

AN ACT

Bill 19-1094

Emergency
Declaration
Res. 19-752
20 DCStat 561

Codification
District of
Columbia
Official Code
2001 Edition

Affordable
Dwelling Unit
Hardship
Waiver
Emergency
Act of 2012

Note,
§ 42-2134

To provide, on an emergency basis, a hardship waiver whereby owners residing in Affordable Dwelling Units may rent their units based upon a current condominium fee increase of \$150 or 25% or more annually, whichever is greater.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Affordable Dwelling Unit Hardship Waiver Emergency Act of 2012”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Affordable Dwelling Unit” shall have the same meaning as the term “affordable housing unit” as defined in section 2(4) of the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code § 42-2131(4)).

(2) “Area Median Income or “AMI” shall have the same meaning as provided in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

Sec. 3. Hardship waiver eligibility criteria.

(a) Where allowable by law, covenant, contract, and condominium documents, the Mayor may grant a unit owner the ability to rent the unit owner’s Affordable Dwelling Unit for one year, which may be renewed annually.

(b) The unit owner must demonstrate a current condominium fee increase on the unit owner’s Affordable Dwelling Unit of \$150 or 25% or more annually, whichever is greater.

Sec. 4. Comprehensive Affordable Dwelling Unit report.

The Mayor shall submit a report by September 30, 2013, to the Council that examines the following Affordable Dwelling Unit issues:

(1) The Mayor’s ability to amend the Affordable Dwelling Unit guidelines of the originating funding source agency or authority.

(2) Whether each originating local subsidy provides the unit owner with the ability to rent the unit owner’s Affordable Dwelling Unit.

(3) Recommendations for resources, including staffing, funding, and technology, regarding the District’s administration of affordable housing.

(4) The policy and fiscal impacts of granting a unit owner with the ability to rent or sell the unit owner's Affordable Dwelling Unit at an AMI level higher than the level initially set.

Sec. 5. 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. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).