ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 13, 2017

To amend, on an emergency basis, the Inclusionary Zoning Implementation Amendment Act of 2006 to reflect the changes to the inclusionary zoning regulations adopted by the Zoning Commission for the District of Columbia on October 17, 2016; and to amend the District of Columbia Administrative Procedure Act, the Housing Production Trust Fund Act of 1988, and section 47-902 of the District of Columbia Official Code to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Inclusionary Zoning Consistency Emergency Amendment Act of 2017”.

Sec. 2. The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 et seq.), is amended as follows:

(a) Section 101 (D.C. Official Code § 6-1041.01) is amended as follows:
   (1) The existing paragraph (1) is redesignated as paragraph (1A).
   (2) A new paragraph (1) is added to read as follows:

   “(1) “Eligible household” means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations.”.

   (3) Paragraph (2) is amended by striking the phrase “11 DCMR § 2602.1” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.

   (4) Paragraph (3) is amended by striking the phrase “low- and moderate-income households as required by the Inclusionary Zoning Program” and inserting the phrase “eligible households as required by the Inclusionary Zoning Program or by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations” in its place.

   (5) Paragraph (4) is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 et seq.), this act, and the
regulations” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, this act, and the regulations and administrative issuances” in its place.

(6) Paragraph (5) is amended to read as follows:
“(5) “Median Family Income” or “MFI” means the median family income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.”.

(7) Paragraph (6) is repealed.

(b) Section 102(b) (D.C. Official Code § 6-1041.02(b)) is amended by striking the phrase “Chapter 26 of Title 11” and inserting the phrase “Chapter 10 of Title 11-C” in its place.

(c) Section 103 (D.C. Official Code § 6-1041.03) is amended as follows:
(1) Subsection (a) is amended as follows:
(A) Paragraph (3) is amended by striking the phrase “low-income households shall be set so that a household earning 50% of the Metropolitan Statistical Area median” and inserting the phrase “eligible households shall be set so that an eligible household earning 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations” in its place.

(B) Paragraph (4) is repealed.

(2) Subsection (b) is amended by striking the phrase “, but shall not become effective until” and inserting the phrase “and shall become effective upon” in its place.

(d) Section 107 (D.C. Official Code § 6-1041.07) is amended as follows:
(1) Paragraph (2) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(2) Paragraph (6) is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 et seq.)” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.

(3) Paragraph (9) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(e) Section 109(a) (D.C. Official Code § 6-1041.09(a)) is amended as follows:
(1) Paragraph (5) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(2) Paragraph (6) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

Sec. 3. Section 102(8)(E) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(8)(E)), is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 et seq.)” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.
Sec. 4. Section 3(c)(17) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)(17)), is amended by striking the phrase “low- and moderate-income households” and inserting the phrase “eligible households” in its place.

Sec. 5. Section 47-902(23) of the District of Columbia Official Code is amended by striking the phrase “low- and moderate-income household” and inserting the phrase “eligible household” in its place.

Sec. 6. Applicability.
This act shall apply as of June 5, 2017, which is the effective date of the amendments to the inclusionary zoning regulations, set forth at Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, that were promulgated by the Zoning Commission for the District of Columbia on October 17, 2016 in its Notice of Final Rulemaking and Zoning Commission Order No. 04-33G (63 DCR 15404).

Sec. 7. Fiscal impact statement.

Sec. 8. 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)).
COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

[ ] ITEM ON CONSENT CALENDAR
[X] ACTION & DATE
[X] VOICE VOTE
RECORDED VOTE ON REQUEST

ADOPTED FINAL READING, 05/16/2017

APPROVED

ABSENT

[ ] ROLL CALL VOTE – Result

Councilmember Aye Nay NV AB Councilmember Aye Nay NV AB Councilmember Aye Nay NV AB
Chmn. Mendelson X Gray X Todd
Allen X Grosso X White, R.
Bonds X McDuffie X White, T.
Cheh X Nadeau X
Evans X Silverman X

X – Indicate Vote

AB – Absent
NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

Secretary to the Council

Date