



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospitals and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction for the
Community Land Trusts' Access and Homeowner Support Amendment Act of 2023
February 2, 2023

Today, I am introducing the Community Land Trusts' Access and Homeowner Support Amendment Act of 2023, along with Councilmembers Brianne K. Nadeau, Zachary Parker, Robert C. White, Jr., Janeese Lewis George, Brooke Pinto, Charles Allen, Vincent C. Gray and Matthew Frumin.

This legislation includes provisions from two bills that I introduced during Council Period 24, and would further the District's affordable housing and homeownership goals. Title I of this legislation would incorporate community land trusts (CLTs) registered with the Mayor into the Tenant Opportunity to Purchase Act (TOPA) process, granting registered community land trusts with the third right of refusal to purchase multifamily housing.

TOPA became law in 1980 and created an original pathway to homeownership for renters in which renters may purchase a multifamily property from their landlord in partnership with affordable housing developers. TOPA is nationally recognized for both preserving affordable housing and creating pathways to first-time homeownership for long-time residents. In 2013, the DC Fiscal Policy Institute published a report detailing that TOPA had helped to preserve nearly 1,400 units of affordable housing over a 10-year period. The District Opportunity to Purchase Act (DOPA) gives the District the second right of refusal on such properties, allowing the District to maintain affordability in multifamily buildings when tenants cannot or do not exercise their TOPA rights. This legislation would build on TOPA by granting CLTs, which are typically non-profit entities committed to maintaining housing affordability through community ownership and stewardship of property, the third right of refusal to TOPA- and DOPA-eligible properties. Community land trusts are currently not favored above other property purchasers in District law, and intentionally incorporating CLTs into the TOPA and tax sale systems can help to maintain and expand the District's stock of affordable housing.

Title II would provide registered community land trusts with early access to purchase tax sale list properties before the properties become available to private buyers. Tax sale properties are one avenue to acquire several types of buildings, including single-family homes, at a low purchase price. Multifamily buildings may not be the best option for large or multigenerational families, and the District has a stake in maintaining affordability in a variety of housing types. However, the 2021 median sale price of \$881,000¹ for a single family home in the District, up from the 2020 median price of \$647,500,² is prohibitive for low-income residents. Many single-family homes are available

¹ <https://www.washingtonpost.com/nation/interactive/2022/mapping-dc-regions-2021-housing-market/>

² <https://wtop.com/business-finance/2020/11/median-price-of-a-single-family-home-in-the-district-tops-1m-for-first-time/>



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on the tax sale list every year. By allowing CLTs advance opportunity to purchase tax sale properties, the District can help preserve affordability for sizable houses that can become home for larger families.

Title III of this legislation would establish a Homeowner Resource Center within the Department of Housing and Community Development to provide information to homeowners on matters such as types of ownership, financing, insurance, and taxes, purchasing residential property, property maintenance and improvement, health, safety, and environmental considerations, and access to relevant District laws and regulations. The Homeowner Resource Center will maintain a website which homeowners can visit to identify relevant resources and connect with staff. The Homeowner Resource Center will be led by a Housing Resource Officer, who must have demonstrated professional experience in property law.

The District resources that support not only purchasing a home, but *owning* a home in the long-term, can be difficult to identify after closing. A Homeowner Resource Center can make a world of difference for homeowners in managing mundane and trying circumstances that homeowners encounter. Today, residents experiencing difficulties with nuisance properties, bad contractors, or utility providers often resort to crowdsourcing assistance from community newsletters or on social media websites. The elicited information can be inaccurate. The Housing Resource Officer, on the other hand, could quickly provide trustworthy information.

Resources provided by the Center could also help homeowners proactively mitigate problems that lead to the depreciation or loss of a home. Despite wider availability of more generous mortgage forbearance options during the COVID-19 pandemic, Black homeowners' housing security was undermined. In June 2020, four times as many Black homeowners reported missing mortgage payments altogether rather than deferring mortgage payments, while only about 1.4 times as many white homeowners reported missing payments than deferring mortgage payments.³ In response to the December 2021—January 2022 U.S. Census Bureau Household Pulse Survey, 11% of Black households reported delinquent mortgage payments, compared to only 3% of white households.⁴ Despite the federal government creating anti-foreclosure programs, the foreclosure rate for Black households was nearly two times higher than the foreclosure rate for white families three years into the Great Recession.⁵ A Homeowner Resource Center that provides reliable and accessible information about all District homeowner programs will empower residents to protect their homes, and will demonstrate the District's commitment to residents who choose to invest and live in their community.

In many instances, homeowners in the District must overcome significant barriers before purchasing a home, and continue to struggle with financial and structural issues in keeping their home. By reducing the administrative barriers that community land trusts face in participating in the District's property market, more individuals can access affordable housing that would otherwise be lost to the

³ https://www.nclc.org/images/pdf/special_projects/covid-19/IB_Covid_Black_Forbearance_Foreclosure.pdf

⁴ <https://www.census.gov/data/tables/2021/demo/hhp/hhp41.html>

⁵ <https://www.responsiblelending.org/mortgage-lending/research-analysis/foreclosures-by-race-and-ethnicity.pdf>



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private market. Providing reliable and easy access to critical information needed by both new and long-term homeowners will allow residents to remain in their homes, generate household wealth, and diminish the seemingly impossible challenges that residents face when their home presents them with both routine and catastrophic problems. In these ways, we can demonstrate the importance we place on safe, stable, and affordable housing, and the value of homeownership for all residents in the District of Columbia.

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

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4 Zachary Parker

5 Councilmember Zachary Parker

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9 Councilmember Janeese Lewis George

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33 A BILL

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43 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

44 To amend the Rental Housing Conversion and Sale Act of 1980 to permit registered community
45 land trusts to purchase housing accommodations, subject to the provisions of the Tenant
46 Opportunity to Purchase Act; to amend Title 47 of the District of Columbia Official Code
47 to grant community land trusts secondary priority to purchase properties at a tax sale; and
48 to establish a Homeowner Resource Center within the Department of Housing and
49 Community Development to provide resources for homeowners and prospective
50 homeowners in the District of Columbia.

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44 TITLE I. COMMUNITY LAND TRUSTS' OPPORTUNITY TO PURCHASE

45 Sec. 101. The Rental Housing Conversion and Sale Act of 1980, effective September 10,
46 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

47 (a) Section 103 (D.C. Official Code § 42-3401.03) is amended by adding a new
48 paragraph (14A) to read as follows:

49 “(14A) “Registered community land trust” means an organization that:

50 “(A) Is exempt from federal income tax under 26 U.S.C. §501(c)(3);

51 “(B) Is established for the sole purpose of ensuring community
52 stewardship of property and providing long-term housing affordability for low- and moderate-
53 income District residents;

54 “(C) Is not affiliated with or a subsidiary of an organization that is
55 organized or operating for private gain;

56 “(D) Demonstrates:

57 “(i) A commitment to maintaining housing affordability for low-
58 and moderate-income District residents and to preventing the displacement of such residents, as
59 demonstrated by the organization’s historical provision of affordable housing to low- and
60 moderate-income residents; or

61 “(ii) The capacity to provide affordable housing for low- and
62 moderate-income District residents, and to preventing the displacement of such residents,
63 as demonstrated by:

64 (I) Written support from community members;

65 (II) Documentation showing the organization’s finances
66 and fundraising plan;

67 (III) An administration plan for the organization; and

68 (IV) The organization’s leadership team and board

69 members;

70 “(E) Demonstrates a commitment to community engagement as evidenced

71 by relationships with neighborhood-based organizations or tenant counseling organizations and

72 presents upon registering with the Mayor pursuant to subparagraph (H) of this paragraph a

73 prospective community engagement plan;

74 “(F) Has demonstrated the capacity, including legal and financial capacity,

75 to effectively acquire and manage multiple residential real property;

76 “(G) Is compliant with District laws and regulations governing housing

77 management and operations; and

78 “(H) Has registered with the Mayor, on a form approved by the Mayor, as

79 a community land trust.

80 (b) Section 436(1) (D.C. Official Code § 42–3404.36(1)) is amended read as follows:

81 “(1) Demonstrates the capacity to own and manage, either by itself or through a

82 management agent, the housing accommodation and related facilities for the remaining useful

83 life of the housing accommodation, provided the Mayor shall offer the right of first refusal to

84 registered community land trusts; and.”.

85 (c) A new Title IV-B is added to read as follows:

86 **“TITLE IV-B. COMMUNITY LAND TRUSTS’ OPPORTUNITY TO PURCHASE**

87 **“Sec. 441. Community Land Trusts’ opportunity to purchase certain housing**

88 **accommodations.**

89 “(a) At the time that an owner of a housing accommodation provides to the Mayor the
90 opportunity to purchase the housing accommodation pursuant to D.C. Code § 42–3404.31, and if
91 the Mayor does not intend to purchase the property pursuant to D.C. Code § 42–3404.31 *et. seq.*,
92 the Mayor shall notify all registered community land trusts of their opportunity to purchase the
93 housing accommodation within 3 business days of receiving notice, except as otherwise provided
94 by this title, in the same manner as the opportunity to purchase is provided to a tenant under Title
95 IV.

96 “(b) A registered community land trust shall have the same remedies and rights to enforce
97 owner compliance with this act as a tenant or tenant organization would have against an owner
98 for violating this act.

99 “Sec. 442. Limitations on community land trusts’ opportunity to purchase.

100 “(a) A registered community land trust’s opportunity to purchase shall be subordinate to
101 the right of a tenant and the right of the Mayor.

102 “(b) To exercise its right under this title, the community land trust shall provide a written
103 statement of interest to the owner, the tenant, and to the Mayor within 30 days of the community
104 land trust’s receipt of the copy of offer of sale required by section 403.

105 “Sec. 443. Limitations on community land trusts as purchaser of a housing
106 accommodation for rental housing.

107 “(a) If a registered community land trust purchases a housing accommodation pursuant to
108 this subchapter, the registered community land trust shall remain subject to all provisions of this
109 chapter as owner of the housing accommodation.

110 “(b) After purchasing a housing accommodation, registered community land trust shall
111 maintain affordable rents for a tenant who lived in a rental unit in the housing accommodation on
112 the date the offer of sale was provided to the registered community land trust, as follows:

113 “(1) For the first 12 months, the monthly rent, including utilities, shall not be
114 greater than the monthly rent, including utilities, on the date the offer of sale was provided to the
115 registered community land trust; and

116 “(2) After the first 12 months, the monthly rent shall be subject to allowable
117 percentage increases annually, limited to the lesser of:

118 “(A) The allowable annual increase in monthly rent for a rental unit
119 pursuant to section 208(h) or,

120 “(B) For any unit covered by a local or federal rental affordability
121 program, the allowable increase under that program.

122 “(3) For the purposes of this subsection, household income shall be calculated
123 pursuant to 24 C.F.R. §5.609.

124 “(4) Tenants shall be notified in writing as to the manner in which the registered
125 community land trust calculates household income and rent.

126 “(5) The Rent Administrator shall consider a challenge to a rent amount or
127 income calculation upon a petition filed by a tenant. The petition shall be heard and determined
128 according to the procedures in the Rent Stabilization Program established in Title II.

129 “(6) Notwithstanding the rent amounts established pursuant to this section, nor
130 any other law, no tenant in an affordable unit shall be required to pay a rent increase of more
131 than 10% per year.

132 “(7) Income restrictions may be imposed by the registered community land trust;
133 provided, that an existing tenant shall be exempt from any income restrictions.

134 “(c)(1) Upon the initial sale of the housing accommodation to the registered community
135 land trust, the Mayor shall record a covenant that shall require the registered community land
136 trust, and every successor in interest, to maintain as rent-and-income-restricted, for as long as the
137 property remains a housing accommodation, each rental unit in the housing accommodation for
138 which the most recent monthly rent, including utilities, on the date the offer of sale was provided
139 to the registered community land trust, was equal to or less than the maximum rent for a
140 household with an income of 60% of the median family income, and any additional units as
141 designated by the affordability plan required by subsection (d) of this section.

142 “(2) For any rental unit that is vacant on the date the offer of sale was provided to the
143 registered community land trust, or subsequently becomes vacant before the parties execute the
144 affordability covenant:

145 “(A) If the most recent monthly rent was equal to or less than the maximum rent
146 for a household with an income of 60% of the median family income, that unit shall become a
147 rent-and-income-restricted unit restricted to tenants with annual household incomes equal to or
148 less than 60% of the median family income; or

149 “(B) If the most recent monthly rent was equal to or less than the maximum rent
150 for a household with an income of 30% of the median family income, that unit shall become a
151 rent-and-income-restricted unit restricted to tenants with annual household incomes equal to or
152 less than 30% of the median family income.

153 “(C) For the remaining units, including units for which there is no record of the
154 most recent monthly rent, the registered community land trust, or any successor in interest, shall
155 set the rents in accordance with the affordability plan required by subsection (d) of this section.

156 “(D) The Mayor may waive in writing subparagraphs (A) or (B) of this paragraph
157 for all or a portion of the rental units in a specific property that are vacant on the date the offer of
158 sale was provided to the registered community land trust, or subsequently become vacant before
159 the parties execute the affordability covenant, in order to increase financial feasibility of the
160 purchase and operation of the project, in which case rents shall be set in accordance with the
161 affordability plan required by subsection (d) of this section.

162 “(d)(1) The community land trust shall develop an affordability plan detailing a strategy
163 to meet the requirements of subsection (c)(2) of this section, and as practicable, increase the
164 number of rent-and-income-restricted units in the purchased housing accommodation restricted
165 to tenants with annual household incomes equal to or less than 60% of the median family
166 income.

167 “(2) The affordability plan may allow for rent-and-income restricted units to be restricted
168 to tenants with annual household incomes above 60% of the median family income; provided,
169 that the average designated household annual income limit of all rent-and-income restricted
170 rental units in the housing accommodation is equal to or less than 60% of the median family
171 income as a result of the affordability plan.

172 “(3) In accordance with subsection (c)(1) of this section, the affordability plan may not
173 reduce the number of units affordable at 30% or 60% of median family income below the
174 number of such units existing in the housing accommodation on the date the offer of sale was
175 provided to the registered community land trust.

176 “(e) The terms “maximum rent”, “median family income” or “MFI”, “most recent
177 monthly rent”, and “rent-and-income-restricted unit” shall have the same meaning as provided in
178 section 433.

179 “Sec. 444. Limitations on community land trusts as purchaser of a housing
180 accommodation for private ownership.

181 “(a) Every tenant of a housing accommodation that a registered community land trust
182 seeks to convert from a rental basis to a cooperative or a condominium association shall be
183 notified in writing of the registered community land trust’s intent to convert the housing
184 accommodation to a cooperative or condominium association not less than 120 days before the
185 conversion. The registered community land trust shall also make to each tenant of the housing
186 accommodation a bona fide offer to sell each tenant such shares or membership interest in the
187 cooperative as will enable the tenant to continue to reside in his or her unit after the conversion.
188 The offer letter shall include the asking price for the shares or membership interest and a
189 statement of the tenant’s rights to provide such shares or membership interest under the
190 provisions of this section. The tenant shall be afforded not less than 60 days in which to contract
191 with the registered community land trust for the purchase of the shares or membership interest of
192 his or her unit or another available unit at a mutually agreeable price and under mutually
193 agreeable terms, which shall be at least as favorable as those offered to the general public.

194 “(b) A bona fide offer under this section shall include the following information:

195 “(1) The asking price and material terms of the sale;

196 “(2) A statement that the tenant has the right to purchase the accommodation
197 under this section and a summary of tenant rights and sources of technical assistance as provided
198 by the Mayor;

199 “(3) A statement that the registered community land trust shall make available to
200 each tenant:

201 “(A) A reasonable estimate of the monthly operating expenses, utility
202 consumption rates, and capital expenditures for the property for the 2 preceding calendar years;

203 “(B) A reasonable estimate of the cooperative or condominium association
204 fees for each unit in the building; and

205 “(C) A reasonable approximation of the sale price for each unit and the
206 mortgage rate for each unit using the most up to date interest and comparison of similar units in
207 the same market, and a reasonable estimate for the yearly maintenance costs associated with each
208 unit.

209 “Sec 445. Procedure for community land trust to effectuate purchase.

210 “(a) The registered community land trust shall have not less than 150 days from the date
211 of the owner’s receipt of the registered community land trust’s written statement of interest,
212 issued pursuant to section 442(c), to negotiate a contract for sale.

213 “(b) For every day the owner delays in providing necessary to complete the sale, the
214 negotiation period shall be extended by one day.

215 “(c) If a tenant organization is formed and delivers an application for registration to the
216 Mayor pursuant to section 411, the registered community land trust shall have 15 days, in
217 addition to the time provided for in subsection (a) of this section, to negotiate a contract of sale.

218 “(d) The registered community land trust shall have up to 60 days after the date of
219 execution of a contract of sale to complete settlement.

220 “(e) If the owner provides an extension of time to a tenant, the registered community land
221 trust shall receive the same extension of time. The owner shall provide written notification to the
222 registered community land trust of any extensions of time provided to the tenant.

223 “Sec. 446. Rights of tenants not abrogated

224 “No provision of this title shall be construed to abrogate the rights of tenants or tenant
225 organizations under this act.

226 “Sec 447. Rules.

227 “Within 60 days of the effective date of this Act, the Mayor shall, pursuant to Title I of
228 the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.
229 1204; D.C. Code § 2-501 *et seq.*), issue rules to implement the provisions of this title.”.

230 TITLE II. COMMUNITY LAND TRUST ADVANCE ACCESS TO TAX SALE
231 PROPERTIES

232 Sec. 201. Section 47-1303(a) of the District of Columbia Official Code is amended to
233 read as follows:

234 “(a) Upon the day specified in § 47-1301, the Mayor shall proceed to sell or cause to be
235 sold any and all property upon which such taxes remain unpaid, and continue to sell the same
236 every day, except Saturdays, Sundays, and legal holidays, until all the real property as aforesaid
237 in § 47-1301 shall have been brought to auction and sold; provided that, one week prior to the
238 day specified in § 47-1301, the Mayor shall offer to registered community land trusts as defined
239 in § 42-3401.03 the opportunity to bid on single family and multifamily housing property upon
240 which such taxes remain unpaid. Registered community land trusts shall comply with the
241 requirements in § 42-3404.41 and may continue to bid following the day specified in § 47-1301.
242 In case no other person bids the amount due, together with penalties and costs, on any lot, the

243 said Collector of Taxes shall bid the amount due, together with penalties and costs, on the same
244 and purchase it for the District.”.

245 TITLE III. HOMEOWNER RESOURCE CENTER ESTABLISHMENT

246 Sec. 301. Definitions.

247 For purposes of this title, the term:

248 (1) "Housing provider" shall have the same meaning as provided in section
249 103(15) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
250 Official Code § 42-3501.03(15)).

251 (2) “Homeowner” means the owner resident of residential real property.

252 Sec. 302. Homeowner Resource Center.

253 (a) The Department of Housing and Community Development ("Department") shall
254 establish a Homeowner Resource Center (“Center”), which shall be a central information and
255 resource center for homeowners and prospective homeowners in the District.

256 (b) The Center shall be led by a Homeowner Resource Officer (“Officer”). The Officer
257 shall administer and manage the Center and all functions and personnel, and shall:

258 (1) Have a demonstrated professional background in property law, which shall
259 include experience at least 2 of the following areas:

260 (A) Residential real property sales;

261 (B) Residential real property finance;

262 (C) Residential real property management;

263 (D) Administering state or local government housing programs; or

264 (E) Residential real property litigation;

265 and

266 (2) Be nominated by the Mayor with the advice and consent of the Council, by
267 resolution.

268 (c) The Center shall provide information to residents about homeownership, including:

269 (1) Types of ownership, including:

270 (A) Single-family home ownership, condominium ownership, and
271 cooperative homeownership; and

272 (B) Ownership in accordance with the Tenant Opportunity to Purchase Act
273 of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.01 *et*
274 *seq.*);

275 (2) Financing, sales, tax, and purchase matters, including:

276 (A) Mortgages;

277 (B) Refinancing mortgages;

278 (C) Foreclosure prevention;

279 (D) Homeownership assistance programs offered by District agencies,
280 including program facts, program qualifications, and application processes; and

281 (E) Residential real estate taxes and residential real estate tax incentives;

282 (3) Purchasing residential property, including:

283 (A) Guidance for selecting a realtor or buyers' agent;

284 (B) Residential real estate inspections; and

285 (C) Homeowners' insurance;

286 (4) Property management, maintenance, and preservation, including:

287 (A) Establishing and managing homeowners' associations or unit owners'
288 associations;

289 (B) Laws and processes governing condominium warranty bond claims;

290 (C) Maintenance, including exterior building maintenance, porch and deck
291 maintenance and repair, roof maintenance and repair, home electrical safety, HVAC
292 maintenance, plumbing maintenance and repair, and fire safety;

293 (D) Homeowner preservation and maintenance grant programs, including
294 the Single Family Residential Rehabilitation Program and the Safe at Home Program; and

295 (E) Historic property preservation;

296 (5) Property improvement, including:

297 (A) Access to the most recently updated version of the District of
298 Columbia Building Code as defined in section 101.1 of Title 12A of the District of Columbia
299 Municipal Regulations (12-A DCMR § 101.1);

300 (B) Permitting, including for interior and exterior renovations and interior
301 and exterior remodeling;

302 (C) Contractor-hiring guidance and resources to remedy contractor-related
303 disputes; and

304 (D) Accessory Dwelling Units;

305 (6) Health, safety, and environment, including:

306 (A) Resources for addressing nuisance property concerns;

307 (B) Health and safety concerns, including resources regarding recycling,
308 fire safety, pest control, senior homeowners, and appliance maintenance;

309 (C) Environmental hazards, including mold prevention and repair, water
310 damage prevention and repair, lead and asbestos guidance, and radon testing resources;

311 (D) Natural disaster assistance;

312 (E) Contact information for DC Water, Pepco, and Washington Gas; and

313 (F) Department of Energy and Environment cost-savings programs

314 available to homeowners; and

315 (7) District agencies, laws, and regulations, including:

316 (A) A directory of agencies in which homeowner programs or resources

317 are located; and

318 (B) Any District laws, rules, and regulations pertaining to any of the

319 aforementioned information.

320 (d) The Department shall include an outreach and awareness campaign to District

321 homeowners regarding the Center.

322 (e) The Center shall maintain a publicly accessible website which shall include all

323 resources and information listed in subsection (c) of this section.

324 (f) If a housing provider seeks assistance from the Center for a property which they own

325 and which is not their current primary residence, the Center shall direct the housing provider to

326 assistance programs dedicated to housing providers.

327 (g) The Center shall prepare and publish by September 30 of each year, beginning in

328 calendar year 2024, an annual report which includes a description of the Center's activities, the

329 number of residents who contacted the Center, the number of residents that the Center directed to

330 government resources, the number of residents who reported that their concerns were resolved by

331 the Center, the 10 issues residents most frequently requested assistance from the Center, and

332 demographic information about the residents who request the Center's assistance.

333 TITLE IV. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

334 Sec. 401. Fiscal impact statement.

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

338 Sec. 402. Effective date.

339 This act shall take effect following approval by the Mayor (or in the event of veto by
340 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
341 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
342 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
343 Columbia Register.