extent practicable, including
180 using the District’s solar installation program and employing labor through the District’s solar
181 installation workforce training programs;

182 (3) Landscape architecture to maximize natural cooling; and

183 (4) Multimodal transportation access, including pedestrian linkages and facilities
184 for bicycles and personal mobility devices.

185 (b) Social housing developments should incorporate the following technologies:

186 (1) All electric heating and cooling using only highly efficient systems; and

187 (2) Energy-efficient appliances and lights.

188 (c) Social housing developments shall not include the following:

189 (1) Natural gas for heating, hot water, or cooking;

190 (2) Off-street parking in excess of zoning regulations.

191 Sec. 107. Construction Labor Standards for Social Housing Developments.

192 (a) Social housing developments shall be constructed in compliance with federal and
193 District law, including:

194 (1) Procurement laws pursuant to Subchapter VI of Chapter 3A of Title 2;

195 (2) First source employment laws pursuant to Subchapter X of Chapter 2 of Title
196 2;

197 (3) Small and local business enterprise development laws pursuant to Subchapter
198 IX-A of Chapter 2 of Title 2;

199 (4) Clean Hands requirements pursuant to Subchapter II of Chapter 28 of Title 47;

- 200 (5) Green building requirements pursuant to Chapter 14A of Title 6;
- 201 (6) Whistleblower protections pursuant to Subchapter XII of Chapter 2 of Title 2;
- 202 (7) Prevailing wage requirements pursuant to the Davis-Bacon Act of 1931,
- 203 approved March 3, 1931 (46 Stat. 1494; 40 U.S.C. § 3141 et seq.); and
- 204 (8) Labor peace agreements pursuant to Chapter 8A of Title 32.

205 Sec. 108. Tenant Governance.

206 (a) Social housing developments may maintain tenant leadership boards at each property,
207 responsible for the following administrative duties:

- 208 (1) Establish by-laws and a process by which residents elect leadership;
- 209 (2) Establish and maintain community rules and expectations; and
- 210 (3) Manage a budget for community initiatives.

211 (b) (1) Tenant leadership boards shall have the right to review and approve any service
212 agreements in place related to their property, including any private management companies hired
213 to maintain the building and its systems.

214 (2) Tenant leadership boards shall have the right to initiate a process with the
215 Office of Social Housing Development to procure a new vendor for building management if a
216 majority of the a tenant leadership board finds the current company's performance unsatisfactory
217 and the board conducts a recorded vote to initiate a process to hire a new vendor.

218 (c) (1) The Office of Social Housing Development shall facilitate a relationship between
219 each social housing development and the Office of Tenant Advocate to establish the Office of
220 Tenant Advocate as a primary tenant-rights resource for residents of the development

221 (2) Tenant leadership boards may seek outside support or technical assistance, as
222 needed, to exercise their rights and execute their duties.

223 (d)(1) The Office of Social Housing Development shall work with tenant leadership
224 boards and property management companies to produce biannual reports on each development's
225 finances, expenditures, revenues, and any projected rent adjustments. The report shall be
226 provided electronically to all tenants.

227 (2) A tenant may request a report copy be provided to them as a paper copy.

228 **Title II: CONFORMING AMENDMENTS.**

229 Sec. 201. Section 301(q) of the District of Columbia Government Comprehensive Merit
230 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
231 603.01(17)), is amended as follows:

232 (a) Paragraph (56) is amended by striking the word "and" at the end.

233 (b) Paragraph (57) is amended by striking the phrase "District of Columbia Public
234 Schools." and inserting the phrase "District of Columbia Public Schools; and" in its place.

235 (c) A new paragraph (58) is added to read as follows:

236 "(58) Office of Social Housing Developments."

237 Sec. 202. Section 301(b) of the Green Finance Authority Establishment Act of 2018,
238 effective August 22, 2018 (D.C. Law 22-155; D.C. Official Code § 8-173.31(b)) is amended by
239 striking the period and inserting the phrase "including Social Housing Developments as defined
240 pursuant to Title I of the Green New Deal for Housing Amendment Act of 2022, introduced
241 April __, 2022 (B24- __)."

242 Sec. 203. Section 1(a-1)(2)(A) of An Act Authorizing the sale of certain real estate in the
243 District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat.
244 1211; D.C. Official Code § 10-801(a-1)(2)(A)), is amended to read as follows:

245 “(A) Whether the real property could have any use by the District,
246 including:
247 “(i) A description of the District’s current needs for real property,
248 “(ii) A description of potential public uses considered by the
249 Mayor,
250 “(iii) The square footage of green space on the real property,
251 “(iv) A narrative explaining why the real property is unsuited for
252 each public use considered; and
253 “(v) If the property is being disposed of in order to provide
254 affordable housing, a justification and mathematical assessment for why the proposed disposition
255 will result in more permanently affordable housing for extremely and very low income
256 households than would be created if the property were converted into a social housing
257 development as defined pursuant to Title I of the Green New Deal for Housing Amendment Act
258 of 2022, introduced April __, 2022 (B24-__).”.

259 Sec. 204. The Housing Production Trust Fund Act of 1988, effective March 16, 1989
260 (D.C. Law 7-202; D.C. Official Code § 42-2801 *et seq.*), is amended as follows:

261 (a) Section 2 (D.C. Official Code § 42–2801) is amended by adding a new paragraph (13)
262 to read as follows:

263 “(13) “Social Housing Development” means a District-owned property that uses
264 the revenue it generates from rent towards construction and maintenance of permanently
265 affordable mixed-income housing.

266 (b) Section 3(b) (D.C. Official Code § 42–2802(b)) is amended by adding a new
267 paragraph (12) to read as follows:

268 “(12) Funds for Social Housing Developments.”

269 Sec. 205. Section 431 of the Rental Housing Conversion and Sale Act of 1980, effective
270 September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.31), is amended by adding a
271 new subparagraph (b-1) to read as follows:

272 “(b-1) If the Mayor assigns the District’s purchasing rights pursuant to §
273 42-3404.36, they must first issue a justification and mathematical assessment for why doing so
274 will create more permanent affordable housing for extremely and very low income households
275 than converting it into a social housing development as defined pursuant to Title I of the Green
276 New Deal for Housing Amendment Act of 2022, introduced April __, 2022 (B24-__).”.

277 **TITLE III. FISCAL IMPACT STATEMENT.**

278 Sec. 8. Fiscal impact statement.

279 The Council adopts the fiscal impact statement in the committee report as the fiscal
280 impact statement required by section 4aofthe General Legislative Procedures Act of 1975,
281 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code§ 1-301.47a).

282 **TITLE IV. EFFECTIVE DATE.**

283 Sec. 9. Effective date.

284 This act shall take effect following approval by the Mayor (or in the event of veto by the
285 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
286 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
287 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
288 Columbia Register.