

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

**2010 Summer
Supp.**

**West Group
Publisher**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to provide real property tax exemptions, and to provide an exemption from permit fees and other financial impositions, with respect to The Heights on Georgia Avenue Project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Heights on Georgia Avenue Tax Exemption Act of 2010”.

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47- 4627. The Heights on Georgia Avenue; Lots 98, 903, 904, 908, and 911, Square 2892.”

(b) A new section 47-4627 is added to read as follows:

”§ 47- 4627. The Heights on Georgia Avenue; Lots 98, 903, 904, 908, and 911, Square 2892.

**New
§ 47-4627**

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

“(1) “Affordable Units” means residential units affordable to households with incomes between 60% and 80% of the area median income of the Washington, D.C. metropolitan statistical area as determined annually by the United States Department of Housing and Urban Development, or its successor agency, which units shall comprise no less than 1/2 of the total number of units in The Heights on Georgia Avenue Project.

“(2) “Housing Element” means residential units, which shall be not less than 65 in total, and accessory parking in The Heights on Georgia Avenue Project.

“(3) “The Heights on Georgia Avenue Developer” means the person (or any successor in interest) who will develop The Heights on Georgia Avenue Project with Affordable Units above first-floor retail. The term “The Heights on Georgia Avenue Developer” shall not include any owner or operator of the first-floor commercial or retail space and shall not apply to any subsequent owner of a residential condominium unit in The Heights on Georgia Avenue Project.

“(4) “The Heights on Georgia Avenue Project” means a residential and retail mixed-use project, including at least 65 residential units, constructed on the following lots in Square 2892: Lots 98, 903, 904, 908, and 911 (which may be expanded to include Lots 875 and 114) and the alley between them (or as the land for such lots and the alley may be subdivided into a record lot or lots or assessment and taxation lots, condominium lots, or any combination in the future).

“(b) Beginning on the 1st day of the half tax year immediately following the date on which site preparation begins, as evidenced by either the issuance of a demolition permit, grading permit, or excavation permit, whichever is issued first, the Housing Element shall be exempt from real property taxation under Chapter 8 of this title; provided, that the following occurs:

“(1) The first level of concrete shall be laid for The Heights on Georgia Avenue Project by December 31, 2010;

“(2) A certificate of occupancy for the Housing Element shall have been issued within 24 months after the first level of concrete has been laid; and

“(3) The Affordable Units shall be registered online within 60 days of issuance of the certificate of occupancy for the Housing Element on the housing locator at www.dchousingsearch.org, and the Department of Housing and Community Development issues a written certification that the units are registered and will be monitored for compliance.

“(c) For each deadline set forth in subsection (b) of this section, one 6-month extension may be granted at the discretion of the Mayor.

“(d) If the deadlines set forth in subsection (b) of this section, as they may be extended by the Mayor as provided in subsection (c) of this section, are not met, The Heights on Georgia Avenue Developer shall pay to the District a sum equal to the amount of real property tax that would have been imposed on The Heights on Georgia Avenue Project in the absence of the exemption provided in subsection (b) of this section.

“(e) The exemption from real property taxation provided in subsection (b) of this section shall expire on the date that is the last day of the half tax year immediately following the earlier of:

“(1) The passage of 30 years; or

“(2) The date on which the Housing Element no longer has at least 50% of the total units of The Heights on Georgia Avenue Project designated for use as Affordable Units.

“(f) For the purposes of § 47-831(b), the owner shall have a duty to inform the Office of Tax and Revenue when the Housing Element is no longer entitled to the exemption granted by subsection (b) of this section.

“(g) Notwithstanding any other provision of law, no fees shall be charged to The Heights on Georgia Avenue Developer for any permits related to the construction of The Heights on Georgia Avenue Project, including private space or building permit fees or public space permit fees. The exemption provided by this subsection shall not include inspection fees for such permits, condominium registration application fees, or condominium conversion fees.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated December 14, 2009, 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. 5. 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 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