

AN ACT

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*Codification  
District of  
Columbia  
Code  
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Redevelopment Act of 1945, the Omnibus Government Real Property Asset Management Reform Act of 2000, and the District of Columbia Community Development Act of 1975 to provide for the expiration of Council approval of an offering document or unsolicited offer pertaining to the disposition of urban renewal property if an exclusive right agreement pertaining to the property has not been executed within one year after the effective date of Council approval, to provide that the Mayor may extend those time limits by submitting a resolution to the Council for approval, and to amend those acts, the Homestead Housing Preservation Act of 1986, and Title 47 of the District of Columbia Code to make conforming and technical changes; to amend the Fiscal Year 2001 Budget Support Act of 2000 to limit the dedication of Industrial Revenue Bond fees for the purposes of the Industrial Revenue Bond program to an amount not in excess of \$5 million; to add a proviso to the District's policy on special education attorney fees to allow the Mayor, Council, Board of Education, and Financial Authority to establish a different policy if each concurs in a Memorandum of Understanding; and to prohibit the use of capital funds for operating expenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Redevelopment Land Agency Disposition Review Amendment Act of 2000".

Sec. 2. Section 7 of the District of Columbia Redevelopment Act of 1945 is amended by adding new subsections (c-2) and (c-3) to read as follows:

"(c-2) Approval by the Council of the resolution pertaining to the disposition by negotiation or offering document shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed, subject to the provisions of this section. If the Mayor determines before the end of the one-year period that an exclusive right agreement pertaining to the property cannot be executed within the one-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal

holidays or days of Council recess, before the end of the one-year period a resolution seeking additional time for the execution of an exclusive right agreement pertaining to the property. The resolution shall include a detailed status report on efforts made toward execution of an exclusive right agreement pertaining to the property and the reasons for the inability to execute an exclusive right agreement pertaining to the property within the one-year period. If the Council does not take action to disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed approved.

"(c-3)(1) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, the agreement shall expire one year after the date of execution of the agreement unless either:

"(A) A land disposition agreement has been executed, subject to the provisions of this section; or

"(B) The board of the Redevelopment Land Agency grants an extension of the expiration date, not to exceed 12 months. An extension shall be based on a determination that special factors exist justifying the extension. Factors considered shall include the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, and taking by eminent domain.

"(2) If the Mayor determines before the end of the two-year period that no land disposition agreement can be executed within the two-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the two-year period a resolution seeking additional time for the disposition of the property. The resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the two-year period. If the Council does not take action to approve the resolution within the 30-day period, the resolution shall be deemed approved."

### Sec. 3. Conforming amendments.

(a) The Omnibus Government Real Property Asset Management Reform Act of 2000 is amended as follows:

(1) Section 101(2) is amended by striking the phrase "exclusive authority" and inserting the phrase "exclusive authority, except as otherwise provided," in its place.

(2) Section 104 is amended as follows:

(A) Subsection (b) is amended by striking the phrase "and 204(a)" and inserting the phrase "204(a), and Title V" in its place.

(B) Subsection (c) is amended by striking the phrase "and 204(a)" and inserting the phrase "204(a), and Title V" in its place.

(C) Subsection (i) is amended as follows:

(i) Strike the phrase “and 204(a)” and insert the phrase “204(a), and Title V” in its place.

(ii) Strike the phrase “Homestead Program Administration pursuant to the Homestead Housing Preservation Act of 1986 as they relate to the disposal or transfer of real property” and insert in its place the phrase “as they relate to real property or interests in real property” in its place.

(3) Section 105(a) is amended by striking the phrase “in title IV of this act and subsection (b) of this section” and inserting the phrase “in Title IV; subsection (b) of this section; the District of Columbia Community Development Act of 1975; the District of Columbia Redevelopment Act of 1945; and the National Capital Revitalization Corporation Act of 1998” in its place.

(4) Section 401 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “Except for real property disposed of pursuant to section 6(c) of the District of Columbia Development Act of 1975 the” and inserting the word “The” in its place.

(B) Subsection (f) is amended to read as follows:

"(f) Approval of the resolution pertaining to the disposition by negotiation or offering document by the Council under subsection (e) of this section shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed, subject to the provisions of this section. If the Mayor determines before the end of the one-year period that an exclusive right agreement pertaining to the property cannot be executed within the one-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the one-year period a resolution seeking additional time for the execution of an exclusive right agreement pertaining to the property. The resolution shall include a detailed status report on efforts made toward execution of an exclusive right agreement pertaining to the property and the reasons for the inability to execute an exclusive right agreement pertaining to the property within the one-year period. If the Council does not take action to approve or disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed approved."

(C) A new subsection (f-1) is added to read as follows:

"(f-1)(1) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, the agreement shall expire one year after the date of execution of the agreement unless either:

"(A) A land disposition agreement has been executed, subject to the provisions of this section; or

"(B) The Mayor grants an extension of the expiration date, not to exceed 12 months. An extension shall be based on a determination that special factors exist justifying

the extension. Factors considered shall include the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, and taking by eminent domain.

"(2) If the Mayor determines before the end of the two-year period that no land disposition agreement can be executed within the two-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the two-year period a resolution seeking additional time for the disposition of the property. The resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the two-year period. If the Council does not take action to approve the resolution within the 30-day period, the resolution shall be deemed approved."

(D) A new subsection (k) is added to read as follows:

"(k) Real property subject to the District of Columbia Community Development Act of 1975; the District of Columbia Redevelopment Act of 1945; or the National Capital Revitalization Corporation Act of 1998 shall be disposed of under those acts."

(b) Section 6(c) of the District of Columbia Community Development Act of 1975 is amended by adding a new paragraph (2A) to read as follows:

"(2A)(A) Approval of the resolution pertaining to the disposition or offering document by the Council under paragraph (1) of this subsection shall expire one year after the effective date of the approval resolution unless an exclusive right agreement has been executed, subject to the provisions of this section. If the Mayor determines before the end of the one-year period that the property cannot be disposed of, or that an exclusive right agreement pertaining to the property cannot be executed, within the one-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the one-year period, a resolution seeking additional time for the execution of an exclusive right agreement pertaining to the property. The resolution shall include a detailed status report on efforts made toward execution of an exclusive right agreement pertaining to the property and the reasons for the inability to execute an exclusive right agreement pertaining to the property within the one-year period. If the Council does not take action to approve or disapprove the resolution within 30 days of receipt of the resolution, not including Saturdays, Sundays, legal holidays, or days of Council recess, the resolution shall be deemed approved.

"(B)(i) If an exclusive right agreement is executed pertaining to property to be disposed of under this section, the agreement shall expire one year after the date of execution of the agreement unless:

"(I) A land disposition agreement has been executed, subject to the provisions of this section; or

"(II) The Mayor grants an extension of the expiration

date, not to exceed 12 months. An extension shall be based on a determination that special factors exist justifying the extension. Factors considered shall include the need for zoning changes, historic preservation, street and alley closings, abatement of environmental hazards, and taking by eminent domain.

"(ii) If the Mayor determines before the end of the two-year period that no land disposition agreement can be executed within the two-year period, the Mayor may submit to the Council, no later than 30 days, not including Saturdays, Sundays, legal holidays or days of Council recess, before the end of the two-year period a resolution seeking additional time for the disposition of the property. The resolution shall include a detailed status report on efforts made toward disposition of the property and the reasons for the inability to dispose of the property within the two-year period. If the Council does not take action to approve the resolution within the 30-day period, the resolution shall be deemed approved."

(c) Section 5(a) of the Homestead Housing Preservation Act of 1986 is amended by striking the phrase "§ 47-1303" and inserting the phrase "§ 47-847 and § 47-1303" in its place.

(d) Title 47 of the District of Columbia Code is amended as follows:

(1) Section 848 is amended by striking the phrase "§ 47-1303" and inserting the phrase "§ 47-847 and § 47-1303" in its place.

(2) Section 1205(c) is amended by striking the phrase "specified in §" and inserting the phrase "specified in §§ 47-847," in its place.

Sec. 4. FY 2001 Budget Support Act amendments.

The FY 2001 Budget Support Act of 2000 is amended as follows:

(a) The long title is amended as follows:

(1) Strike the phrase "implement the program." and insert the phrase "implement the program;" in its place.

(2) Add the phrase " ; and to prohibit the expenditure of capital funds for operating expenses." at the end.

(b) Section 2002 is amended by striking the phrase "funds in excess of" and inserting the phrase "funds in excess of \$5 million or in excess of".

(c) Section 2722 is amended by striking the period, and inserting the phrase " , unless the Mayor, the Council, the Board of Education, and the District of Columbia Financial Responsibility and Management Assistance Authority concur in a Memorandum of Understanding setting forth a rate and amount of compensation." in its place.

(d) A new Title XLVIII-A is added to read as follows:

"Title XLVIII-A. Prohibition on Capital Funds for Operating Expenses.

"Sec. 4851. Short title.

"This title may be cited as the "Prohibition of Capital Funds for Operating Expenses Act of 2000.

"Sec. 4852. The Mayor shall not expend any moneys borrowed for capital projects for operating expenses of the District of Columbia government.

"Sec. 4853. Fiscal impact statement.

"The prohibition on spending capital funds for operating expenses is consistent with the FY 2001 Budget and Financial Plan. This provision will make permanent a provision that previously has been included in the annual budget request."

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 913; D.C. Code § 1-233(c)(3)).

Sec. 6. Applicability.

(a) Section 2 shall apply as of July 1, 1995, except that: (1) the time-limit for execution of an exclusive right agreement shall not apply where an exclusive right agreement has been executed by October 1, 2000; (2) the time-limit for execution of a land disposition agreement shall not apply where a land disposition agreement has been executed by October 1, 2000; and (3) if an exclusive right agreement has been executed prior to October 1, 2000, but a land disposition agreement has not been executed by the effective date of this act and more than two years have passed since the execution of the exclusive right agreement, the time limit for execution of the land disposition agreement shall apply as if no more than two years has passed since execution of the exclusive right agreement if the Mayor, within 60 days of the effective date of this act, submits to the Council a resolution in conformity with the appropriate extension provision in this act, which resolution shall be considered approved or disapproved in accordance with that provision, seeking an extension of the period during which a land development agreement may be executed.

(b) Section 3 shall apply as of the effective date of the Omnibus Government Real Property Management Reform Act of 2000.

Sec. 7. 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 approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in

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section 602 (c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia