

ENROLLMENT(S)



(5)

AN ACT
D.C. ACT 12-574

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 23, 1998

To establish a Home Purchase Assistance Step Up Program in the District of Columbia to assist low- to-moderate income households who own condominiums, cooperatives or starter homes and seek to purchase single family housing in the District.

*New
Subchapter
II,
Chapter 22,
Title 45*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Home Purchase Assistance Step Up Fund Act of 1998".

Sec. 2. Definitions.

*New Section
45-2211*

For the purpose of this act, the term:

(1) "Closing Costs" means expenses in addition to the purchase price of the property which must be paid by the purchaser or deducted from the proceeds of the sale to the seller at time of closing.

(2) "Department" means the Department of Housing and Community Development.

(3) "Downpayment" means the unamortized amount paid by the purchaser at closing, which when added to the mortgage amount equals the total sale price.

(4) "Earnest money contract" means a contract created between the buyer and seller when the buyer makes a deposit to indicate both the ability and good faith intention to complete the purchase of a property. If the contract is fulfilled, then the earnest money deposit is applied toward the purchase price.

(5) "Fund" means the Home Purchase Assistance Step Up Fund.

(6) "Household" means an individual or 2 or more persons who reside together in a housing unit in the District.

(7) "Single family home" means a housing unit designed and maintained for occupancy by only one family.

Sec. 3. Establishment; funding; annual audit.

*New Section
45-2212*

(a) There is established in the Department of Housing and Community Development, a Home Purchase Assistance Step Up Program to provide one-time housing assistance to

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residents of the District of Columbia in low- to- moderate income households, who own condominiums, cooperatives, or starter homes and seek to purchase single family housing in the District of Columbia that is larger, or otherwise more appropriate for their households.

(b) There is authorized to be appropriated from the general revenues of the District of Columbia, and accounted for in the General Fund as a separate revenue source, such amounts as may be needed to establish a permanent revolving fund to be known as the Home Purchase Assistance Step Up Fund. From this Fund the District shall provide financial assistance to residents of the District of Columbia in low- to- moderate income households, who own condominiums, cooperatives, or starter homes and seek to purchase single family housing in the District of Columbia.

(c) There shall be deposited to the credit of the Fund any amounts as may be appropriated pursuant to this act; any grants and gifts from public and private sources to the Fund or to the District of Columbia government for the purposes of the Fund; repayments of principal and any interest on loans provided from the Fund; any proceeds realized from the liquidation of any security interests held by the District under the terms of any assistance provided from the Fund; any interest earned from the deposit or investment of monies of the Fund; and all other revenues, receipts, penalties, and fees of whatever nature derived from the operation of the Fund.

(d) The Fund shall be available, without fiscal limitation, to provide financial assistance for down payments or closing costs to recipients for the purpose of purchasing a single family residence that is larger or otherwise more appropriate than the home previously owned by the recipient. Such financial assistance may be used in conjunction with other available home purchase assistance programs.

(e) An annual audit of the operations of the Fund shall be conducted by the Office of the Inspector General of the District of Columbia. Not later than 6 months after the end of the fiscal year, the Mayor shall submit to the Congress and to the Council of the District of Columbia a report on the financial condition of the Fund and the results of the operations for such fiscal year.

Sec. 4. Eligibility.

(a) An applicant shall be eligible for the Home Purchase Assistance Step Up Program if the applicant:

- (1) Is a District of Columbia resident;
- (2) Is the head of the household and will occupy the property to be purchased with assistance from the program as his or her primary residence;
- (3) Has a satisfactory credit rating as shall be defined by rules deemed necessary to carry out the purposes of this act;
- (4) Has adequate income to qualify for a mortgage from a private lender;

New Section
45-2213

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- (5) Has sold or otherwise disposed of all interests in any other real property before the closing of any loan under this act;
 - (6) Has insufficient assets to pay the down payment or reasonable closing costs, or both, without assistance from this program;
 - (7) Would have liquid assets not exceeding the limit established by the Mayor by rulemaking, after purchasing property under this act or through this program; and
 - (8) Meets qualifying income levels as provided by regulation.
- (b) Property shall be eligible for the Home Purchase Assistance Step Up Program if the property:
- (1) Is an existing single family residence in the District of Columbia;
 - (2) Meets the requirements of the Construction Codes promulgated pursuant to the Construction Codes Approval and Amendments Act of 1980, effective February 2, 1987 (D.C. Law 6-216; 12 DCMR) and the Housing Regulations of the District of Columbia, effective August 11, 1955 (C.O. 55-1503; 14 DCMR Chapters 1-14); and
 - (3) Has a purchase price that neither exceeds the maximum price requirement established by rulemaking nor the appraised value of the property.

Sec. 5. Assistance.

**New Section
45-2214**

- (a) Assistance available pursuant to his act is limited to a one-time loan of up to \$15,000 with a maximum 20-year amortized term.
- (b) The interest rate shall be 3%, unless otherwise provided by the Mayor by rulemaking.
- (c) The Mayor shall establish underwriting guidelines, including loan amounts and repayment terms, by rulemaking.

Sec. 6. Rulemaking.

**New Section
45-2215**

The Mayor is authorized to promulgate rules to govern the operation of the Fund, including but not limited to, rules establishing eligibility requirements for applicants and homes and for establishing operating procedures for the program. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code § 1-1501 *et seq.*).

Sec. 7. Applicability.

**New Section
45-2216**


The provisions of this act shall apply to the purchase of a single family home for which an earnest money contract is dated after April 1, 1999.

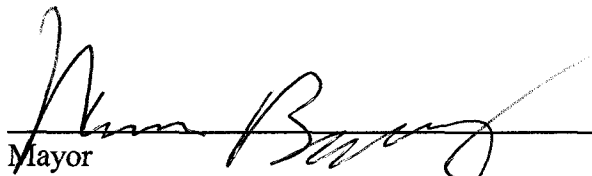
Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 23, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B12-661

ITEM ON CONSENT CALENDAR
 ACTION & DATE ADOPTED FIRST READING, 12-01-98
 VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST
 ABSENT ALL PRESENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

December 17, 1998
 Date

ITEM ON CONSENT CALENDAR
 ACTION & DATE ADOPTED FINAL READING, 12-15-98
 VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST
 ABSENT THOMAS

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB-Absent NV-Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

December 17, 1998
 Date

| | ITEM ON CONSENT CALENDAR
 | | ACTION & DATE
 | | VOICE VOTE
 RECORDED VOTE ON REQUEST
 ABSENT

| | ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-266

"Home Purchase Assistance Step Up Fund Act of 1998"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill 12-661 on first and second readings, December 1, 1998 and December 15, 1998, respectively. Following the signature of the Mayor on December 23, 1998, pursuant to Section 404(e) of "the Act", the bill became Act 12-574 and it was published in the February 5, 1999 edition of the D.C. Register (Vol. 46, page 948). The Act was transmitted to Congress on February 23, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has expired, and the Act is now D.C. Law 12-266, effective April 27, 1999.



LINDA W. CROPP
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Feb. 23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12,13,14,15,19,20, 21,22,26