





Councilmember Anita Bonds



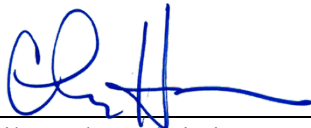
Councilmember Robert C. White, Jr.



Councilmember Brooke Pinto



Councilmember Brianne K. Nadeau



Councilmember Christina Henderson



Councilmember Janeese Lewis George



Councilmember Zachery Parker

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To recodify certain real property surplus and disposition provisions currently found in An Act Authorizing the sale of certain real estate in the District of Columbia, with modifications to ensure more robust analysis prior to the surplus of District land, to generate more meaningful community engagement in real property surplus and disposition decisions, to bifurcate Council consideration of surplus determinations from disposition proposals, to increase affordable housing requirements in the event of property disposition for housing development, and to reorder and otherwise improve the readability of existing provisions; to establish an Office of the Public Lands Ombudsperson responsible for assisting the public with understanding and participating in public land surplus and disposition procedures; and to make conforming amendments and provide for the orderly discontinuation of the existing procedures established under Act Authorizing the sale of certain real estate in the District of Columbia.

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70 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
71 act may be cited as the “Common Ground Amendment Act of 2023”.

72 TITLE I. REAL PROPERTY SURPLUS AND DISPOSITION PROCEDURES.

73 Sec. 101. Definitions.

74 For the purposes of this title, the term:

75 (1) “Acquirer” means a person to whom the Mayor seeks to dispose or has
76 disposed of real property pursuant to this title, or an acquirer’s successor in interest in such real
77 property as applicable.

78 (2) “Affordable” shall have the meaning set forth in section 108(b)(1).

79 (3) “Area median income” means:

80 (A) For a household of 4 persons, the area median income in the
81 Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the

82 United States Department of Housing and Urban Development;

83 (B) For a household of 3 persons, 90% of the area median income for a
84 household of 4 persons;

85 (C) For a household of 2 persons, 80% of the area median income for a
86 household of 4 persons;

87 (D) For a household of one person, 70% of the area median income for a
88 household of 4 persons; and

89 (E) For a household of more than 4 persons, the area median income for a
90 household of 4 persons, increased by 10% of the area median income for a household of 4
91 persons for each household member exceeding 4 persons.

92 (4) “Chief Equity Officer” means the head of the Office of Racial Equity
93 appointed pursuant to section 102(b) of the Racial Equity Achieves Results (REACH)
94 Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-181; D.C. Official Code § 2-
95 1471.02(b)(1)).

96 (5) “Comprehensive Plan Area Element” means, with respect to real property, the
97 one or more geographic area chapters of section 3 of the District of Columbia Comprehensive
98 Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; 10-A DCMR § 1500.1 et seq. to 10-
99 A DCMR § 2500.1 et seq.), or planning elements of similar scope in a more recently adopted
100 Comprehensive Plan, that fully cover the real property.

101 (6) “Green space” means an area of grass, trees, or other vegetation that is located
102 on real property and accessible to the public.

103 (7) “Highest and best use” means the reasonably probable and legal use that is
104 physically possible, appropriately supported, and financially feasible, and that results in the

105 highest value of real property.

106 (8) “Housing costs” means:

107 (A) In the case of rental units, rent and utilities.

108 (B) In the case of ownership units, mortgage payments, including
109 principal, interest, and property insurance, taxes, homeowner association, condominium, or
110 cooperative fees, and utilities.

111 (9) “Key nonpublic uses” means:

112 (A) Child care facility development;

113 (B) Conveyance to a community land trust;

114 (C) Health care facility development;

115 (D) Housing development; and

116 (E) Nonresidential commercial development.

117 (10) “Key public amenities” include District-owned or -operated:

118 (A) Fire stations;

119 (B) Municipal offices;

120 (C) Parks;

121 (D) Police stations;

122 (E) Public housing or social housing;

123 (F) Public schools;

124 (G) Recreation centers;

125 (H) Shelters; and

126 (I) Transit stations and buildings.

127 (11) “Low-income household” means a household consisting of one or more

128 persons with a total household income that is more than 30% and less than or equal to 50% of the
129 area median income.

130 (12) “Moderate-income household” means a household consisting of one or more
131 persons with total household income more than 50% and less than or equal to 80% of the area
132 median income.

133 (13) “Ombudsperson” shall have the same meaning as provided in section 201(5)
134 of this act.

135 (14) “Project page” means an online collection of property-specific documents
136 established pursuant to section 104(a) of this act and maintained according to section 103 of this
137 act.

138 (15) “Real property” means land titled in the name of the District or in which the
139 District has a controlling interest and includes all structures of a permanent character erected
140 thereon or affixed thereto, any natural resources located thereon or thereunder, all riparian rights
141 attached thereto, or any air space located above or below the property or any street or alley under
142 the jurisdiction of the Mayor.

143 (16) “Surplusing agency” means the Office of Planning established pursuant to
144 Mayor’s Order 83-25, effective January 3, 1983, or a successor agency with similar
145 responsibilities established after the effective date of this title.

146 (17) “Very low-income household” means a household consisting of one or more
147 persons with total household income less than or equal to 30% of the area median income.

148 Sec. 102. Authorization and general procedure to dispose of District real property.

149 (a) The requirements of this title shall apply to any disposition of real property owned in
150 fee simple now or hereafter by the District, including any sale, lease for greater than 15 years

151 (including options), or exchange, that is signed into effect after October 1, 2025, except for:

152 (1) Real property disposed of pursuant to section 6(c) of the District of Columbia
153 Community Development Act of 1975, effective December 16, 1975 (D.C. Law 1-39; D.C.
154 Official Code § 6-1005(c));

155 (2) Real property acquired under section 432 of the Abatement and Condemnation
156 of Nuisance Properties Omnibus Amendment Act of 2000, effective April 19, 2002 (D.C. Law
157 14-114; D.C. Official Code § 42-3171.02); or

158 (3) Real property acquired by the District or an instrumentality of the District (or
159 a subsidiary thereof) under D.C. Official Code § 47-1353(a)(3).

160 (b) Before the Mayor may sign into effect a disposition of real property subject to this
161 title, the following must occur in the order listed:

162 (1) The initial surplus analysis requirements set forth in section 104 are satisfied
163 by the surplus agency;

164 (2) The public surplus hearing requirements set forth in section 105 are satisfied
165 by the surplus agency;

166 (3) A surplus resolution finding that the real property is no longer required for any
167 public purpose is filed by the Mayor and approved by the Council in accordance with section
168 106;

169 (4) The public disposition hearing requirements set forth in section 107 are
170 satisfied;

171 (5) The Mayor develops a disposition proposal that satisfies the substantive
172 requirements of section 108; and

173 (6) A disposition resolution approving the proposed disposition of the real

174 property is filed by the Mayor and approved by the Council in accordance with section 109.

175 (c) For real property that the Mayor believes, after input from affected communities, to be
176 no longer needed by the District of Columbia Public Schools, the Mayor shall submit to the
177 Council a report on whether the Mayor intends to dispose of the real property to a public charter
178 school under An Act Making appropriations for the Departments of Commerce, Justice, and
179 State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for
180 other purposes, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09, or
181 for use by another agency of the District government. The report shall be submitted to the
182 Council by the Mayor within 90 days of the determination that the real property is no longer
183 needed by the District of Columbia Public Schools. If the report is not submitted by the Mayor to
184 the Council within the 90-day period, the Mayor shall dispose of the real property in accordance
185 with the provisions of this subchapter and shall transmit to the Council the proposed surplus
186 resolution required by section 106 within 180 days of the Mayor's determination.

187 (d) Nothing in this title shall be interpreted to give any party any additional right of action
188 against the District government or any private party unless otherwise specified.

189 (e)(1) The Mayor is authorized to execute proper deeds for the conveyance of real estate
190 sold under the provisions of this subchapter, which shall contain a full description of the land
191 sold, either by metes and bounds, or otherwise, according to law.

192 (2) The Mayor is authorized to pay the reasonable and necessary expenses of sale
193 of each parcel of land sold and shall deposit the net proceeds of the sale in the District Treasury.

194 Sec. 103. Online access to surplus and disposition information.

195 (a) The Mayor shall establish and maintain a publicly accessible website regarding real
196 property surplus and disposition projects, including a project page for each property subject to a

197 pending surplus or disposition analysis.

198 (b) In addition to project pages, the website shall include general information regarding
199 District-owned real property, key public amenities, the procedures established by this title, and
200 the Ombudsperson.

201 (c) Each project page shall allow members of the public to submit comments and
202 questions.

203 (d) Each project page shall allow members of the public to sign up to receive email alerts
204 regarding events relevant to the project, including any hearings and ANC presentations held
205 pursuant to this title.

206 Sec. 104. Initial surplus analysis.

207 (a) If the Mayor seeks to determine whether real property is no longer required for public
208 purposes, then the Mayor shall establish a project page for the real property, and the surplus
209 agency shall prepare and post to the project page an initial surplus analysis demonstrating the
210 anticipated benefits and drawbacks of declaring the real property surplus.

211 (b) The initial surplus analysis shall include at least the following components:

212 (1) A description of the District's current needs for real property;

213 (2) A map showing all key public amenities within ½ mile of the real property;

214 (3) An analysis of how the availability of key public amenities and affordable
215 housing within ½ mile of the real property compares to their availability across the entire

216 District, including:

217 (A) The total number of each type of key public amenity within ½ mile of
218 the real property;

219 (B) An estimate of the number of District residents living within ½ mile of

220 the real property;

221 (C) Estimates of the ratio of District residents to each type of key public
222 amenity within ½ mile of the real property and across the entire District;

223 (D) Estimates of the numbers of housing units within ½ mile of the real
224 property that are affordable for moderate-income, low-income, and very low-income households,
225 broken down by affordability level, number of bedrooms, and public or private ownership; and

226 (E) Estimates of the ratio District residents to each unit type listed in
227 subparagraph (D) within ½ mile of the real property and across the entire District;

228 (4) A description of each public use for the real property considered by the
229 Mayor, including each key public amenity, and an explanation as to why the real property may
230 not be needed or suited for such use; and

231 (5) The square footage of green space on the real property.

232 Sec. 105. Public surplus hearing.

233 (a) If after preparation and posting of an initial surplus analysis pursuant to section 104
234 the Mayor believes that the real property may no longer be required for public purposes, then the
235 surplusing agency shall complete the following steps before holding a public surplus hearing
236 pursuant to subsection (c):

237 (1) At least 60 days before the hearing, provide written notice to the Advisory
238 Neighborhood Commission with jurisdiction over the real property and to the Ombudsperson,
239 and post a notice of the hearing to the project page;

240 (2) At least 30 days before the hearing, post written notice at the real property and
241 at the nearest public library; and

242 (3) At least 15 days before the hearing, place a notice in the District of Columbia

243 Register.

244 (b) Where feasible under the circumstances, the surplus agency shall also publicize the
245 hearing through additional methods such as placing posters or distributing flyers with
246 information regarding the hearing at food stores, beauty salons, places of worship, or other
247 community gathering places near the real property.

248 (c) The surplus agency shall hold at least one public surplus hearing to obtain
249 community input on potential public uses of the real property to inform the Mayor's
250 determination whether the real property is no longer required for public purposes.

251 (1) The hearing shall be held at an accessible evening or weekend time and in an
252 accessible location near the real property.

253 (2) At the hearing:

254 (A) The surplus agency shall present an overview of the
255 Comprehensive Plan Area Element in which the real property is located, the initial surplus
256 analysis prepared pursuant to section 104, and any comments and questions submitted via the
257 project page prior to the hearing;

258 (B) The surplus agency shall invite participants to offer comments on
259 the contemplated determination that the real property is no longer required for public purposes
260 and shall endeavor to answer participants' questions during the hearing; and

261 (C) The Ombudsperson may offer comments on the proposed surplus
262 determination.

263 (d) Within 15 days after the hearing, the Mayor shall post to the project page a verbatim
264 written transcript of the hearing.

265 (e) Within 45 days after the hearing, the Mayor shall prepare, post to the project page,

266 and transmit to the ANC with jurisdiction over the real property a written transcript of the
267 hearing that is annotated with any additional responses to comments or questions that the Mayor
268 wishes to provide.

269 Sec. 106. Surplus resolution.

270 (a) Before filing a proposed surplus resolution pursuant to this section, the Mayor shall
271 make a reasonable effort to schedule a presentation at a meeting of the ANC with jurisdiction
272 over the real property regarding the contemplated determination that the real property is no
273 longer required for public purposes.

274 (b) If after completion of the public surplus hearing procedures required by section 105
275 the Mayor believes that real property is no longer required for public purposes, then the Mayor
276 shall submit to the Council a proposed surplus resolution which includes a finding that the real
277 property is no longer required for public purposes.

278 (c) In the proposed surplus resolution submitted to the Council, the Mayor shall also
279 provide a description of the real property.

280 (d) The proposed surplus resolution shall be accompanied by:

281 (1) The materials prepared pursuant to section 104(b) and the annotated transcript
282 prepared pursuant to section 105(e), with any updates that the Mayor wishes to make;

283 (2) A statement from the Chief Equity Officer regarding any anticipated positive
284 or negative effects of the proposed surplus declaration on racial equity in the District; and

285 (3) A detailed explanation as to why the Mayor believes that the real property is
286 no longer required for public purposes, and why a determination that the real property is no
287 longer required for public purposes is in the best interests of the District.

288 (d) The Mayor shall post to the project page any new or updated materials submitted to

289 the Council pursuant to this section.

290 (e) The proposed resolution shall be submitted to the Council for a 90-day period of
291 review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council
292 does not approve or disapprove the proposed resolution within the 90-day period, the proposed
293 resolution shall be deemed disapproved.

294 Sec. 107. Public disposition hearing; negotiation of disposition.

295 (a) After the Council has declared that real property is no longer required for public
296 purposes pursuant to section 106, the Mayor must complete the actions described in subsections
297 (b) through (f) of this section, in order, before the Mayor may solicit developer proposals or
298 otherwise proceed to negotiate the disposition of the real property.

299 (b) The Mayor must prepare and post to the project page an initial disposition analysis of
300 the real property, including at least the following elements:

301 (1) An assessment of whether the real property is suitable for each key nonpublic
302 use and whether using the real property for such use would be in the District's best interest, alone
303 or in combination with other uses; and

304 (2) A description of any other uses of the real property that the Mayor believes
305 may be in the District's best interest and the basis for that belief.

306 (c) The Mayor must publicize in advance any public disposition hearing to be held
307 pursuant to subsection (d), in the same manner as set forth in section 105(a)(1)-(3). Where
308 feasible under the circumstances, the Mayor must also publicize the hearing as described in
309 section 105(b).

310 (d) The Mayor must hold at least one public disposition hearing to obtain community
311 input on potential nonpublic uses of the real property.

312 (1) The hearing shall be held at an accessible evening or weekend time and in an
313 accessible location near the real property.

314 (2) At the hearing:

315 (A) The Mayor shall present an overview of the process to date, including
316 the Council’s finding that the real property is no longer required for public purposes, the initial
317 disposition analysis prepared pursuant to paragraph (a), and any comments and questions
318 submitted via the project page regarding possible nonpublic uses of the real property;

319 (B) The Mayor shall invite participants to offer comments on possible nonpublic
320 uses of the real property and shall endeavor to answer participants’ questions during the hearing;
321 and

322 (C) The Ombudsperson may offer comments on the initial disposition analysis.

323 (e) Within 15 days after the hearing, the Mayor must post to the project page a verbatim
324 written transcript of the hearing.

325 (f) Within 45 days after the hearing, the Mayor must transmit the following to the ANC
326 with jurisdiction over the real property:

327 (1) A notice that the Mayor is considering pursuing a disposition of the real
328 property and that the ANC is encouraged to comment on possible nonpublic uses in the best
329 interest of the District;

330 (2) A written transcript of the hearing that is annotated with any additional
331 responses to comments or questions that the Mayor wishes to provide; and

332 (3) A description of any specific types of nonpublic use of the real property that
333 the Mayor is considering at the time of the notice.

334 Sec. 108. Housing affordability and other substantive requirements for dispositions.

335 (a) The Mayor shall attempt to conform real property dispositions to uses with direct
336 public benefits as described in a specific government plan adopted by the Mayor or Council,
337 including the Community Development Plan, the Comprehensive Plan, the Strategic
338 Neighborhood Area Plan, or the Comprehensive Housing Strategy Plan.

339 (b)(1) For the purposes of this title, a unit of housing shall be considered affordable for a
340 moderate-income, low-income, or very low-income household residing in the unit if the
341 household will pay no more than 30% of its income toward housing costs.

342 (2) If a proposed disposition of real property will result in the development of
343 multifamily residential property consisting of 10 or more units, the following affordable housing
344 requirements shall apply:

345 (A) If the units are located in the following areas, at least 35% of the units
346 shall be dedicated as affordable housing at the levels specified in subparagraph (C):

347 (i) Within ½ mile of a Metrorail station that is in operation or for
348 which a construction contract has been awarded on or before the date of the disposition; or

349 (ii) Within ¼ mile of a Priority Corridor Network Metrobus Route,
350 as designated by the Washington Area Metropolitan Transit Authority, located entirely or
351 partially within the District of Columbia.

352 (B) If the multifamily units are located outside of the areas described in
353 paragraph (1), at least 25% of the units shall be dedicated as affordable housing at the levels
354 specified in subparagraph (C).

355 (C) The units dedicated as affordable housing pursuant to subparagraphs

356 (A) and (B) shall be made available at the following affordability levels:

357 (i) In the case of rental units, at least 25% of the units shall be

358 affordable for very low-income household, and the remainder of such units shall be affordable
359 for low-income households; and

360 (ii) In the case of ownership units, 50% of the units shall be
361 affordable for low-income household, and 50% of the units shall be affordable for moderate-
362 income households.

363 (D) Of the units dedicated as affordable housing pursuant to this
364 subsection, at least 30% in each affordability category shall have 3 or more bedrooms each.

365 (3) The units dedicated as affordable housing pursuant to paragraph (2) shall
366 remain affordable-housing units for the life of the ground lease if the land disposition is by
367 ground lease, or shall remain affordable-housing units in perpetuity, secured by a covenant
368 running with the land that may be extinguished at the sole discretion of the District.

369 (4) The purchase price for the second and subsequent sales of the units dedicated
370 as affordable housing described in paragraph (2) shall be determined by a formula established by
371 the Mayor.

372 (5) The Mayor shall take into account the affordable-housing requirements of this
373 subsection when establishing the terms and conditions under which real property is to be
374 disposed; provided, that the Mayor may provide subsidies to a developer, as necessary, to ensure
375 that the affordable-housing requirements imposed by this subsection are met.

376 (6) The Mayor may waive the affordable housing requirements of paragraph (2)
377 if:

378 (A) The appraised value of the property to be disposed of is insufficient to
379 support the affordable-housing requirements, taking into account all other available sources of
380 public funding for affordable housing, whether provided by the District of Columbia or the

381 federal government;

382 (B) The terms and conditions under which the real property is to be
383 disposed of satisfy the affordable-housing requirements to the maximum extent possible; and

384 (C) The Chief Financial Officer has provided to the Mayor a financial
385 analysis that shall consist of:

386 (i) A review and analysis of the financial condition of disposed-of
387 land; and

388 (ii) An advisory opinion stating whether or not it is likely that the
389 developer reasonably could be expected to satisfy the affordable-housing requirements set forth
390 in paragraph (2).

391 (7) The Mayor may waive the affordable housing requirements of paragraph (2) if
392 the District-owned real property is less than 5,000 square feet, even though the property may be
393 consolidated with a private development of multifamily housing consisting of 10 or more units.

394 (c) In the case of any real property to be disposed of under this title through a request for
395 proposals or competitive sealed proposals, the Mayor shall include economic factors, including
396 revenues, fees, and other payments to the District, as one of the criteria to evaluate the request
397 for proposals or competitive sealed proposals.

398 (d) In the case of any real property to be disposed of under this title through a negotiated
399 sale, the Mayor shall incorporate into the terms of the disposition the right of the District to
400 reacquire the property at the price originally conveyed plus any amounts secured by the property
401 that have been approved by the Mayor, if the property is no longer used for the authorized
402 purpose. For property located within the corporate boundaries of the District, if the District does
403 not exercise its reacquisition option, the owner in fee simple shall be entitled to use the property

404 or sell, convey, or otherwise dispose of the property for use in a manner that is consistent with
405 the designation of the real property on the Generalized Land Use Maps adopted pursuant to
406 section 7 of the District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984
407 (D.C. Law 5-76; D.C. Official Code § 1-306.02) and with applicable zoning requirements
408 adopted pursuant to section 1 of An Act Providing for the zoning of the District of Columbia and
409 the regulation of the location, height, bulk, and uses of buildings and other structures and of the
410 uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat.
411 797; D.C. Official Code § 6-641.01).

412 (e) Each acquirer must enter into an agreement that shall require the acquirer to, at a
413 minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar
414 volume of the project, and shall require at least 20% equity and 20% development participation
415 of Certified Business Enterprises;

416 (f) Each acquirer must enter into a First Source Agreement with the District that shall
417 govern certain obligations of the acquirer pursuant to section 4 of the First Source Employment
418 Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-
419 219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment
420 generated as a result of the construction on the Property.

421 (g) When soliciting or negotiating with prospective acquirers, the Mayor shall encourage
422 communication and the negotiation of community benefit agreements with ANCs, including the
423 ANC with jurisdiction over the real property, to the extent feasible under the circumstances and
424 consistent with the best interest of the District.

425 Sec. 109. Disposition resolution.

426 (a) Before filing a proposed disposition resolution pursuant to subsection (b), the Mayor

427 shall make reasonable efforts to schedule a presentation at a meeting of the ANC with
428 jurisdiction over the real property regarding the Mayor's intended disposition of the real
429 property.

430 (b) If the Mayor seeks to dispose of real property that the Council has declared no longer
431 required for public purposes pursuant to section 106 and regarding which the Mayor has
432 completed the procedures set forth in section 107, the Mayor shall submit to the Council a
433 proposed disposition resolution that contains the following:

434 (1) The name and business address of the acquirer, and, if the acquirer is a joint
435 venture or partnership, the names and business addresses of all persons constituting the acquirer;

436 (2) A description of the real property;

437 (3) A description of the intended use of the real property;

438 (4) The proposed method of disposition, which may be one of the following:

439 (A) A public or private sale to the highest bidder;

440 (B) A negotiated sale to a for-profit or nonprofit entity for specifically
441 designated purposes;

442 (C) A lease for a period of greater than 15 years;

443 (D) A combination sale/leaseback for specifically designated purposes;

444 (E) An exchange of interests in real property; or

445 (F) A public or private sale to the bidder providing the most benefit to the
446 District;

447 (5) To the extent applicable, a finding that the acquirer will comply with the
448 affordable housing requirements set forth in section 108(b)(2), or that such affordable housing
449 requirements are waived pursuant to section 108(b)(6) or 108(b)(7);

450 (6) A finding that the acquirer will comply with the Certified Business Enterprise
451 requirements of section 108(e) and the First Source requirements of section 108(f); and

452 (7) Where applicable, the following statement:

453 “The Land Disposition Agreement for the disposition of the real property shall not be
454 inconsistent with the substantive business terms of the transaction submitted by the
455 Mayor with this resolution in accordance with section 109(c)(2) of the Common Ground
456 Amendment Act of 2023, D.C. Official Code §__, unless revisions to those substantive
457 business terms are approved by the Council.”

458 (c) The Mayor shall submit all of the following materials to the Council along with the
459 proposed disposition resolution filed pursuant to subsection (b), and shall promptly transmit all
460 of the following materials to the Ombudsperson and the ANC with jurisdiction over the real
461 property and post the materials to the project page:

462 (1) An analysis prepared by the Mayor of the economic factors that were
463 considered in proposing the disposition of the real property, including:

464 (A) The chosen method of disposition, and how competition was
465 maximized;

466 (B) The manner in which economic factors were weighted and evaluated,
467 including estimates of the monetary benefits and costs to the District that will result from the
468 disposition. The benefits shall include revenues, fees, and other payments to the District, as well
469 as the creation of jobs;

470 (C) A description of all disposition methods considered and an
471 accompanying narrative for the proposed disposition method that contains comparisons to the
472 other methods and shows why the proposed method was more beneficial for the District than the

473 others in the areas of return on investment, subsidies required, revenues paid to the District, and
474 any other relevant category, or why it is being proposed despite it being less beneficial to the
475 District in any of the measured categories; and

476 (D) A pre-disposition economic impact statement in the form of a
477 quantitative analysis that estimates the economic benefits, including revenues, tax receipts, and
478 job creation, that will result from the disposition, including the anticipated benefits of any
479 development project to be undertaken at the property and any offsite property, including direct,
480 indirect, or induced outcomes;

481 (2) An executed term sheet or memorandum of understanding between the
482 District and the acquirer that includes:

483 (A) A description of the substantive business terms of the transaction;

484 (B) A description of the method of disposition;

485 (C) A description of the Certified Business Enterprise requirements
486 pursuant to section 108(e) and First Source requirements pursuant to section 108(f);

487 (D) A description of applicable green building requirements;

488 (E) A description of the schedule of performance;

489 (F) A description of any applicable affordable housing requirements
490 pursuant to section 108(b) and the District's remedies in the event of noncompliance with such
491 requirements; and

492 (G) Any other terms that the Mayor finds to be in the best interest of the
493 District.

494 (3)(A) An appraisal report of the value of the property prepared by an
495 independent licensed appraiser, performed no earlier than 5 months before the transmission of

496 the proposed resolution to the Council, analyzing both the highest and best use value of the
497 property and the value of the property under the development proposed pursuant to the
498 disposition; and

499 (B) An explanation of the difference, if any, between the appraised value
500 determined pursuant to subparagraph (A) and the purchase or lease price to be paid pursuant to
501 the disposition;

502 (4) An itemization, together with an explanation, of any government assistance to
503 be received, or contemplated to be received, by the acquirer under the proposed disposition,
504 including any discount on the price or rent, grants, loans, tax credits, tax abatements, tax
505 increment financing, affordable housing subsidies, land exchange, and negotiated contributions;

506 (5) For real property to be disposed of for purposes of development and requiring
507 government assistance, the following additional items:

508 (A) A Land Disposition Agreement between the District and the acquirer;

509 (B) Any community benefits agreement between the acquirer and the
510 relevant community; and

511 (C) A Certified Business Enterprise Agreement pursuant to subpart 2 of
512 Part D of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance
513 Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et*
514 *seq.*);

515 (6) A statement from the Chief Equity Officer regarding any anticipated positive
516 or negative effects of the proposed disposition on racial equity in the District; and

517 (7) If applicable, a copy of the Chief Financial Officer's analysis prepared
518 pursuant to section 108(b)(6)(C).

519 (d) Any documents provided pursuant to subsection (c)(5) shall be transmitted in the
520 most current form available at the time of transmission, and if such documents are revised prior
521 to the Council’s adoption of the disposition resolution, the Mayor shall promptly transmit the
522 revised documents to the Council, Ombudsperson, and ANC with jurisdiction over the real
523 property and post the revised documents to the project page. Such documents shall be consistent
524 with the proposed disposition resolution and shall contain language to that effect.

525 (e) If the Council does not adopt or reject a proposed disposition resolution submitted
526 pursuant to subsection (b) within 90 days, excluding Saturdays, Sundays, legal holidays, and
527 days of Council recess, then the proposed resolution shall be deemed disapproved.

528 (f) If the Council adopts a resolution submitted pursuant to subsection (b), the approval
529 shall expire 2 years after the effective date of such resolution. If the Mayor determines
530 subsequent to Council approval that the real property cannot be disposed of within the 2-year
531 period, the Mayor may submit to the Council a resolution to extend the time for the disposition
532 of the property, and shall include with the transmittal a detailed status report on efforts made
533 toward disposition of the property as well as the reasons for the inability to dispose of the
534 property within the 2-year period. The resolution may extend the time for any specified period up
535 to 2 years. If the Council does not take action to approve or disapprove the extension resolution
536 within 45 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or
537 days of Council recess, then the extension resolution shall be deemed disapproved.

538 (g) If the Council adopts a resolution submitted pursuant to subsection (b) and a
539 subsequent, substantive change is made to the business terms of the transaction described in the
540 term sheet or memorandum of understanding submitted with the resolution pursuant to
541 subsection (c)(2), then the Mayor shall transmit to the Council a proposed resolution describing

542 the change and accompanied by the amended documents in redline format. If the Council does
543 not approve or disapprove the proposed amendments to the documents, in whole or in part, by
544 resolution within 45 days, excluding Saturdays, Sundays, legal holidays, and days of Council
545 recess, then the proposed amendments shall be deemed approved.

546 Sec. 110. Reports.

547 (a) The Mayor shall submit to the Council a semiannual report explaining the status of
548 each disposition approved by the Council during the previous 2 years, including a schedule for
549 project completion of each disposition, an explanation of impediments, if any, to completion of
550 the project, and a description of the steps that are being taken to resolve them.

551 (b) Within 180 days after March 16, 2021, and on an annual basis thereafter, the
552 Department of General Services shall transmit to the Council a report on green space in the
553 District, which shall include:

554 (1) The total square footage of green space owned by the District, broken down
555 by ward and by the District agency that owns the real property;

556 (2) The square footage of green space that the District gained or lost over the
557 preceding year, broken down by ward and by the District agency that owns the real property; and

558 (3) A summary of measures taken over the preceding year to increase access to
559 green space for District residents.

560 TITLE II. PUBLIC LANDS OMBUDSPERSON.

561 Sec. 201. Definitions.

562 (a) For the purposes of this title, the term:

563 (1) “Agency” means any office, department, division, board, commission, or
564 agency of the government of the District, including independent agencies, but does not include:

565 (A) The District of Columbia Courts, as that term is defined in section
566 103(13) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777;
567 D.C. Official Code § 1-201.03(13));

568 (B) The Council;

569 (C) Any instrumentality formed pursuant to an interstate compact; or

570 (D) The Office of the Inspector General;

571 (2) “ANC” means Advisory Neighborhood Commission.

572 (3) “Surplus and Disposition Law” means title I of this act.

573 (4) “Office” means the Office of the Public Lands Ombudsperson.

574 (5) “Ombudsperson” means the administrator of the Office.

575 (6) “Record” means any record, document, book, paper, file, photograph,
576 microfilm, sound recording, video recording, magnetic storage media, computer data, or other
577 material, regardless of physical form or characteristics, created, generated, recorded, received,
578 possessed, controlled, accessible, or auditable by an agency.

579 (b) For the purposes of this title, the terms “key public amenity,” “project page,” and
580 “surplusing agency” shall have the same meanings as provided in section 101 of the Disposition
581 Law.

582 Sec. 202. Office of the Public Lands Ombudsperson; establishment; term.

583 (a) There is established for the District of Columbia the Office of the Public Lands
584 Ombudsperson, which shall be an impartial office responsible to the Council and tasked with
585 assisting the public in securing informed and appropriate uses of lands owned by the District of
586 Columbia.

587 (b) The Office shall be headed by the Public Lands Ombudsperson, who shall be

588 appointed by the Chairman of the Council in consultation with the chairs of the committees of
589 the Council with jurisdiction over the surplusing agency and the Department of Housing and
590 Community Development, subject to the approval of a majority of the Council by resolution.

591 (c)(1) The Ombudsperson shall serve for a term of 5 years and may be reappointed.

592 (2) The Ombudsperson shall be paid at a rate of compensation as may be
593 established from time to time by the Council.

594 (3) The Ombudsperson may be removed during a term of office only for cause by
595 a majority of the Council and shall receive 2-weeks' notice of removal.

596 (d) The Ombudsperson shall serve as the personnel authority for the Office and shall have
597 such staff as is appropriated in an approved budget, to whom the Ombudsperson may delegate
598 duties at their discretion. The Ombudsperson and all employees of the Office shall be appointed
599 in the Excepted Service pursuant to Title IX of the District of Columbia Government
600 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.
601 Official Code 1-609.01 *et seq.*).

602 (e) The Ombudsperson shall have exclusive authority to administer the Office's budget.
603 Sec. 203. Qualifications.

604 (a) The Ombudsperson shall:

605 (1) Be a person of recognized judgment, objectivity, and integrity, and qualified
606 by training or experience to analyze problems of law, administration, and public policy;

607 (2) Possess significant experience in the field of community organizing, urban
608 planning, or racial justice advocacy; and

609 3) Have management experience that demonstrates an ability to hire and supervise
610 qualified staff.

611 (b) The Ombudsperson shall not:

612 (1) Participate in partisan political activities;

613 (2) Be a candidate for or hold any other elective or appointive government office;

614 or

615 (3) Engage in any other occupation, business, or profession that may detract from

616 the performance of the Ombudsperson's duties or result in a conflict of interest or an appearance

617 of impropriety or partiality with the duties of the Ombudsperson,

618 Sec. 204. Duties.

619 (a) The Ombudsperson shall:

620 (1) Meet no less than annually with the principal agency or agencies responsible

621 for the operation of each type of key public amenity to understand each agency's anticipated real

622 property needs for key public amenities.

623 (2) Develop expertise in District residents' and agencies' various concerns and

624 priorities regarding public property use and the development of key public amenities, including

625 by monitoring agencies' and the Council's land use and facilities planning processes and public

626 participation therein.

627 (3) Attend public surplus hearings, public disposition hearings and ANC

628 presentations held pursuant to the Surplus and Disposition Law.

629 (4) Review materials posted to project pages and prepare written comments where

630 the Office believes that such comments would be helpful to the public.

631 (5) Develop and maintain guidance materials for a variety of audiences and

632 regarding the Surplus and Disposition Law, community benefit agreements, and other matters

633 relevant to the Office's mission.

- 634 (6) Create and maintain a website for the Office that, at a minimum:
- 635 (A) Contains summaries of anticipated District government real property
- 636 needs, including information on agencies' forecasted real property needs for key public
- 637 amenities obtained pursuant to paragraph (1); and
- 638 (B) Allows for the submission of requests for the Ombudsperson's
- 639 assistance, including assistance pursuant to paragraphs (7) and (8) of this subsection and such
- 640 other related assistance as the Ombudsperson sees fit to offer.
- 641 (7) Assist members of the public with questions regarding real property surplus
- 642 and disposition.
- 643 (8) Provide guidance to ANCs and other community representatives regarding
- 644 best practices for developing equitable and enforceable community benefit agreements.
- 645 (9) Advise Councilmembers and staff on real property surplus and disposition
- 646 decisions, with a focus on identifying relevant community-level and District-wide goals and
- 647 plans.
- 648 (b) In performing their duties, the Ombudsperson shall endeavor to prioritize the needs of
- 649 lower-income communities, communities at risk of displacement from the District, and
- 650 communities that lack professional representation or other relevant assistance.

651 Sec. 205. Powers.

- 652 (a) Notwithstanding any other provision of law, the Ombudsperson may:
- 653 (1) Access, examine, and copy, without payment of a fee, any agency record that
- 654 is required for the discharge of the Ombudsperson's duties; and
- 655 (2) Make inquiries and obtain assistance and information from an agency that is
- 656 required for the discharge of the Ombudsperson's duties, including agency participation in the

657 meetings required by section 204(1).

658 (b) The Ombudsperson shall not:

659 (1) Take any personnel action, except regarding the employees of the Office; or

660 (2) Provide legal advice or legal representation.

661 Sec. 206. Reporting.

662 (a) The Ombudsperson may at any time report the Office's activities to the Council or
663 any of its committees, the Mayor, the Office of the Inspector General, any relevant agency, or the
664 public.

665 (b) Each year, no later than January 31, the Ombudsperson shall provide an annual report
666 to the Council, which shall contain the following information based on the work and
667 observations of the Office during the prior fiscal year:

668 (1) A list of real property surplus or disposition matters on which the Office
669 provided assistance;

670 (2) A summary of the types of assistance that the Office provided in connection
671 with each matter;

672 (3) A description of the main users of the Office's services in connection with
673 each matter, including an estimate of the number of individuals assisted; and

674 (4) Any policy recommendations, including recommended legislation,
675 regulations, or best practices to improve transparency and accountability in public land use
676 planning; reduce displacement of working-class and lower-income households and people of
677 color; and ensure equitable distribution of key public amenities.

678 Sec. 207. Budgeting.

679 Beginning in Fiscal Year 2024, the Chief Financial Officer shall assign an individual

680 agency-level code for the Office in the District’s financial system.

681 TITLE III. TRANSITIONAL AND CONFORMING AMENDMENTS.

682 Sec. 301. Conforming amendments to existing surplus and disposition procedures.

683 An Act Authorizing the sale of certain real estate in the District of Columbia, approved
684 August 5, 1939 (53 Stat. 1222; D.C. Official Code §§ 10-801 *et seq.*), is amended as follows:

685 (1) Section 1(a) (D.C. Official Code § 10-801(a)) is amended as follows:

686 (A) Paragraph (1) is amended to read as follows:

687 “(a)(1) Prior to the applicability date of the Common Ground Amendment Act of
688 2023, effective ___ (Bill 25-___; D.C. Official Code §§ ___ *et seq.*), the Mayor is authorized and
689 empowered, in their discretion, for the best interests of the District of Columbia, and with the
690 approval of the Council by resolution pursuant to this section, to sell, convey, lease (inclusive of
691 options) for a period of greater than 15 years, exchange, or otherwise dispose of real property, in
692 whole or in part, now or hereafter owned in fee simple by the District, whether purchased with
693 appropriated, grant, or other funds, the proceeds of general obligation bonds or tax revenue
694 anticipation notes issued by the District government, or United States Treasury Notes, or
695 obtained by any other means including exchange, condemnation, eminent domain, gift,
696 dedication, donation, devise or assignment, for municipal, community development, or other
697 public purpose, which the Council finds to be no longer required for public purposes by
698 resolution pursuant to this section; provided, that this section shall not apply to real property
699 disposed of pursuant to section 6(c) of the District of Columbia Community Development Act of
700 1975, effective December 16, 1975 (D.C. Law 1-39; D.C. Official Code § 6-1005(c)). After the
701 applicability date of the Common Ground Amendment Act of 2023, effective ___ (Bill 25-___;
702 D.C. Official Code §§ ___ *et seq.*), title I of that act shall govern real property dispositions.”.

703 (B) Paragraphs (3) and (4) are repealed.

704 (2) Section 1b (D.C. Official Code § 10-801.01) is repealed.

705 Sec. 303. Conforming amendments regarding racial equity analyses.

706 Section 102(c) of the Racial Equity Achieves Results (REACH) Amendment Act of
707 2020, effective March 16, 2021 (D.C. Law 23-181; D.C. Official Code § 2-1471.02(b)(1)) is
708 amended as follows:

709 (1) Paragraph (7) is amended by striking the phrase “; and” and inserting a
710 semicolon in its place.

711 (2) Paragraph (8)(C) is amended by striking the period and inserting the phrase “;
712 and” in its place.

713 (3) A new paragraph (9) is added to read as follows:

714 “(9) Prepare statements regarding proposed real property surplus and disposition
715 resolutions for submission to the Council by the Chief Equity Officer pursuant to sections
716 106(d)(2) and 109(c)(6) of the Common Ground Amendment Act of 2023, effective __ (B25-
717 ____).”.

718 Sec. 302. Conforming amendments to cross-references.

719 (a) D.C. Official Code § 16-1332(a) is amended by striking the phrase “in accordance
720 with section 10-801,” and inserting the phrase “in accordance with section 10-801 or title I of the
721 Common Ground Amendment Act of 2022,” in its place.

722 (b) Section 2(c) of the Southwest Waterfront Redevelopment Clarification Act of 2010,
723 effective April 8, 2011 (D.C. Law 18-359; D.C. Official Code § 2-1217.151(c)) is amended to
724 read as follows:

725 “(c) All future amendments to the Land Disposition Agreement shall be submitted to the

726 Council for approval in accordance with the procedures set forth in section 109(g) of the
727 Common Ground Amendment Act of 2023, effective ___ (Bill 25-___; D.C. Official Code
728 § ___).”.

729 (c) Chapter 283 of An Act To permit the exchange of land belonging to the District of
730 Columbia for land belonging to the abutting property owner or owners, and for other purposes,
731 approved August 1, 1951 (65 Stat. 150; D.C. Official Code § 10-901), is amended to read as
732 follows:

733 “Where 2 lots or parcels of land abut each other and 1 of such lots or parcels belongs to
734 the District of Columbia, the Council of the District of Columbia, in accordance with title I of the
735 Common Ground Amendment Act of 2023, effective ___ (Bill 25-___, D.C. Official Code §§
736 ___ *et seq.*), is hereby authorized and empowered, when in its judgment and discretion it is for
737 the best interest of the District of Columbia, to exchange such District-owned land, or part
738 thereof, for the abutting lot or parcel of land, or part thereof.”.

739 (d) The Small, Local, and Disadvantaged Business Development and Assistance Act of
740 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code§ 2-218.01 *et seq.*), is
741 amended as follows:

742 (1) Section 2302(9)(F) (D.C. Official Code§ 2-218.02(9)(F)) is amended to read
743 as follows:

744 “(F) A development project conducted pursuant to a disposition under
745 section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no
746 longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code
747 § 10-801) or title I of the Common Ground Amendment Act of 2023, effective ___ (Bill 25-___;
748 D.C. Official Code § ___).”.

749 (2) Section 2349a(a)(1) (D.C. Official Code § 2–218.49a(a)(1)) is amended by
750 striking the phrase “small investors” and inserting the phrase “or title I of the Common Ground
751 Amendment Act of 2023, effective ___ (Bill 25-___; D.C. Official Code §§ ___ *et seq.*), small
752 investors” in its place.

753 TITLE IV. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

754 Sec. 401. Applicability.

755 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
756 budget and financial plan.

757 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
758 an approved budget and financial plan, and provide notice to the Budget Director of the Council
759 of the certification.

760 (c)(1) The Budget Director shall cause the notice of the certification to be published in
761 the District of Columbia Register.

762 (2) The date of publication of the notice of the certification shall not affect the
763 applicability of this act.

764 Sec. 402. Fiscal impact statement.

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

768 Sec. 403. Effective date.

769 This act shall take effect following approval by the Mayor (or in the event of veto by the
770 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
771 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

772 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
773 Columbia Register.