

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To dissolve, on a temporary basis, the boards of directors of the National Capital Revitalization Corporation and the Anacostia Waterfront Corporation, to clarify the powers, duties, and responsibilities that the Mayor and the District assume after the board of directors are dissolved, to create a nonlapsing special account fund and segregated capital accounts for the transfer of funds from the National Capital Revitalization Corporation and Anacostia Waterfront Corporation to the District, and to establish environmental and hiring standards within the Anacostia Waterfront Development Zone; and to repeal the National Capital Revitalization Corporation Act of 1998, the Anacostia Waterfront Corporation Act of 2004, and Subtitle P of Title II of the Fiscal Year 2008 Budget Support Act of 2007.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Temporary Act of 2007”.

TITLE I. REORGANIZATION OF NCRC AND AWC.

Sec. 101. Dissolution of the boards of directors.

(a) The Board of Directors of the National Capital Revitalization Corporation (“NCRC”) and the Board of Directors of the RLA Revitalization Corporation (“RLARC”), established by sections 4 and 30a, respectively, of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §§ 2-1219.03 and 2-1219.31), are dissolved. The Mayor shall succeed to the powers, duties, and responsibilities of the boards of directors of the NCRC and the RLARC.

(b) The Board of Directors of the Anacostia Waterfront Corporation (“AWC”), established by section 105 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.05), and the boards of directors of its subsidiaries (the Southwest Waterfront Development Corporation (“SWDC”) and the Southwest Waterfront Holdings Corporation (“SWHC”)) are dissolved. The Mayor shall

succeed to the powers, duties, and responsibilities of the boards of directors of the AWC and its subsidiaries.

**Sec. 102. Transition to District control.**

(a)(1) The Mayor may transfer any contract of the AWC, NCRC, or any of the subsidiaries, which include the RLARC, the SWDC, the SWHC, and the Economic Development Finance Corporation ("EDFC"), to the District's contracting and procurement system. Any lawful contracts of the AWC and the NCRC not transferred by the Mayor under this subsection before October 1, 2007, shall be transferred to the District's contracting and procurement system on October 1, 2007, pursuant to sections 201 and 202.

(2) Notwithstanding paragraph (1) of this subsection, any rights and obligations existing under contracts to which either the AWC or the NCRC are parties shall not transfer to the District before October 1, 2007.

(b)(1) The Mayor may hire as an employee of the District government a person who was an employee of the AWC or the NCRC, or any of their subsidiaries, on the effective date of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Clarification Emergency Act of 2007, effective July 20, 2007 (D.C. Act 17-71; 54 DCR 7390).

(2) Any employee of the NCRC or the AWC, or any of their subsidiaries, who is an employee on July 20, 2007, and who is not hired by the Mayor pursuant to paragraph (1) of this subsection, shall be entitled to 4 weeks severance pay, and one month's COBRA premium for continued health care under the Consolidated Omnibus Budget Reconciliation Act of 1985, approved April 7, 1986 (Pub. L. No. 99-272; 100 Stat. 82).

(c) Any leave that an employee who is hired pursuant to this section accrued during his or her tenure with the AWC, the NCRC, or any of their subsidiaries, shall be credited to the employee once the employee is hired by the District. The accrued leave of the employee shall be allocated between sick leave and annual leave in such proportions as the Mayor considers appropriate.

(d) Each employee's length of service at the AWC or the NCRC, or any of their subsidiaries, and the employee's service with the District government, if such service was immediately prior to the employee's service with the AWC or the NCRC, shall be counted as creditable District government service for vesting in the District's retirement program and for the rate at which the employee accrues annual leave.

(e) If an employee is hired by the District government under this section and was employed by the District government immediately prior to his or her employment with the AWC or the NCRC and funds were deposited into the employee's District of Columbia retirement account during the employee's term of employment with the District government and the deposited funds lapsed from the retirement account because of a break in employment with the District government caused by the employee's service with the AWC and the NCRC, the

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deposited funds that lapsed shall be restored to the employee's retirement account by the District.

(f)(1) The Mayor may increase the full-time equivalent authority of the executive branch by 40 to effectuate the objectives of this act.

(2) Subject to Council approval by act, the Mayor may increase the full-time equivalent authority provided by this subsection.

(g)(1) The Mayor may transfer any unexpended balances of appropriations, allocations, income, or other funds available, including the Fiscal Year 2007 budget authority of the AWC and the NCRC, from the accounts and systems of the AWC and the NCRC to the District.

(2) All unexpended balances of appropriations, allocations, income, and other funds available, and the Fiscal Year 2007 budget authority of the AWC and the NCRC shall transfer to the District on October 1, 2007.

(3) Operating funds transferred pursuant to this subsection shall be deposited into the Economic Development Special Account Fund established by section 301.

(4) Capital funds transferred pursuant to this subsection shall be deposited into the capital accounts established by section 302.

(h) The Mayor may transfer any property, records, rights, obligations, causes of action, legal or equitable title to any real property, or legal obligations of the NCRC and the AWC and any of their subsidiaries or predecessors in interest; provided, that all such property, records, rights, obligations, causes of action, legal and equitable title to any real property or legal obligations under this subsection shall be transferred to the District on October 1, 2007, pursuant to sections 201 and 202.

(i) The Mayor shall prepare and submit to the Council by July 12, 2007, a transition plan for the transfer of the functions, duties, powers, records, real and personal property, liabilities, and other rights, authorities, obligations, and assets from the NCRC and the AWC to the management and control of the Mayor.

Sec. 103. (a) The National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is repealed.

(b) This section shall apply as of October 1, 2007.

Sec. 104. (a) The Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*), is repealed.

(b) This section shall apply as of October 1, 2007.

**TITLE II. TRANSFER OF ASSETS AND LIABILITIES.**

Sec. 201. Transfer of NCRC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital and

intangible assets of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer, vest, and be titled, in the name of the District, and the Mayor may exercise any disposition authority related to such property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income, and other funds available to the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the Economic Development Special Account Fund pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations, except employment contracts, of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the NCRC, the RLARC, the EDFC, and any of their subsidiaries, shall transfer to the District.

(b) Any existing contracts transferred to the District under this section or section 102(a) shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a Community Development Block Grant (“CDBG”) subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement and CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the NCRC, the RLARC, the EDFC, and their subsidiaries transferred pursuant to subsection (a) of this section or pursuant to section 102 shall be abrogated or impaired by the repeal of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, covenants, or the security made or provided by the NCRC, the RLARC, the EDFC, or any of their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

#### Sec. 202. Transfer of AWC assets and liabilities.

(a) On October 1, 2007:

(1) Legal and equitable title to all real property, personal property, capital and intangible assets of the AWC, the SWDC, the SWHC, and any of their subsidiaries, shall

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transfer, vest, and be titled in the name of the District and the Mayor may exercise any disposition authority related to such property that was previously approved by the Council.

(2) All property, records, and unexpended balances of appropriations, allocations, income, and other funds available to the AWC, the SWDC, the SWHC, and any of their subsidiaries shall transfer to the District.

(3) The unexpended balances of appropriations, allocations, income, and other funds available to the AWC, the SWDC, the SWHC, and any of their subsidiaries shall transfer to the Economic Development Special Account Fund pursuant to section 301 or to the capital accounts pursuant to section 302.

(4) All lawful existing contractual rights and obligations of the AWC, the SWDC, the SWHC, and any of their subsidiaries, except employment contracts, shall transfer to the District, which shall assume all rights, duties, liabilities, and obligations as a successor in interest.

(5) All other existing rights and obligations, including all lawful contractual rights and obligations, and all causes of actions of the AWC, the SWDC, and the SWHC, and any or their subsidiaries, shall transfer to the District.

(b) Existing contracts transferred to the District under this section or section 102(a) shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

(c) All real property and other assets transferred pursuant to this section or section 102 that are subject to a CDBG subrecipient agreement with the Department of Housing and Community Development shall continue to be subject to the applicable subrecipient agreement and CDBG regulations.

(d) No existing lawful contract or other lawful legal obligation of the AWC, the SWDC, the SWHC, and any of their subsidiaries, transferred pursuant to subsection (a) of this section, shall be abrogated or impaired by the repeal of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.01 *et seq.*).

(e) Nothing in this section or section 102 shall impair the obligations, commitments, pledges, or covenants, or the security made or provided by the AWC, the SWDC, the SWHC, any of their subsidiaries, the Chief Financial Officer, or the Department of Housing and Community Development.

### TITLE III. ECONOMIC DEVELOPMENT SPECIAL ACCOUNT FUND AND CAPITAL ACCOUNTS.

#### Sec. 301. Economic Development Special Account Fund.

(a) There is established as a nonlapsing fund within the General Fund of the District of Columbia the Economic Development Special Account Fund (“Fund”), which shall be used solely for the purposes set forth in this section.

(b)(1) Deposits into the Fund shall include:

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(A) All operating funds transferred from the Anacostia Waterfront Corporation Enterprise Fund, established by section 114 of the Anacostia Waterfront Corporation Act of 2004, effective December 7, 2004 (D.C. Law 15-219; D.C. Official Code § 2-1223.14);

(B) All operating funds transferred from the National Capital Revitalization Corporation Enterprise Fund, established by section 9 of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.08);

(C) All fees, revenues, and other income from real property or other assets formerly under the authority of the NCRC or the AWC;

(D) Funds authorized by an act of Congress, reprogramming, or intra-District transfer to be deposited into the Fund;

(E) Any other monies designated by law or regulation to be deposited into the Fund; and

(F) Interest on money deposited in the Fund.

(2) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of any fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsections (c) and (d) of this section, subject to authorization of Congress.

(c) Monies credited to the Fund shall be allocated annually to the Office of the Deputy Mayor for Planning and Economic Development in an aggregate amount that is equal to the total deposits and earnings that are estimated to remain unspent in the Fund at the end of the preceding fiscal year plus all deposits and earnings that are estimated to be received during the fiscal year for which the allocation is made.

(d) Monies may be used to pay the costs of operating and administering properties and programs under the authority of the Deputy Mayor for Planning and Economic Development, including properties and programs formerly operated and administered by the NCRC and the AWC, to provide economic development assistance, including the provision of grants, loans, and credit support or enhancement, and to implement other programs, projects, and initiatives that are consistent with and in furtherance of the economic development goals or activities of the District.

(e)(1) Fees, revenue, and other income that otherwise would be deposited into the Fund under this section, but that are subject to Community Development Block Grant regulations and applicable subrecipient agreements with the Department of Housing and Community Development shall be deposited into a segregated account within the Community Development Block Grant account administered by the Department of Housing and Community Development and subject to reporting to the United States Department of Housing and Urban Development.

(2) The funds in the segregated account shall be included as a segregated line item in the budget of the Department of Housing and Community Development that the Mayor is required to submit to the Council pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.42), and shall be

designated for the use of the Deputy Mayor for Planning and Economic Development consistent with the requirements of the Community Development Block Grant Program.

**Sec. 302. Capital accounts.**

(a) Any capital funds of the AWC and the NCRC transferred to the District government shall be transferred to segregated accounts in the General Capital Improvements Fund, which shall be designated specifically for capital projects of the former AWC and NCRC.

(b) The segregated accounts shall be under the expenditure authority of the Deputy Mayor for Planning and Economic Development.

**PART IV. ANACOSTIA WATERFRONT INITIATIVE AND ENVIRONMENTAL STANDARDS.**

**Sec. 401. Anacostia Waterfront Initiative and Framework Plan.**

(a) The Mayor shall be guided by the Anacostia Waterfront Initiative Framework Plan, dated November 2003, as amended or supplemented ("Framework Plan"), and any small area plan approved by the Council with respect to the projects carried out inside the Anacostia Waterfront Development Zone.

(b) The Mayor may amend or supplement the Framework Plan; provided, that the Mayor shall transmit to the Council for a 45-day period of review, excluding days of Council recess, a proposed resolution to approve any proposed amendment or supplement. If the Council does not approve or disapprove the proposed resolution within the 45-day period, the proposed resolution shall be deemed approved.

**Sec. 402. Environmental standards.**

The Mayor shall continue to maintain and apply the environmental standards adopted by the Anacostia Waterfront Corporation Board of Directors on June 1, 2007, to all of the properties, projects, initiatives, and developments within the Anacostia Waterfront Development Zone.

**Sec. 403. Provisions applicable to development projects located within the Anacostia Waterfront Development Zone.**

(a) In contracting with general contractors, developers, or construction managers on, and in providing assistance of over \$100,000 to, a development project located within the Anacostia Waterfront Development Zone, the Mayor shall require the general contractor, developer, and construction manager of the development project to engage in good faith efforts to:

(1) Procure and contract 35% of the dollar volume of its goods and services, including construction goods and services, with local, small, and disadvantaged business enterprises, with a preference for at least 10% of those enterprises located in Ward 8; and

(2) Ensure that at least 51% of the new jobs created in connection with the project are filled by residents of the District, with a preference for at least 20% of those jobs designated for residents in Ward 8.

(b)(1) With respect to development projects on real property owned by the District within the Anacostia Waterfront Development Zone, no less than the following percentages of residential units shall be affordable at the following income levels:

(A) For ownership units, at least 15% of the units shall be affordable to moderate-income households and at least 15% of the units shall be affordable to low-income households.

(B) For rental units, at least 15% of the units shall be affordable to moderate-income households and at least 15% of the units shall be affordable to low-income households.

(2) For the purposes of this subsection, the term:

(A) “Affordable” means housing for which a household at the required affordability level will pay no more than 30% of its income toward gross housing costs for 50 years in the case of rental units, and 20 years for homeownership units.

(B) “Area median income” means:

(i) 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;

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

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

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

(v) 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.

(C) “Low-income household” means a household consisting of one or more persons with income equal to or less than 30% of the area median income.

(D) “Moderate-income household” means a household consisting of one or more persons with income equal to or less than 60% of the area median income and greater than 30% of the area median income.

(3) Any percentage of household income referenced in this subsection shall be determined through a direct mathematical calculation and shall not take into account any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.



**Sec. 404. Workforce intermediary.**

(a) The Mayor shall use the workforce intermediary as the primary means of meeting the hiring requirements of section 403(a)(2).

(b)(1) If prior to July 20, 2007, the former AWC has selected an organization or organizations to serve as a workforce intermediary, the Mayor shall continue to use the organization or organizations as a workforce intermediary; provided, that the Mayor may select additional organizations and may terminate the use of the organization or organizations selected by the former AWC.

(2) If prior to July 20, 2007, the former AWC has not selected an organization or organizations to serve as a workforce intermediary, then within 30 days after July 20, 2007, the Mayor shall issue a request for proposals designed to select an organization or organizations to serve as a workforce intermediary. Within 120 days after issuing the request for proposals, the Mayor shall select an organization or organizations to serve as a workforce intermediary.

(c) For the purposes of this section, the term “workforce intermediary” means an entity established by the Mayor or the former AWC and modeled on similar, successful entities in other cities, to meet the hiring goals of section 403(a)(2) by coordinating the needs and capacities of businesses that are creating new jobs in the Anacostia Waterfront Development Zone, workforce development organizations that serve residents of the District, and residents of the District who are seeking jobs in the Anacostia Waterfront Development Zone.

**Sec. 405. Definition of Anacostia Waterfront Development Zone.**

For the purposes of this title, the term “Anacostia Waterfront Development Zone” shall consist of the following:

(1) Interstate 395 and all rights-of-way of Interstate 395, except for the portion of Interstate 95 that is north of D Street, N.W., and N.E.;

(2) All land between that portion of Interstate 395 that is south of D Street, N.W., and N.E., and the Washington Channel;

(3) All land between that portion of Interstate 395 that is south of D Street, N.W., and N.E., and the Anacostia River;

(4) The portion of Interstate 295 that is north of the Anacostia River and all rights-of-way of that portion of Interstate 295;

(5) All land between that portion of Interstate 295 that is north of the Anacostia River and the Anacostia River;

(6) The portion of the Anacostia Freeway that is north or east of the intersection of the Anacostia Freeway and Defense Boulevard and all rights-of-way of that portion of the Anacostia Freeway;

(7) All land between that portion of the Anacostia Freeway described in paragraph (6) of this subsection and the Anacostia River;

(8) All land that is adjacent to the Anacostia River and designated as parks,

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recreation, and open space on the District of Columbia Generalized Land Use Map dated January 2002, except for the land that is:

- (A) North of New York Avenue, N.E.;
- (B) East of the Anacostia Freeway;
- (C) Contiguous to that portion of the Suitland Parkway that is south of Martin Luther King Jr. Avenue;
- (D) South of a line drawn along, and as a continuation both east and west of, the center line of the portion of Defense Boulevard between Brookley Avenue, S.W., and Mitscher Road, S.W.;
- (9) All land, excluding Eastern High School, that is:
  - (A) Adjacent to the land described in paragraph (7) of this subsection;
  - (B) West of the Anacostia River; or
  - (C) Designated as a local public facility on the District of Columbia Generalized Land Use Map;
- (10) All land that is:
  - (A) South or east of that portion of Potomac Avenue, S.E., between Interstate 295 and 19th Street, S.E.; and
  - (B) West or north of the Anacostia River;
- (11) The portion of the Anacostia River within the District; and
- (12) The Washington Channel.

### TITLE V. EMINENT DOMAIN.

#### Sec. 501. Eminent domain.

(a) The repeal of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*) (“NCRC Act”), under section 103(a) shall not impair or affect the validity of the acquisition by the NCRC or the RLARC of any properties nor shall the repeal affect the authority under which properties were previously taken, or for which condemnation proceedings were initiated, under section 20 of the NCRC Act (D.C. Official Code § 2-1219.19).

(b) Condemnation proceedings initiated by the NCRC or the RLARC under section 20 of the NCRC Act may be continued or reinstituted by the Mayor in the name of the District and the Mayor may rely upon the authority pursuant to which the NCRC or the RLARC acted as well as the findings previously made by the Council and by the NCRC or the RLARC in connection with the condemnation proceedings or the authority granted to the Mayor pursuant to D.C. Official Code § 16-1311.

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**TITLE VI. CONFORMING AMENDMENTS.**

Sec. 601. Subtitle P of Title II of the Fiscal Year 2008 Budget Support Act of 2007, signed by the Mayor on June 28, 2007 (D.C. Act 17-63), is repealed.

**TITLE VII. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.**

Sec. 701. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 702. Effective date.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia