

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require that specific findings are included in the proposed resolution for land disposition, and to require that specific documents accompany the proposed resolution when transmitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Land Disposition Amendment Act of 2009".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

Amend
§ 10-801

(a) Subsection (b) is amended to read as follows:

"(b) The Mayor, to carry out the provisions of this act, shall transmit to the Council a proposed resolution that contains the following:

"(1) A finding that the real property is no longer required for public purposes;

"(2) The name and business address of the developer, and, if the developer is a joint venture or partnership, the name and business address of each person that constitutes the partnership;

"(3) A description of the real property to be disposed of;

"(4) A description of the intended use for the property ("Project");

"(5) A description of any affordable housing to be provided as part of the Project;

"(6) A finding that the Developer will enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises;

"(7) A finding that the Developer will enter into a First Source Agreement with the District that shall govern certain obligations of Developer pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job

creation and employment generated as a result of the construction on the Property;

"(8) The proposed method of disposition, which may be one of the following:

"(A) A public or private sale to the highest bidder;

"(B) A negotiated sale to a for-profit or nonprofit entity for specifically designated purposes;

"(C) A lease for a period of greater than 20 years;

"(D) A combination sale/leaseback for specifically designated purposes;

"(E) An exchange of interests in real property; or

"(F) A public or private sale to the bidder providing the most benefit to the District; and

"(9) The following statement:

"All documents that are submitted with this resolution pursuant to subsection (b-1) of this section shall be consistent with the executed Memorandum of Understanding or term sheet transmitted to the Council pursuant to subsection (b-1)(2) of this section."

(b) Subsection (b-1) is amended to read as follows:

"(b-1) A proposed resolution to provide for the disposition of real property transmitted to the Council pursuant to subsection (b) of this section shall be accompanied by the following:

"(1) An analysis prepared by the Mayor of the economic factors that were considered in proposing the disposition of the real property, including:

"(A) The chosen method of disposition, and how competition was maximized;

"(B) The manner in which economic factors were weighted and evaluated, including estimates of the monetary benefits and costs to the District that will result from the disposition. The benefits shall include revenues, fees, and other payments to the District, as well as the creation of jobs; and

"(C) A description of all disposition methods considered and an accompanying narrative for the proposed disposition method that contains comparisons to the other methods and shows why the proposed method was more beneficial for the District than the others in the areas of return on investment, subsidies required, revenues paid to the District, and any other relevant category, or why it is being proposed despite it being less beneficial to the District in any of the measured categories.

"(2) An executed term sheet or Memorandum of Understanding between the District and the selected developer that shall include the following:

"(A) A description of the major business terms of the transaction;

"(B) A description of the method of disposition;

"(C) A description of the Certified Business Enterprise requirements;

"(D) A description of the green building requirements;

"(E) A description of the schedule of performance; and

"(F) Any other terms that the Mayor finds to be in the best interest of the District.

"(3) A document reporting the value of the property prepared by an independent appraiser or assessor performed within 12 months of transmission of the proposed resolution.

"(4) For any development project where the total value of the government assistance is greater than \$10 million, a description of the project funding and financing plan.

"(5)(A) For all District land being disposed for purposes of development and requiring government assistance the following additional items shall be transmitted to the Council concurrent with the proposed resolution and analysis:

"(i) A Land Disposition Agreement between the District and the selected developer;

"(ii) Any community benefits agreement between the developer and the relevant community, if any; and

"(iii) A Certified Business Enterprise ("CBE") Agreement pursuant to the Small, Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

"(B) Documents in this paragraph shall be transmitted in the most current form available at the time the resolution is transmitted.

"(C) All documents referenced in this paragraph shall be consistent with the proposed resolution for land disposition and language to that effect shall be included in those agreements prior to execution.

"(6)(A) If a substantive change is made to the term sheet or Memorandum of Understanding referenced in subsection ((b-1)(2) of this section, after the resolution was transmitted to and approved by the Council pursuant to this subsection, a resolution describing the change accompanied by an amended term sheet or Memorandum of Understanding in redline format shall be transmitted to Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed amendments to the term sheet, in whole or in part, by resolution within the 30-day review period, the proposed amendments shall be deemed approved.

"(B) For the purpose of this paragraph, the term:

"(i) "Redline format" means the changes that are deletions have a line through them and the changes that are additions are underlined.

"(ii) "Substantive change" means a change that makes the agreement inconsistent with the executed Memorandum of Understanding or term sheet transmitted with the proposed resolution."

Sec. 3. 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. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. 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), a 30-day period of Congressional review as provided in section 602(c) (1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia