

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Fall
Supp.

West Group
Publisher

To amend the Historic Landmark and Historic District Protection Act of 1978 to establish a program of grants to assist low- and moderate-income homeowners with qualified rehabilitation expenditures on a historic home, and to allow funds to be used for reasonable costs of administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Targeted Historic Preservation Assistance Amendment Act of 2006”.

Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 6-1102) is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 6-1102

"(a-1)(1) “Area median income” means:

"(A) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

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

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

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

"(E) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons;

"(2) Any percentage referenced in paragraph (1) of this subsection shall be determined through a direct mathematical calculation not taking into account any adjustments made by the U.S. Department of Housing and Urban Development for the purposes of the programs it administers.”.

(b) Section 11 (D.C. Official Code § 6-1110) is amended by adding a new subsection (d) to read as follows:

"(d) An appeal of any enforcement action brought by the Historic Preservation Office shall be heard by the Office of Administrative Hearings."

(c) A new section 11a is added to read as follows:

"Section 11a. Targeted Homeowner Grant Program.

"(a) The Mayor may use authorized funds to establish a targeted homeowner grant program to assist homeowners with the rehabilitation of their historic property.

"(b) A grant under this program may be used to rehabilitate a structure that contributes to the character of one of the following historic districts:

- "(1) Anacostia Historic District;
- "(2) Blagden Alley/Naylor Court Historic District;
- "(3) Capitol Hill Historic District;
- "(4) Greater Fourteenth Street Historic District;
- "(5) Greater U Street Historic District;
- "(6) LeDroit Park Historic District;
- "(7) Mount Pleasant Historic District;
- "(8) Mount Vernon Square Historic District;
- "(9) Mount Vernon Triangle Historic District;
- "(10) Shaw Historic District;
- "(11) Strivers' Section Historic District; or
- "(12) Takoma Park Historic District.

"(c) A grant shall be limited to structural repairs or work on the exterior of a qualified structure;

"(d) A grant shall not exceed \$25,000; except, that a grant may be a maximum of \$35,000 if the structure is located in the Anacostia Historic District.

"(e)(1) A grant may be made to a taxpayer, as defined in D.C. Official Code section 47-1801.04(7), who has a household income of 120% or less of the area median income; provided, that:

"(A) The grant is for rehabilitation of the taxpayer's principal place of residence or a structure that will be the taxpayer's principal place of residence within 60 days after the rehabilitation is completed;

"(B) The taxpayer submits an application showing that the taxpayer meets the applicable household income criteria and is listed on the Office of Tax and Revenue's records as currently receiving the homestead deduction for property taxes, and includes written consent from each person in the applicant's household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross income; which disclosure shall be used solely for consideration of grant applications under this section.

"(2) The Office of Tax and Revenue shall report the gross income of each of the

persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.

"(f) A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.

"(g) A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.

"(h) The Mayor shall:

"(1) Approve the scope of rehabilitation work prior to award of a grant;

"(2) Ensure that all work is consistent with the purposes of this act and implementing regulations; and.

"(3) Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.

"(i)(1) The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for 5 years after the date on which the grant is fully disbursed.

"(2) If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this act and may assess the amount of the grant as a tax on the property, and shall:

(A) Carry the tax on the regular tax rolls; and

(B) Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.

"(j)(1) An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.

"(2) A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.

"(k)(1) The Mayor shall deposit in the HLP Fund established in section 11a any funds appropriated for the purposes of the Targeted Homeowner Grant Program.

"(2) The Mayor may expend up to \$1.25 million of appropriated funds for this

ENROLLED ORIGINAL

purpose each fiscal year, beginning from fiscal year 2006 through fiscal year 2010. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.

“(3) In each applicable fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs.”.

Sec. 3. Conforming amendment.

Section 6(b) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b)), is amended by adding a new paragraph (5) to read as follows:

**Amend
§ 2-1831.03**

“(5) All adjudicated enforcement cases brought by the Historic Preservation Office within the Office of Planning.”.

Sec. 4. Applicability.

The implementation of the provisions of this act is subject to appropriations and nothing in this act shall be construed to create an entitlement.

**Note,
§§ 6-1102,
6-1110**

Sec. 5. 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. Official Code § 1-206.02(c)(3)).

Sec. 6. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia