



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF COUNCILMEMBER BROOKE PINTO**  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W., SUITE 106  
WASHINGTON, D.C. 20004

July 13, 2023

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the “Fairness in Use and Negotiation for All Recreational Property Act of 2023.” I am proud to be joined by Councilmembers Anita Bonds, Robert C. White, Jr., Christina Henderson, Zachary Parker, Matthew Frumin, Janeese Lewis George, and Trayon White, Sr. as co-introducers. Please find attached a signed copy of the legislation.

The purpose of this legislation is to require the Mayor to engage the public for review and comment and also to submit to the Council for review and approval by resolution, all exclusive use or license agreements for District-owned recreational property that cover a period of three years or more.

Currently, as long as an agreement has a value of less than \$1 million, District law allows the Mayor to lease public recreational space for years or even decades without public input or Council review, to a private entity. Thus, in numerous instances over the past several years, the Mayor has leased District recreational property without any public notice and often times over broad community and Council opposition.

While these agreements may sometimes be beneficial for the District’s many priorities, their exclusive nature denies District residents, especially District children, the use and enjoyment of these valuable public assets. Accordingly, District taxpayers and their representatives on the Council, should be afforded the opportunity to review the agreements before District residents lose their right to use these parks, playing fields, and other facilities held in the public trust.

This bill closes this loophole by requiring the Mayor to:

1. Satisfy the following public engagement requirements:

- The Mayor must hold at least one public hearing to obtain community input to inform the Mayor’s determination whether a property should be exclusively leased. The hearing must be held at an accessible time and location in the vicinity of the recreational property.

- The Mayor must provide at least 30 days' written notice of the public hearing to the affected Advisory Neighborhood Commissions. A summary of the proposal, including a listing of the principal information required of the Mayor, must accompany the notice.

2. Satisfy the following Council review requirements:

- The Mayor must submit a proposed resolution and analysis regarding the exclusive agreement to the Council for review and approval.
- The resolution must include an analysis that includes: a description of the terms of the agreement, the District's current use of the property and why the District's use of the property should be limited or cease, a description of potential public uses of the property considered by the Mayor, a narrative as to why the property is better suited for the purpose described in the agreement rather than for public uses considered by the Mayor, an explanation why the agreement is in the best interests of the District, an explanation of any impact that the proposed exclusive agreement is expected to have on racial equity in the District, and a summary of public comments received at the required public hearing..

Should you have any questions about this legislation, please contact my Legislative Director, Linn Groft, at [lgroft@dccouncil.gov](mailto:lgroft@dccouncil.gov).

Thank you,



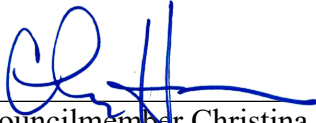
Brooke Pinto  
Councilmember for Ward 2



Councilmember Anita Bonds



Councilmember Brooke Pinto



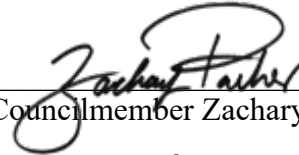
Councilmember Christina Henderson



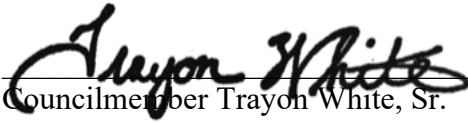
Councilmember Robert C. White, Jr.



Councilmember Matthew Frumin



Councilmember Zachary Parker



Councilmember Trayon White, Sr.



Councilmember Janeese Lewis George

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide that, before entering into an exclusive agreement with respect to the use of District-owned recreational property for a term of 3 or more years, the Mayor shall satisfy certain public engagement requirements, include in the exclusive agreement a provision for an annual audit to ensure compliance with the terms of the exclusive agreement, and submit a proposed resolution to the Council for review and approval, which shall include a description of the District’s current use of the District-owned recreational property, the fair market value of the requested use, and the anticipated amount that would be charged for exclusive usage.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fairness in Use and Negotiation for All Recreational Property Act of 2023”.

Sec. 2. Submission to the Council of long-term use or license agreements.

(a) For purposes of this section, the term:

(1) “District-owned recreational property” means any park, playground, recreation center, community center, sports field, aquatic center, District of Columbia public school buildings, or similar recreational space titled in the name of the District or in which the District

22 has a controlling interest. The term “District-owned recreational property” does not include  
23 facilities operated by a District of Columbia Public Charter School.

24 (2) “Exclusive agreement” means a use agreement, license agreement, or other  
25 contractual arrangement between the District government, and another party that has a duration  
26 of 3 years or greater, inclusive of options, and that provides the other party with a right, whether  
27 fully exercised or not, to exclude others from using the District-owned recreational property  
28 during the District-owned recreational property’s typical operating hours. The term “exclusive  
29 agreement” does not include any real property disposition or contract that is subject to Council  
30 approval under another District law.

31 (b)(1) Before entering into an exclusive agreement with respect to the use of District-  
32 owned recreational property, the Mayor shall satisfy the public engagement requirements of  
33 subsection (c) of this section and submit a proposed resolution to the Council for review and  
34 approval in accordance with the criteria established in paragraph (2) of this subsection.

35 (2) A proposed exclusive agreement shall be deemed approved by the Council if  
36 one of the following occurs:

37 (A) During the 10-day period beginning on the 1st day (excluding  
38 Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the  
39 Council, no member of the Council introduces a resolution to approve or disapprove the  
40 proposed exclusive agreement; or

41 (B) If a resolution has been introduced in accordance with subparagraph  
42 (A) of this paragraph, and the Council does not approve or disapprove the exclusive agreement  
43 during the 45-day review period beginning on the 1st day (excluding Saturdays, Sundays, and  
44 holidays) following its receipt by the Office of the Secretary to the Council.

45 (c)(1) Before submitting a proposed resolution pursuant to this section, the Mayor shall  
46 hold at least one public hearing to obtain community input to inform the Mayor's determination  
47 whether an exclusive agreement should be entered into with respect to the District-owned  
48 recreational property.

49 (2)(A) The hearing shall be held at an accessible evening or weekend time and in  
50 an accessible location in the vicinity of the District-owned recreational property.

51 (B) The Mayor shall:

52 (i) At least 30 days before holding the public hearing, provide  
53 written notice of the public hearing to affected Advisory Neighborhood Commissions, which  
54 shall contain a summary of the proposal and the information described in subsection (d) of this  
55 section; and

56 (ii) At least 15 days before the hearing, publicize the public  
57 hearing by posting a written notice at the District-owned recreational property and placing a  
58 notice of the public hearing in the District of Columbia Register.

59 (d) A proposed resolution submitted pursuant to subsection (b) of this section shall:

60 (1) Include the following:

61 (A) A physical description of the District-owned recreational property;

62 (B) The name and business address, if applicable, of the intended  
63 counterparty to the proposed exclusive agreement;

64 (C) A description of the use of the District-owned recreational property to  
65 be permitted under the exclusive agreement;

66 (D) A statement that the exclusive agreement shall not be inconsistent  
67 with the substantive business terms submitted by the Mayor with the resolution in accordance

68 with paragraph (2) of this subsection, unless revisions to those substantive business terms are  
69 approved by the Council; and

70 (E) A statement that the exclusive agreement shall contain a provision  
71 requiring an annual audit to ensure the lease abides by the usage agreement.

72 (2) Be accompanied by an analysis that includes the following:

73 (A) An executed term sheet or memorandum of understanding between the  
74 District and the intended counterparty to the proposed exclusive agreement, including a  
75 description of the substantive business terms of the exclusive agreement and any other terms that  
76 the Mayor finds to be in the best interest of the District;

77 (B) A description of the District’s current use of the District-owned  
78 recreational property, the fair market value of the requested use, the anticipated amount that  
79 would be charged for exclusive usage, and why the District’s use of the property should be  
80 limited or should cease pursuant to the proposed exclusive agreement;

81 (C) A description of potential public uses of the District-owned  
82 recreational property considered by the Mayor;

83 (D) A detailed narrative as to why the District-owned recreational property  
84 is better suited for the purpose described in the proposed exclusive agreement rather than for  
85 each public use considered by the Mayor;

86 (E) A detailed explanation why the proposed exclusive agreement is in the  
87 best interests of the District;

88 (F) An explanation of any impact that the proposed exclusive agreement is  
89 expected to have on racial equity in the District; and

90 (G) A summary of public comments received at the public hearing  
91 required under subsection (c) of this section.

92 Sec. 3. Fiscal impact statement.

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

96 Sec. 4. Effective date.

97 This act shall take effect following approval by the Mayor (or in the event of veto by the  
98 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
99 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
100 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
101 Columbia Register.