

COUNCIL OF THE DISTRICT OF COLUMBIA

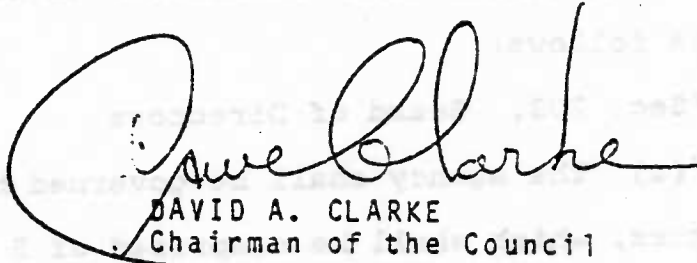
NOTICE

D.C. LAW 6-44

"District of Columbia Housing Finance Agency Act
Amendment Act of 1985".

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. 6-207 on first and second readings, June 25, 1985, and July 9, 1985, respectively. Following the signature of the Mayor on July 16, 1985, this legislation was assigned Act No. 6-62, published in the August 2, 1985, edition of the D.C. Register, (Vol. 32 page 4487) and transmitted to Congress on July 24, 1985 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 6-44, effective October 5, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July	24,25,26,29,30,31
August	1
September	4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30
October	1,2,3,4

EFFECTIVE DATE OCT 05 1985

D.C. ACT 6 - 62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 16 1985

To amend the District of Columbia Housing Finance Agency Act to restructure the Board of Directors, to provide for Council confirmation of the Executive Director, to establish the requirement for public official bonding, to provide for Council review of proposals for bond financing, to modify the low-income housing set-aside requirement, to modify the limitations on distributions of a sponsor's equity in an Agency-financed project, to make conforming amendments; 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 Amendment Act of 1985".

Sec. 2. The District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2101 et seq.), is amended as follows:

(a) Sec. 202 (D.C. Code, sec. 45-2112) is amended to read as follows:

D.C. Code
sec. 45-2
(1986 sup

"Sec. 202. Board of Directors.

"(a) The agency shall be governed by a Board of Directors, which shall be comprised of 5 members who are residents of the District of Columbia. Two shall have experience in mortgage lending or finance, 2 shall have experience in home building, real estate, architecture, or planning, and 1 shall represent community or consumer interests. The public members shall be appointed by the

Mayor, with advice and consent of the Council. Public members shall be appointed for 2-year terms. Of the 5 public members first appointed pursuant to this act, 2 shall serve for a term of 1 year and 3 shall serve for a term of 2 years.

"(b) The appointing authority or the Board may remove a public member of the Board for inefficiency, neglect of duty or misconduct in office, after giving the member a copy of the charges against him and an opportunity to be heard in person or by counsel in his defense upon not less than 10 days notice. Removal of a public member by action of the Board shall require an affirmative vote of 3 members. If a public member is removed by the Board, the Board shall promptly notify the Mayor and the Council of the action. Within 30 days after a vacancy occurs or a term expires, the Mayor shall nominate someone to fill the vacancy or begin the new term. The public member shall hold office for the term of his appointment and shall serve until a successor has qualified. Any public member shall be eligible for reappointment.

"(c) The Board shall elect from among its number a chairperson, a vice chairperson, and other officers it may determine.

"(d) The powers of the Agency shall be vested in the Board. Three members of the Board shall constitute a quorum for the transaction of business, and an affirmative vote of at least 3 members shall be necessary for valid Agency action. No vacancy in the membership of the Board shall

impair the right of a quorum to exercise all rights and perform all duties of the Agency. Members of the Board shall be reimbursed for actual and necessary expenses incurred while engaged in services for the Agency. A member of the Board not otherwise employed by the District may also receive per diem compensation at the rate equal to the daily equivalent of step 1 of Grade 15 of the General Schedule established under 5 U.S.C. 5332, with a limit of \$8,000 per annum.

"(e)(1) Until all public members have been appointed and confirmed in accordance with subsection (a) of this section or the expiration of 45 days from the effective date of the District of Columbia Housing Finance Agency Act Second Amendment Emergency Act of 1985, whichever first occurs, the Agency shall be governed by a 5-member interim Board of Directors, comprised as follows:

"(A) The Deputy Mayor for Finance;

"(B) The Deputy Mayor for Economic
Development;

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

"(D) The Chairperson of the Council's
Committee on Housing and Economic Development; and

"(E) The Chairman of the Council, or, if he
chooses not to serve, a member of the Council's Committee on
Housing and Economic Development designated by the Chairman.

"(2) Failure of a Councilmember to continue in
office or to continue as a member of the Committee shall

create a vacancy on the Board and the vacancy shall be filled in accordance with this subsection. The members of the interim Board shall select a chairperson from among their number. Each ex officio member or Councilmember may designate a representative to perform his respective duties and powers under this act, including the power to vote. Notwithstanding the provisions of any other law, no officer or employee of the District shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the Board or his service thereon."

(b) Section 203 (D.C. Code, sec. 45-2113(a)) is amended by inserting after the first sentence the following sentence:

D.C. Code,
sec. 45-21
(1986 supp

"The Executive Director shall be appointed by the Board with the advice and consent of the Council".

(c) Section 205 (D.C. Code, sec. 45-2115) is amended to read as follows:

D.C. Code,
sec. 45-21
(1986 supp

"Sec. 205. Requirement for public official bonding.

"Each member of the Board shall execute a public official bond in the penal sum of \$25,000, and the Executive Director of the Agency shall execute a public official bond in the penal sum of \$50,000. Each public official bond shall be conditioned upon the faithful performance of the duties of the person bonded, issued by an indemnity company authorized to transact business as an indemnity company in the District, approved by the Corporation Counsel of the District, and filed in the office of the District Department

of Insurance. All costs of the public official bonds shall be borne by the Agency."

(d) A new section 207 is added to read as follows:

"Sec. 207. Agency reports; Council review and approval of proposals.

New,
D.C. Cod
sec. 45-
(1986 su

"(a) The Agency shall send to the Chairman of the Council of the District of Columbia a report on each application to finance a designated project, that is filed with the Agency within 14 days (exclusive of Saturdays, Sundays, and legal holidays) of the filing. The report shall set forth information initially provided in each application pertaining to the:

- "(1) Date of application;
- "(2) Name and description of the project;
- "(3) Address and ward location of the project;
- "(4) Developer of the project;
- "(5) Amount and type of financing requested; and
- "(6) Amount and type of federal or District funds involved.

"(b)(1) The Board of Directors of the Agency shall determine, by enactment of an eligibility resolution that a housing undertaking contemplated to be financed meets the requirements of the District of Columbia Housing Finance Agency Act. Subsequent to enactment of an eligibility resolution, the Agency shall send to the Chairman of the Council of the District of Columbia written notification thereof and:

"(A) In the case of designated projects, the

notification shall describe the nature of the project and shall describe the housing benefits designed to result therefrom, as related to the public purposes of the Agency; or

"(B) In the case of housing programs, the notification shall describe the criteria under which funds will be made available and shall describe the housing benefits designed to result therefrom, as related to the public purposes of the Agency.

"(2) The Agency may not adopt an inducement resolution or a resolution authorizing a bond issuance to fund a project nor may the agency implement a proposed housing program ("proposal") submitted in accordance with this section unless the proposal has been submitted to the Council for a 30-day review period, excluding Saturdays, Sundays, holidays, and days of Council recess. During the Council review period, comments of the Council representative from the affected ward shall be considered.

"(3) If, during the 30-day review period, the Council does not adopt a resolution disapproving the proposal, the Agency may take action to implement the proposal. The Council may adopt a resolution approving the proposal prior to expiration of the 30-day period in which case the Agency may take immediate action to implement the proposal.

"(c) In the event a proposal is disapproved, the resolution shall state the reasons for disapproval. The Agency staff may modify the proposal to address the concerns

expressed in the resolution of disapproval and may without further action of the Board resubmit the proposal, as modified, for a 30-day review period, excluding days of Council recess. If, during the 30-day review period the Council does not adopt a resolution disapproving the resubmitted proposal, the Agency may take action to implement the proposal. The Council may adopt a resolution approving the resubmitted proposal prior to the expiration of the 30-day review period in which case the Agency may take immediate action to implement the proposal."

(e) Section 302(b) (D.C. Code, sec. 45-2122(b)) is amended as follows:

D.C. Cod
sec. 45-
(1986 su

(1) Paragraph (1)(A) is amended by amending the second sentence to read as follows:

"The plan shall provide that a minimum of 20% of the units are initially rented to low-income persons and that 5% of the 20% set-aside be rented to very low-income persons who fall within 50% or less of the Metropolitan Statistical Area median."

(2) Paragraph (1)(c) is amended in the first sentence by striking the phrase "fifteen percent (15%)" and inserting the phrase "20%" in its place.

(3) Paragraph (2)(A) is amended by striking the phrase "twenty-five percent (25%)" and inserting the phrase "30%" in its place.

(4) Paragraph (3) is amended to read as follows:

"(3) A sponsor may make annual distributions up to 12% of the sponsor's equity in a rental housing project

financed by the Agency, except that distributions in excess of 8% shall be approved by the Agency prior to the Agency financing the housing project. The annual distributions may be made on a cumulative basis, but in no event shall the distributions exceed 15% in any given year. The sponsor's equity in a project shall consist of the difference between the mortgage loan and the total project cost as established by the Agency at the time of the final mortgage advance."

(f) Section 308 (D.C. Code, sec. 45-2128) is amended as follows:

D.C. Code
sec. 45-2
(1986 sup

(1) Subsection (a) is amended by striking the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2501 et seq.)" in its place.

(2) Subsection (b) is amended as follows:

(A) By striking in the first sentence the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2501 et seq.)" in its place; and

(B) By striking in the second sentence the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1661 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C.

Code, sec. 45-2551 et seq.)" in its place.

(3) Subsection (c) is amended as follows:

(A) by striking in the first sentence the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2501 et seq.)" in its place; and

(B) By striking in the second sentence the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1681 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2571 et seq.)" in its place.

(4) Subsection (e) is amended as follows:

(A) By striking both places it appears the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2501 et seq.)" in its place; and

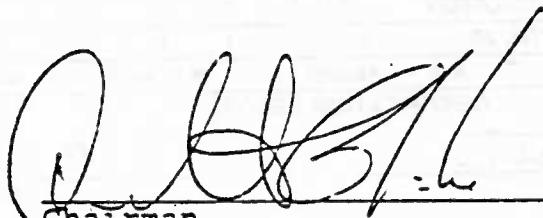
(B) By striking the phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1641 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985, (Act 6-23; to be codified as D.C. Code, sec. 45-2531 et seq.)" in its place.

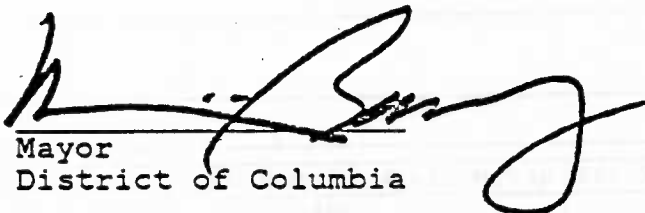
(5) Subsection (f) is amended by striking the

phrase "Rental Housing Act of 1980, effective May 1, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1601 et seq.)" and inserting the phrase "Rental Housing Act of 1985, signed by the Mayor on May 16, 1985 (Act 6-23; to be codified as D.C. Code, sec. 45-2501 et seq.)" in its place.

Sec. 3. (a) This act shall take effect after a 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. 1-233(c)(1)).

(b) Upon its effective date, this act shall supercede the District of Columbia Housing Finance Agency Amendment Act Temporary Act of 1985, effective May 9, 1985 (D.C. Law 6-4).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: July 16, 1985



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-207

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-25-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

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. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

7/11/85
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-9-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____

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. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

7/11/85
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

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. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date