

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that the Mayor submit, and the Council approve, a separate resolution for the determination that real property is no longer needed for public purposes, to require the Mayor to submit an analysis with the proposed resolution for the determination that real property is no longer required for public purposes, to provide that a resolution to extend the time for disposition of real property shall be deemed disapproved if the Council takes no action, and to modify the procedure for disposition of public school real property to provide more information regarding public charter schools; to amend the Office of Property Management Establishment Act of 1998 to clarify the designation and organization of the Department of Real Estate Services, to require a triennial inventory of assets, and to require a rolling facilities condition assessment; and to amend the Master Facilities Planning and Program Coordination Advisory Act of 2003 to reorganize and re-constitute a District Facilities Planning Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Land Surplus Standards Amendment Act of 2009”.

Sec. 2. An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 10-801) is amended as follows:

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

(A) The existing text is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

“(2) The Mayor shall submit separate resolutions for the determination that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section and for the approval of its disposition pursuant to subsection (b) of this section.”.

(3) New subsections (a-1) and (a-2) are added to read as follows:

“(a-1)(1) If the Mayor believes that real property is no longer required for public

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purposes, the Mayor shall submit to the Council a proposed resolution which includes a finding that the real property is no longer required for public purposes. In the proposed resolution submitted to the Council, the Mayor shall also provide a description of the real property and a detailed explanation as to why the real property is no longer required for public purposes.

“(2) The proposed resolution shall be accompanied by an analysis setting forth:

“(A) Whether the real property has any necessary use by the District;

“(B) Why the determination that the real property is no longer required for public purposes is in the best interests of the District; and

“(C) A summary of public comments received at the public hearing required under paragraph (4) of this subsection.

“(3) The proposed resolution shall be submitted to the Council for a 90-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution within the 90-day period, the proposed resolution shall be deemed disapproved.

“(4) Before submitting a proposed resolution pursuant to this subsection, the Mayor shall hold at least one public hearing on the finding that the real property is no longer required for public purposes. The hearing shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the real property. The Mayor shall provide at least 30 days notice to Advisory Neighborhood Commissions of the public hearing and shall publicize the hearing by placing a notice in the District of Columbia Register at least 15 days before the hearing.

“(a-2) If the Council determines that the real property is no longer required for public purposes pursuant to subsection (a-1) of this section, the Mayor shall attempt to dispose of the real property for a use with a direct public benefit as described in a specific government plan adopted by the Mayor or Council, including the Community Development Plan, the Comprehensive Plan, the Strategic Neighborhood Area Plan, or the Comprehensive Housing Strategy Plan.”.

(4) Subsection (b) is amended by repealing paragraph (1).

(5) Subsection (d) is amended by striking the word "approved" and inserting the word "disapproved" in its place.

(6) Subsection (e) is amended by striking the phrase “subsection (b)(2) of”.

(7) Subsection (g) is amended to read as follows:

“(g) For real property that the Mayor has determined, after input from affected communities, to be no longer needed by the District of Columbia Public Schools (“DCPS”), the Mayor shall submit to the Council a report on whether the Mayor intends to dispose of the real property to a public charter school under section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09), or for use by another agency of the District government. The report shall be submitted to the Council by the Mayor within 90 days of the determination that the real property is no longer needed by the DCPS. If the report is not submitted by the Mayor to the Council within

the 90-day period, the Mayor shall dispose of the real property in accordance with the provisions of this act and shall transmit to the Council the resolutions required by subsection (a)(2) of this section within 180 days of the Mayor's determination.”.

(b) Section 6a (D.C. Official Code §10-807) is repealed.

Sec. 3. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

(a) Strike the phrase “Office of Property Management” wherever it appears and insert the phrase “Department of Real Estate Services” in its place.

(b) Strike the phrase “Office” wherever it appears and insert the phrase “Department” in its place.

(c) Section 1806 (D.C. Official Code §10-1005) is amended to read as follows:

“Sec. 1806. Organization.

“(a) There are established 6 primary organizational functions in the Department as follows:

“(1) The Office of Chief Property Management Officer, which shall include the staff and organizational units needed to carry out the overall plan and direction for the Department of Real Estate Services, including coordination and management for energy management, information technology, resource allocation, human resources, operations, and the administrative functions of the office;

“(2) The Portfolio Division, which shall coordinate:

“(A) Lease administration;

“(B) Allocation of owned and leased properties to District agencies;

“(C) Property acquisition and disposition;

“(D) Fixed-cost forecasting for District facilities; and

“(E) Rent collection from entities leasing District-owned property;

“(3) The Construction Division, which shall:

“(A) Implement and oversee the Department's capital improvement program for client agencies within the District; and

“(B) Execute the capital budget program, which includes the rehabilitation of existing real property facilities and construction of new facilities supporting the District;

“(4) The Contracting and Procurement Division, which shall provide services and support in procuring for the District:

“(A) Construction, architecture, and engineering services;

“(B) Facilities maintenance and operation services;

“(C) Real estate asset management services, including leasing and auditing;

“(D) Utility contracts; and

“(E) Security services;

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“(5) The Facilities Division, which shall coordinate the day-to-day operations of District-owned properties, vacant lots, and homeless shelters by:

“(A) Maintaining building assets and equipment;

“(B) Performing various repairs and non-structural improvements; and

“(C) Providing janitorial, trash and recycling pickup, postal, and engineering services; and

“(6) The Protective Services Police Department, which shall coordinate and manage the security and law enforcement requirements for District government facilities.”’

(d) Sec. 1806f (D.C. Official Code §10-1011) is amended to read as follows:

“Sec. 1806f. Inventory of real property assets.

“(a) The Department shall submit to the Council triennially:

“(1) An inventory of all real property assets, based upon information provided by each District department, agency, and instrumentality under the executive control of the Mayor. The inventory shall be maintained by the Department on a centralized automated database. Information contained in the database for each property shall include the following:

“(A) A detailed description of each real property asset;

“(B) Facility condition assessments, which shall contain a proposed or actual annual budget for maintenance and deferred maintenance, and a detailed description and estimate of any needed repairs;

“(C) The street address of the property;

“(D) The property’s square and lot number;

“(E) The current and prospective future use of the property;

“(F) The area of the property in square feet and, if improved, the gross floor area, including the subsurface area and the number of stories of any building on the property;

“(G) The current assessed value of the property and any improvements;

“(H) The Ward and Advisory Neighborhood Commission boundary within which the property is located; and

“(I) Whether the real property is located within a historic district or is designated as a registered historic landmark under District or federal laws and, if so, the designation; and

“(2) An updated review of the real property currently leased by the District as required by section 1806g.

“(b) The Department shall make available to the public on its website a database of information of the inventory of all real property assets in a form substantially similar to that as maintained and used by the Department.

“(c) The Department shall maintain a facilities condition assessment of all District-owned assets under the control of the Mayor on a rolling basis over 5 years.

“(d) This section shall apply to improved commercial real property assets, whether occupied or unoccupied, and all real property assets that the Mayor has determined to be no

longer needed for educational purposes and for which jurisdiction has been transferred to the Department of Real Estate Services for disposal.

“(e) The Director shall submit to the Council an annual report indicating the changes in inventory no later than 30 days after the beginning of the fiscal year.”.

Sec. 4. Section 1402 (a) through (c) of the Master Facilities Planning and Program Coordination Advisory Act of 2003, effective November 13, 2003 (D.C. Law 15-39; D.C. Official Code § 10-1031(a) through (c)), is amended to read as follows:

“(a) There is established a District Facilities Planning Advisory Committee (“Committee”), whose purpose shall be to provide advice, comments, and recommendations to the Council pursuant to subsection (c) of this section.

“(b) The Committee shall be composed of 7 members. Three members shall be appointed by the Chairman of the Council, one of whom the Chairman shall designate to serve as chair; one member shall be appointed by the Chair of the Council committee with jurisdiction over the Department of Real Estate Services; one member shall be appointed by the Chair of the Council committee with jurisdiction over the Deputy Mayor for Planning and Economic Development; and 2 members shall be appointed by the Mayor. The Committee may act with a quorum of 4 appointed members. Each member shall be a resident of the District and have demonstrated experience in facility management or program activities in at least one of the fields of real estate, policy and planning, community development, or other field deemed suitable for the purposes of the work of the Committee. The term of an appointment shall be 3 years from the date of appointment. The Chairman of the Council shall have sole and exclusive authority at his or her discretion to remove members of the Committee. The Committee shall annually provide its conclusions and findings to the Council.

“(c) The Committee shall perform the following duties:

“(1) Review the inventory to be promptly provided by the Department of Real Estate Services of all facilities owned and operated by the District government pursuant to section 1806f of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code § 10-1011);

“(2) Review the audit of leased properties to be promptly provided by the Department of Real Estate Services pursuant to section 1806g of the Office of Property Management Establishment Act of 1998, effective March 16, 2005 (D.C. Law 15-238; D.C. Official Code § 10-1012);

“(3) Review data and provide advice and comments on the District Facilities Plan, including benchmarks for the District and comparable jurisdictions regarding the number of public facilities maintained by the District government using demand and usage metrics, including facilities per capita and per square mile, and long-term agency facilities needs;

“(4) Review and provide advice and comments on a 10-year projected annual average cost for maintaining the current inventory of properties (and other information as may reasonably required for the committee to perform its duties) to be prepared by the Mayor;

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“(5) Provide advice and comments on standards developed by the Mayor for the location of public facilities, including population density, public needs, accessibility, frequency of use, proximity to similar facilities, opportunity for multiple uses, the long-term cost effectiveness of facility maintenance, and program integration plans;

“(6) Provide advice and comments on conclusions prepared by the Mayor on the number of facilities that the District should maintain based on:

“(A) Benchmark comparisons;

“(B) Available and possible sources of funding;

“(C) Program integration plans;

“(D) The long-term facilities needs of District agencies; and

“(E) Other measures which the Committee considers appropriate;

“(7) Provide advice and comments on recommendations prepared by the Mayor for renovation, construction, consolidation, and closure of selected facilities based on an analysis conducted;

“(8) Provide advice and comments on the appropriate relationship between the District Facilities Plan and other existing planning documents;

“(9) Provide advice and comments on Mayoral plans for program integration regarding the impact of the neighborhood places and wraparound schools initiative on facility co-location and investment; and

“(10) Provide for broad community input and comment on the District Facilities Plan, any other existing plan, and related inter-program coordination.”.

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

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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