

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 .