

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 4-28

"District of Columbia Housing Finance Agency Act
Amendments Act of 1981".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-145 on first and second readings, May 5, 1981 and May 19, 1981, respectively. Following the signature of the Mayor on June 9, 1981, this legislation was assigned Act No. 4-49, published in the June 26, 1981 edition of the D.C. Register, (Vol. 28 page 2848) and transmitted to Congress on June 15, 1981 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 therefore, cites this enactment as D.C. Law 4-28, effective August 5, 1981.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June	15,16,17,18,19,22,23,24,25,26
July	8,9,10,13,14,15,16,17,20,21,22,23,24,27,28,29,30,31
August	3,4

AN ACT

D.C. ACT 4 - 49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 09 1981

To amend the District of Columbia Housing Finance Agency Act to adopt a definition of undertakings in the area of primarily low- and moderate-income housing, and for other purposes.

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

That this act may be cited as the "District of Columbia Housing Finance Agency Act Amendments Act of 1981".

Sec. 2. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-1901 et seq.) is amended as follows:

(a) Section 102(f) (D.C. Code, sec. 45-1902(f)) is amended to read as follows:

"(f) 'construction loan' means a short term advance of monies for the purpose of constructing or rehabilitating housing projects."

(b) Section 102(i) (D.C. Code, sec. 45-1902(i)) is amended to read as follows:

CODIFICATION
D.C. Code,
sec. 45-1902(f)
(1973 ed.)

D.C. Code,
sec. 45-1902(i)
(1973 ed.)

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"(i) 'Forward Commitment Mortgage Purchase Program' means a program pursuant to which the Agency commits to purchase from or originate through mortgage lenders mortgage loans committed to and originated by the mortgage lender or the Agency after the date of the Agency's commitment where the loans are to low- or moderate-income persons for financing housing units to be owner-occupied or are loans which meet the requirements of section 302(b) or (c)."

(c) Section 102(j) (D.C. Code, sec. 45-1902(j)) is amended to read as follows:

D.C. Code,
sec. 45-1902(j)
(1973 ed.)

"(j) 'homeownership program' means any type of program through which a person can achieve an ownership position in a residential unit including, but not limited to, cooperatives (where the Agency so determines by resolution) and condominiums."

(d) Section 102(k)(3) (D.C. Code, sec. 45-1902(k)(3)) is amended to read as follows:

D.C. Code,
sec. 45-1902(k)
(1973 ed.)

"(3) ancillary commercial facilities which the Agency determines to be appropriate: PROVIDED, That the primary use (consistent with the Internal Revenue Code Regulations, concerning

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tax exempt financing, as in effect from time to time) of the project shall be for residential housing."

(e) Section 102(q) (D.C. Code, sec. 45-1902(q)) is amended to read as follows:

D.C. Code,
sec. 45-1902(q)
(1973 ed.)

"(q) 'sponsor' means a sole proprietor, joint venture, partnership, limited partnership, trust, corporation, cooperative, or condominium, whether nonprofit or organized for profit, which owns or sponsors a housing project pursuant to the provisions of this act."

(f) Section 102 is amended by adding to the end thereof a new subsection to read as follows:

"(s) 'cooperative' means a rental housing unit or project, unless the Agency determines by resolution that a given unit or units in a given project shall be deemed to be a homeownership housing unit or project."

D.C. Code,
sec. 45-1902(s)
(1973 ed.)

(g) Section 202(a)(1) (D.C. Code, sec. 45-1904(a)(1)) is amended to read as follows:

D.C. Code,
sec. 45-1904(a)
(1973 ed.)

"(1) three (3) ex-officio members who shall be:

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"(A) the Director of the Department
of Housing and Community
Development;

"(B) the Assistant City
Administrator for the Office of
Planning and Development; and

"(C) the Assistant City
Administrator for the Office of
Financial Management;

or, in each case, the incumbent from time to time
in any office which is a successor to any of the
foregoing offices."

(h) Section 204 (D.C. Code, sec. 45-1906) is
amended as follows:

(a) by designating the existing section
as subsection (a);

(b) by titling the new subsection (a) to
read as follows:

"Board of Directors and Employees of
the Agency"; and

(c) by inserting the following
subsection to the end thereof to read as follows:

"(b) Advisory Committee

D.C. Code,
sec. 45-1906
(1973 ed.)

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*Any member or officer of the Advisory Committee who, in the discharge of official duties of the Advisory Committee, would be required to take actions or make recommendations that would directly or indirectly affect his or her financial or ownership interests, or to which he or she has a conflict situation created by a personal, family, or client interest, shall disclose this information in writing to the Chairman of the Advisory Committee. All disclosures shall be included in the written record of the Committee's proceedings. The Chairman shall excuse members, having interests or conflicts, from participation on behalf of the Committee on any such transactions. The Committee may, by a two-thirds majority vote, allow a waiver of a member or officer's participation in circumstances where the interest

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falls within the guidelines adopted as rules promulgated by the Agency."

(i) Title II (D.C. Code, sec. 45-1903 et seq.) is amended by adding the following new section to the end thereof to read as follows:

"sec. 206. Delegation; Definition of Undertakings in the Area of Primarily Low- and Moderate-Income Housing

D.C.Code,
sec. 45-1907.1
(1973 ed.)

"The Council delegates to the Agency ^{the} authority of the Council under section ⁴⁹⁰ of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 809; D.C. Code, sec. ~~47~~-254) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low- and moderate-income housing. An undertaking financed or assisted by the Agency shall constitute an 'undertaking in the area of primarily low- and moderate-income housing' where the Agency determines in accordance with this section at the time it approves the undertaking for financing or assistance that the undertaking

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meets the requirements of the act as it may be amended from time to time, and will increase the number of housing units in the District made available or rehabilitated for persons of low- and moderate-income, as low-income persons and moderate-income persons are defined in this act. Such a determination shall include a finding that, of the aggregate housing units made available or rehabilitated or to be made available or rehabilitated as the result:

- "(a) of such undertaking;
- "(b) of an Agency housing program which reflects or includes such undertaking; or
- "(c) of all undertakings approved by the Agency prior to and concurrently with approval of such undertaking;

more than half such units shall be or have been made available or rehabilitated for persons of low- and moderate-income as so defined. In any event, no undertaking shall be deemed to be an undertaking in the area of primarily low- and moderate-income housing (1) if fewer than twenty percent (20%) of the housing units made available or rehabilitated as the result of that undertaking

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shall be made available or rehabilitated for persons of low- and moderate-income, or (2) if fewer than half (but more than twenty percent (20%)) of the housing units made available or rehabilitated as the result of that undertaking shall be made available or rehabilitated for persons of low- and moderate-income unless the Agency determines that the undertaking will further the Agency's policy of residential economic diversity, thereby furthering the goal of increasing low- and moderate-income housing in the District. An 'Agency housing program' as used in this section, means a program for financing or assisting housing that has been formally adopted by the Agency."

(1) Section 301(1) (D.C. Code, sec. 45-1908(1)) is amended to read as follows:

"(1) to contract for and to receive contributions, gifts, grants, subsidies, and loans of money, property, labor or other things of value from any source to be used for the purpose of this act and subject to the conditions upon which the contributions, gifts, grants, subsidies, and loans are made."

D.C. Code,
sec. 45-1908(1)
(1973 ed.)

(k) The fourth sentence of section 302(b)(1)(A) (D.C. Code, sec. 45-1909(b)(1)(A)) is amended to read as follows:

D.C. Code,
sec. 45-1909(b)
(1973 ed.)

"The Agency is not prohibited from financing a rental housing project in which all tenants or all units are eligible for one (1) or more subsidies if the Agency determines that such rental housing project is consistent with the goal of undertakings in the area of primarily low- and moderate-income housing."

(l) Section 303(a) (D.C. Code, sec. 45-1910(a)) is amended to read as follows:

D.C. Code,
sec. 45-1910(a)
(1973 ed.)

"(a) Authorization. The Agency may invest in, purchase, make commitments to purchase, take assignments from mortgage lenders of, and originate mortgage loans made for the financing of residential housing located in the District. Except for loans purchased or originated under the Forward Commitment Mortgage Purchase Program, a mortgage loan is not eligible for purchase or commitment to purchase by the Agency hereunder unless the mortgage lender initially certifies that the proceeds of sale or its equivalent will be reinvested in mortgage loans or notes in

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accordance with section 303(b)(1). The Agency shall provide, by contract or regulation or both, appropriate methods of enforcement of the mortgage lender's obligation to reinvest the proceeds of sale of a mortgage loan and the terms and conditions upon which a mortgage lender shall act on behalf of the Agency in its origination of mortgage loans."

(m) Section 303(b)(1) (D.C. Code, sec. 45-1910(b)(1)) is amended to read as follows:

D.C. Code,
sec. 45-1910(b)(1)
(1973 ed.)

"(1) With respect to the purchase of loans other than under the Forward Commitment Mortgage Purchase Program, the Agency shall require the mortgage lender to reinvest the proceeds as follows, including any combination thereof:

"(A) in the case of loans to sponsors for rental housing projects, in accordance with the requirements of section 302(b);

"(B) in the case of loans to sponsors for homeownership projects, in accordance with

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the requirements of section
302(c); or

"(C) in the case of other owner-occupied housing, in mortgage loans for low- or moderate-income persons where housing units are or are to be owner-occupied."

(n) Section 303(b)(2) (D.C. Code, sec. 45-1910(b)(2)) is amended to read as follows:

D.C. Code,
sec. 45-1910(b)(2)
(1973 ed.)

"(2) Mortgage loans purchased or originated under the Forward Commitment Mortgage Purchase Program must be made as follows:

"(A) in the case of loans to sponsors for rental housing projects, in accordance with the requirements of section 302(b);

"(B) in the case of loans to sponsors for homeownership projects, in accordance with the requirements of section 302(c); or

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"(C) in the case of owner-occupied housing, in mortgage loans to low- or moderate-income persons where the housing units are or are to be owner-occupied."

(o) Section 304(b)(1) (D.C. Code, sec. 45-1911(b)(1)) is amended to read as follows:

D.C. Code,
sec. 45-1911(b)
(1973 ed.)

"(1) The Agency will require that the recipient reinvest the proceeds as follows, including any combination thereof:

"(A) in the case of loans to sponsors for rental housing projects, in accordance with the requirements of section 302(b);

"(B) in the case of loans to sponsors for homeownership projects in accordance with the requirements of section 302(c);
or

"(C) in the case of other owner-occupied housing, in loans to individual low- or moderate-income persons for mortgage loans, where the housing units .

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are or are to be owner-occupied."

(p) Section 308 (D.C. Code, sec. 45-1915) is amended to read as follows:

"Sec. 308. Exemption from Rent Control

D.C. Code,
sec. 45-1915
(1973 ed.)

"(a) Housing projects assisted by the Agency or through the auspices of the Agency under the provisions of this act shall be exempt from the provisions of the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)

"(b) The Agency shall establish, by rulemaking, procedures for evictions and, protections from retaliatory action for tenants of housing projects exempted from the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.) under section 308(a). Such procedures and protections shall be in accordance with Title V of the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1661 et seq.).

"(c) The Agency shall establish, by rulemaking, conditions and procedures for relocation assistance to tenants displaced from

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housing projects which are exempted from the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.) under section 308(a). Such conditions and procedures shall be in accordance with Title VII of the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1681 et seq.).

"(d) Each owner of a rental accommodation subject to the provisions of this act shall file simultaneously with the Agency and with the Rental Housing Commission an exemption statement which shall contain the following information:

"(1) the actual rent for each rental unit in the accommodation, the services included, and the facilities and charges therefor;

"(2) the number of bedrooms in the rental accommodation; and

"(3) a list of any outstanding violations of the Housing Regulations of the District of Columbia, issued August 11, 1955 (C.O. 55-1503), applicable to such accommodation.

"(e) Tenants of housing projects exempted by this act from the Rental Housing Act of 1980,

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effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.), who, except for such exemption, would be eligible for rent supplements under Title III of the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1641 et seq.), shall have the same rights to such supplements as tenants residing in a project subject to the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.).

"(f) Prior to the execution of a lease or other rental agreement, a prospective tenant of any unit shall receive notice in writing advising him or her that rent increases for the accommodation are not regulated by the Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)".

(q) Section 401 (D.C. Code, sec. 45-1916) is amended to read as follows:

"In connection with the exercise of its powers under this act, the Agency may receive gifts, grants, appropriations, loans, bond or note proceeds, or other funds, property or other assets, or any

D.C. Code,
sec. 45-1916
(1973 ed.)

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other type of financial assistance from any federal, District, private, or other source and may utilize such funds as determined by rules issued by the Board. Such rules shall also govern the establishment of, administration of, and expenditure from, reserve funds. The source of such funds and the use thereof shall be a part of the annual reporting requirement of section 503. The rules shall be submitted to the Chairman of the Council for review on the same day as the rules are transmitted for publication to the District of Columbia Register."

(r) Section 402 (D.C. Code, sec. 45-1917) is amended by adding the following subsection to the end thereof to read as follows:

"(e) Consents and Approvals.

"The issuance and performance of bonds, notes, and other obligations by the Agency as contemplated in this act and the adoption of resolutions authorizing such bonds, notes, and other obligations shall be done in compliance with the requirements of this act, but shall not be

D.C. Code,
sec. 45-1917(e)
(1973 ed.)

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subject to the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) and, except as otherwise provided in the act, shall not be required to comply with the requirements of any legislation passed by the Council. No notice (except as provided in this section), proceeding, consent, or approval shall be required for the issuance or performance of any bond, note, or other obligation of the Agency or the execution of any instrument relating thereto or to the security therefor, except as provided in this act or in rules and regulations promulgated by the Agency. Notice of the adoption of a bond resolution shall be given to the Mayor and the Council before the adoption of such resolution."

(s) Section 403(a)(5) (D.C. Code, sec. 45-1918(a)(5)) is amended to read as follows:

D.C. Code,
sec. 45-1918(a)
(1973 ed.)

"(5) the interest rate or rates, or variable rate or rates changing from time to time in accordance with a base or formula;"

(t) Section 501 (D.C. Code, sec. 45-1927) is amended to read as follows:

D.C. Code,
sec. 45-1927
(1973 ed.)

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"Except as provided in section 402(e), all actions of the Agency shall be conducted in accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.)".

(u) Section 502 (D.C. Code, sec. 45-1928), is amended to read as follows:

D.C. Code,
sec. 45-1928
(1973 ed.)

"Sec. 502. Advisory Board (a) The Board of Directors of the Agency shall, prior to the adoption of rules and regulations pursuant to section 306, appoint a District of Columbia Housing Finance Agency Advisory Committee ("Advisory Committee") of twenty-seven (27) persons which must include individuals with experience in the areas including, but not limited to, mortgage banking, real estate, finance, architecture, federal and District housing programs, construction and rehabilitation, consumer affairs, community organization, small business programs and commercial development. Eight (8) members shall be selected by the Advisory Neighborhood Commissioners, one (1) from each ward. The Chairman of the Council and the

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Chairperson of the Committee on Housing and Economic Development shall select one (1) member each to serve as members on the Advisory Committee. The Advisory Committee shall advise the Agency with respect to the development of its rules and regulations, its plans and programs, and any other matters designated by the Board.

"(b) Of the seventeen (17) public members, the eight (8) ward members, and the two (2) legislative members, initially appointed to the Advisory Committee; nine (9) public members, four (4) ward members and one (1) legislative member shall be appointed to terms of office expiring in one (1) year and the remaining eight (8) public members, four (4) ward members, and one (1) legislative member to terms of office expiring in three (3) years, after which their successors shall be appointed to terms of office of four (4) years each. The removal of a Committee member and the filling of vacancies shall be governed by Agency rules and regulations for the Advisory Committee."

(v) Section 603 is redesignated as section 606.

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(w) Title VI is amended by adding at the end thereof the new sections designated as sections 603, 604, and 605, to read as follows:

"Sec. 603. Allocation of Bond Issuing Authority

D.C.Code,
sec. 45-1933
(1973 ed.)

"All of the authority of the District government to issue qualified mortgage bonds in each calendar year under the Mortgage Subsidy Bond Tax Act of 1980, approved December 5, 1980 (94 Stat. 2660; 26 U.S.C. sec. 1100 et seq.) as it may be amended from time to time with respect to the District is allocated to the Agency.

"Sec. 604. Disposition of Assets on Dissolution

D.C.Code,
sec. 45-1934
(1973 ed.)


"If the Agency is dissolved by repeal of this act, or ceases to exist for any other reason, all of its assets (including, but not limited to, cash, accounts receivable, reserve funds, real or personal property and contract and other rights) shall automatically be assigned to and become the property of the District.


"Sec. 605. Laws or Acts Referred to in this Act

"Each law or act of the District identified in this act shall include any and all amendments thereto made from time to time, and shall include any and all superseding laws and acts, unless the superseding law or act expressly provides otherwise."

D.C. Code,
sec. 45-1935
(1973 ed.)

Sec. 3. This act shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: June 9, 1981



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
First Session

DOCKET NO: B 4-145

Item on Consent Calendar

ACTION: Adopted First Reading, 5-5-81

VOICE VOTE: Unanimous

Absent: Winter, Rolark, Shackleton and Ray

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John Brown
Secretary to the Council

5/27/81
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 5-19-81

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

John Brown
Secretary to the Council

5/27/81
Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

_____ Date