



MURIEL BOWSER  
MAYOR

January 4, 2024

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council is proposed legislation entitled the "Housing in Downtown Tax Abatement Technical Amendment Emergency Declaration Resolution of 2024", the accompanying, "Housing in Downtown Tax Abatement Technical Amendment Emergency Act of 2024", and temporary and permanent legislation, entitled "Housing in Downtown Tax Abatement Technical Amendment Temporary Act of 2024" and "Housing in Downtown Tax Abatement Technical Amendment Act of 2024", respectively. This legislation facilitates implementation of the laws previously enacted to promote housing downtown.

Approval of the enclosed emergency declaration and approval of the emergency, temporary and permanent legislation will allow the Office of the Deputy Mayor for Planning and Economic Development to move forward with promulgating regulations as mandated by D.C. Official Code § 47-860.04 for the housing in downtown tax abatement program.


I look forward to your prompt and favorable consideration of this resolution. In order to facilitate a response to any questions you may have, please have your staff contact Nina Albert, Acting Deputy Mayor for Planning and Economic Development, at 202-727-6365.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

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7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 To amend Chapter 8 of Title 47 of the District of Columbia Official Code to amend the  
16 statutes governing tax abatements for housing in downtown to require the tax  
17 abatements to be awarded competitively, ensure proper recording of the Tenant  
18 Opportunity to Purchase Act exemption, extend the timeframe for receiving a  
19 certificate of occupancy, and remove a calculation that is no longer applicable.  
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21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

22 That this act may be cited as the “Housing in Downtown Tax Abatement Technical  
23 Amendment Act of 2024”.

24 Sec. 2. Section 47-860.02 of the District of Columbia Official Code is amended as  
25 follows:

26 (a) Subsection (a) is amended as follows:

27 (1) The lead-in language is amended by striking the phrase “the Mayor  
28 may” and inserting the phrase “the Mayor may, through a competitive process,” in its  
29 place.

30 (2) Paragraph (4) is amended by striking the phrase “paragraphs (1) and  
31 (2) of this subsection” and inserting the phrase “paragraphs (2) and (3) of this subsection ,  
32 as well as with the requirements of § 47–860.02a(b). The covenant shall also include any

33 additional terms related to the design and administration of the affordable housing units  
34 required by the Mayor by rule” in its place.

35 (3) Paragraph (8) is amended by striking the phrase “imposed by the  
36 Mayor and subject to the adjustment of the abatement amount based on the certifications  
37 provided for in § 47–860.03(a)” and inserting the phrase “imposed by the Mayor” in its  
38 place.

39 (b) Subsection (d) is amended to read as follows:

40 “(d) A tax abatement shall not be provided for a property for which an eligibility  
41 and reservation letter was transmitted by the Mayor pursuant to subsection (a)(8) of this  
42 section if the project based upon which the eligibility and reservation letter was issued  
43 has not received a certificate of occupancy within 24 months after the date the eligibility  
44 and reservation letter was transmitted; provided, that the Mayor may, in the Mayor's  
45 reasonable discretion, extend the 24-month period for any number of 6-month periods if:

46 “(1)(A)(i) The project's construction has reached grade within the 24-  
47 month period, as certified by the project architect and the Mayor; or

48 “(ii) The project has not reached grade within that period,  
49 but any delays were beyond the control of the developer; and

50 “(B) The project is making progress toward delivering housing; or

51 “(2) There exists a public emergency as defined in section 2(3) of the  
52 District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law  
53 3-149; D.C. Official Code § 7-2301(3)).”.

54 Sec. 3. The lead in language to section 47-860.03(a) of the District of Columbia  
55 Official Code is amended by striking the phrase “as determined by the Mayor, per

56 residential FAR square foot of real property multiplied by the building’s total residential  
57 FAR square footage as certified by the project architect and the Mayor” and inserting the  
58 phrase “as reasonably determined by the Mayor for each property” in its place.

59           Sec. 4. Fiscal impact statement.

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

63           Sec. 5. Effective date.

64           This act shall take effect following approval by the Mayor (or in the event of veto  
65 by the Mayor, action by the Council to override the veto), a 30-day period of  
66 congressional review as provided in section 602(c)(1) of the District of Columbia Home  
67 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
68 206.02(c)(1)), and publication in the District of Columbia Register.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, Chapter 8 of Title 47 of the District of Columbia Official Code to amend the statutes governing tax abatements for housing in downtown to require the tax abatements to be awarded competitively, ensure proper recording of the Tenant Opportunity to Purchase Act exemption, extend the timeframe for receiving a certificate of occupancy, and remove a calculation that is no longer applicable.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Housing in Downtown Tax Abatement Emergency Amendment Act of 2024”.

Sec. 2. Section 47-860.02 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended as follows:

(1) The lead-in language is amended by striking the phrase “the Mayor may” and inserting the phrase “the Mayor may, through a competitive process,” in its place.

(2) Paragraph (4) is amended by striking the phrase “paragraphs (1) and (2) of this subsection” and inserting the phrase “paragraphs (2) and (3) of this subsection, as well as with the requirements of § 47–860.02a(b). The covenant shall also include any

34 additional terms related to the design and administration of the affordable housing units  
35 required by the Mayor by rule” in its place.

36 (3) Paragraph (8) is amended by striking the phrase “imposed by the  
37 Mayor and subject to the adjustment of the abatement amount based on the certifications  
38 provided for in § 47–860.03(a)” and inserting the phrase “imposed by the Mayor” in its  
39 place.

40 (b) Subsection (d) is amended to read as follows:

41 “(d) A tax abatement shall not be provided for a property for which an eligibility  
42 and reservation letter was transmitted by the Mayor pursuant to subsection (a)(8) of this  
43 section if the project based upon which the eligibility and reservation letter was issued  
44 has not received a certificate of occupancy within 24 months after the date the eligibility  
45 and reservation letter was transmitted; provided, that the Mayor may, in the Mayor's  
46 reasonable discretion, extend the 24-month period for any number of 6-month periods if:

47 “(1)(A)(i) The project's construction has reached grade within the 24-  
48 month period, as certified by the project architect and the Mayor; or

49 “(ii) The project has not reached grade within that period,  
50 but any delays were unforeseeable and beyond the control of the developer; and

51 “(B) The project is making progress toward delivering housing; or

52 “(2) There exists a public emergency as defined in section 2(3) of  
53 the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.  
54 Law 3-149; D.C. Official Code § 7-2301(3)).”.

55 Sec. 3. The lead-in language to section 47-860.03(a) of the District of Columbia  
56 Official Code is amended by striking the phrase “as determined by the Mayor, per

57 residential FAR square foot of real property multiplied by the building’s total residential  
58 FAR square footage as certified by the project architect and the Mayor” and inserting the  
59 phrase “as reasonably determined by the Mayor for each property” in its place.

60           Sec. 4. Fiscal impact statement.

61           The Council adopts the fiscal impact statement of the Chief Financial Officer as  
62 the fiscal impact statement required by section 4a of the General Legislative Procedures  
63 Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-  
64 301.47a).

65           Sec. 5. Effective date.

66           This act shall take effect following approval by the Mayor (or in the event of veto  
67 by the Mayor, action by the Council to override the veto), and shall remain in effect for  
68 no longer than 90 days, as provided for emergency acts of the Council of the District of  
69 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved  
70 December 24, 1973 (87 Stat. 788; D.C. Official Code §1-204.12(a)).