


Councilmember Harry Thomas, Jr.

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9 A BILL
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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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19 Councilmember Harry Thomas, Jr. introduced the following bill, which was referred to the
20 Committee on _____.
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22 To amend the Act Authorizing the Sale of Certain Real Estate in the District of Columbia no
23 Longer Required for Public Purposes, effective August 5, 1939 (53 Stat. 1211; D.C.
24 official Code § 10-801) and The Master Facilities Planning and Program Coordination
25 Advisory Act of 2003 (D.C. Law 15-39; D.C. Code § 10-1031) to create standards that
26 must be met prior to classifying public property as surplus, and to empower a committee
27 to compile findings to create criteria for the surplus of public property.
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29 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
30 act may be cited as the "Public Land Surplus Standards Amendment Act of 2009".

31 Sec. 2. An Act Authorizing the Sale of Certain Real Estate in the District of Columbia no
32 Longer Required for Public Purposes, effective August 5, 1939 (53 Stat. 1211; D.C. official Code
33 § 10-801), is amended by adding new sections (a) through (g-2) to read as follows:

34 "(a) Except for real property disposed of pursuant to § 6-1005(c), the Mayor is authorized
35 and empowered, in his discretion, for the best interests of the District of Columbia ("District"),
36 after thorough consideration and community input and with the approval of the Council by
37 resolution, to sell, convey, lease (inclusive of options) for a period not greater than 20 years,

1 exchange, or otherwise dispose of real property, in whole or in part, now or hereafter owned in
2 fee simple by the District, whether purchased with appropriated, grant, or other funds, the
3 proceeds of general obligation bonds or tax revenue anticipation notes issued by the District
4 government, or United States Treasury Notes, or obtained by any other means including
5 exchange, condemnation, eminent domain, gift, dedication, donation, devise or assignment, for
6 municipal, community development, or other public purpose, which the Council finds to be no
7 longer required for public purposes.

8 “(b) Preceding any attempts to sell, convey, long-term lease, or exchange *any* real property
9 owned by the District, the Mayor and all relevant District Agencies must furnish to the Council
10 in full the following:

11 “(1) a report containing a complete inventory of the real property currently owned by the
12 District as required by § 10-807 and § 10-1011;

13 “(2) an inventory and audit of the real property currently leased by the District;

14 “(3) a Master Facilities Plan as required by § 10-1031; and

15 “(4) a Community Development Plan, as required by § 10-1031.

16 “(c) The Mayor, in order to carry out the provisions of this chapter, shall transmit to the
17 Council a proposed resolution that contains a finding that the real property is no longer required
18 for public purposes. In the proposed resolution transmitted to the Council the Mayor shall
19 affirmatively determine in writing to the Council the following about the property under
20 consideration:

21 “(1) Detailed explanation of why the property has no alternate use under the
22 Master Facilities Plan defined in § 10-1031(a), and,

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“(2) Detailed explanation of why the property has no alternate use under the Community Development Plan defined in The Master Facilities Planning and Program Coordination Advisory Act of 2003 (D.C. Law 15-39; D.C. Code § 10-1031(b)) and

“(3) Detailed explanation of why the property has no economically viable use to replace space currently leased by DC government for government purposes, and,

“(4) Detailed explanation of why the property has no other viable use under the Comprehensive Plan, Strategic Neighborhood Area Plan, Comprehensive Housing Strategy and 10 Year Plan to End Homelessness and to serve other community needs.

“(5) a description of the real property to be disposed of

“(6) the proposed method of disposition.

“(c-1) The Mayor shall specify in writing to the Council which method of disposition will be utilized:

“(1) Negotiated lease to a non-profit entity for specifically designated purposes; or

“(2) A lease for a period of not greater than 20 years.

“(c-2) The Mayor shall document in writing to the Council findings detailing why neither of the above approaches c-1(1) and c-1(2) are possible before proposing the following subsequent alternative approaches:

“(1) An exchange of interests in real property; or

“(2) A lease greater than 20 years.

1 “(c-3) The Mayor shall document in writing to the Council findings detailing why neither
2 of the above approaches c-2(3) and c-2(4) are possible before proposing a negotiated sale to a
3 for-profit entity for specifically designated purposes.

4 “(c-4) (1) The proposed resolution to provide for the disposition of real property
5 transmitted to the Council pursuant to subsection (c) of this section shall be accompanied by an
6 analysis prepared by the Mayor of the economic and social factors that were considered in
7 proposing the disposition of the real property, including the chosen method of disposition, and
8 how competition was maximized to ensure the greatest level of public benefit.

9 “(2) The analysis under this subsection shall describe the manner in which
10 economic and social factors were weighted and evaluated, including estimates of the monetary
11 benefits and costs to the District that will result from the disposition and how these will exceed
12 the long-term value of the property if maintained by the District, or if leased and not sold. These
13 benefits shall include revenues, fees, and other payments to the District, as well as the creation of
14 jobs, the provision of services currently needed in the community, the sponsorship or support for
15 local programs or other civic activities, and other community benefits. The analysis shall also
16 describe and publicly disclose how the proposed disposition of the property delivers greater
17 economic and social value to the District than if the property were to be dedicated to any use
18 described under section (c) above.

19 “(c-5) Prior to submitting a proposed resolution for the disposition of property pursuant to
20 subsection (c) of this section, the Mayor shall:

21 “(1) hold at least two public hearings in the vicinity of the property, at
22 accessible evening and weekend times and in accessible locations;

1 “(2) Provide at least 30 days notice to ANCs of community hearings;

2 “(3) Publicize the hearing by placing a notice in the D.C. Register at least
3 15 days prior to the hearing, placing ads in local free newspapers and submitting Public
4 Services Announcements to local radio stations;

5 “(4) Sending notification by postcard to all households in the zip code of
6 the property in question;

7 “(5) Submit to the Council and place at all local libraries a written
8 transcript of the hearing; and

9 “(c-6) The proposed resolution to provide for the disposition of real property pursuant
10 to subsection (c) of this section shall be submitted to the Council for a 90-day period of review,
11 excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not
12 approve the proposed disposition of the property, in whole, by resolution within the 90-day
13 period, the proposed resolution shall be deemed disapproved. Nothing in this section shall affect
14 any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

15 “(c-7) A resolution pertaining to the disposition of real property shall be void unless
16 all the procedural requirements of subsections (b), (c), (c-1), (c-2), (c-3), (c-4), (c-5), and (c-6)
17 have been met.

18 “(c-8) A person, whether acting for the interests of herself or the general public, may
19 bring an action under this chapter in the Superior Court of the District of Columbia seeking relief
20 from the disposition of any real property in violation of a law of the District and may obtain
21 declaratory or injunctive relief or any other relief which the court deems proper.

1 “(d) Approval of the disposition of the real property by the Council shall expire 2
2 years after the effective date of the resolution of approval. If the Mayor determines prior to the
3 end of the 2-year period that the property cannot be disposed of within the 2-year period, the
4 Mayor may submit to the Council, no later than 60 days prior to the end of the 2-year period, a
5 resolution seeking additional time for the disposition of the property, and shall include with the
6 resolution a detailed status report on efforts made toward disposition of the property as well as
7 the reasons for the inability to dispose of the property within the 2-year period. The Council must
8 hold a public hearing, called with notice according to Council rules to receive public input about
9 the extension.

10 “(e) The Mayor must incorporate into the terms of the disposition of real property
11 disposed of through a negotiated sale pursuant to subsection (e)(4) of this section, the right of the
12 District to reacquire the property at the price originally conveyed plus any amounts secured by
13 the property that have been approved by the Mayor, if the property is no longer used for the
14 authorized purpose. For property located within the corporate boundaries of the District, if the
15 District does not exercise its reacquisition option, the owner in fee simple shall be entitled to use
16 the property or, convey, or otherwise dispose of the property for use in a manner that is consistent
17 with the designation of the real property on:

18 “(1) The Generalized Land Use Maps adopted pursuant to *§ 1-301.63*; and

19 “(2) The Official Zoning Map of the District of Columbia adopted
20 pursuant to *§ 6-641.01*.

21 “(f) The Mayor shall submit to the Council a copy of the land disposition agreement and a
22 proposed resolution to approve the land disposition agreement for a 45-day review period

1 together with at least one (1) public roundtable given 14 days public notice and any “great
2 weight” comment from ANCs. If the Council does not approve the land disposition agreement
3 within the 45-day review period, the land disposition agreement shall be deemed disapproved.

4 “(f-1) In the case of any real property to be disposed under this section through a request
5 for proposals or competitive sealed proposals, the Mayor shall include for Council review the
6 detailed economic and social factors , including revenues, fees, and other payments to the
7 District, and community benefits package as some of the criteria to evaluate the request for
8 proposals or competitive sealed proposals.

9 “(g) The Mayor shall take all steps necessary to ensure continuous community input in the
10 disposition of any real property to be disposed of in accordance with this section, which
11 shall include, for property located within the corporate boundaries of the District. The
12 steps shall include:

13 “(1) Providing notice to any affected Advisory Neighborhood Commission
14 for review and comment prior to the submission of a proposed resolution to Council requesting
15 the disposition of property in question; and

16 “(2) All processes outlined in section (c) and in § 10-1031.

17 “(g-1) This section shall not apply to any real property which is acquired under § 42-
18 3171.02.

19 “(g-2) For real property part of the District of Columbia Public Schools and under the
20 jurisdiction of the Mayor, the Mayor shall follow all processes outlined in section (c) above prior
21 to proposing any school property for disposition. The process of disposition of school properties
22 shall follow the process outlined in section (c).”.

1 Sec. 3 Conforming amendment.

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3 The Master Facilities Planning and Program Coordination Advisory Act of 2003 (D.C.
4 Law 15-39; D.C. Code § 10-1031) is amended to read as follows:

5 “(a) The Office of Property Management shall prepare and submit to the Council a Master
6 Facilities Plan by September 30, 2008. All relevant DC Agencies shall hold at least one public
7 community meeting called with at least 15 days notice to receive input into the agency's long-
8 term facilities needs. OPM shall incorporate this community input into the Master Facilities
9 Plan, which shall be submitted to the Council for a 60-day period of review. The Council shall
10 hold at least one public hearing called according to Council rules to receive further community
11 input into the facilities plan. If the Council does not approve, by resolution within the 60 day
12 period, the Master Facilities Plan shall be deemed disapproved. The Master Facilities Plan shall
13 include but not be limited to the following:

14 “(1) Short, medium and long-term projections of facilities needs for each
15 relevant DC agency. Facilities needs shall be identified for both DC Government offices and
16 facilities, as well as for DC government supported community services such as services for the
17 homeless, mental health, drug treatment, literacy, community health care, youth programs, senior
18 services, recreation, and supportive housing.

19 “(2) The plan shall take into account the equitable distribution of
20 neighborhood-based services and facilities.

21 “(3) The plan shall be reviewed and updated annually.

22 “(a-1) The Deputy Mayor for Planning & Economic Development working
23 with the Office of Planning shall prepare and submit to the Council a Community Development

1 Plan by September 30, 2008. The Community Development Plan shall identify the community
2 development needs of the District. Community Development needs shall be defined as those
3 functions which bring needed services and opportunities to District neighborhoods, in a manner
4 directly involving and directly benefitting residents, where they are lacking. The Office of
5 Planning shall hold a public community meeting in each Ward to receive input and comment on
6 the plan. The plan shall then be submitted to the Council for a 60-day period of review. The
7 Council shall hold at least one (1) public hearing called according to Council rules to receive
8 further community input into the Community Development Plan. If the Council does not approve
9 the plan by resolution within the 60-day period, the Community Development Plan shall be
10 deemed disapproved. The Community development plan shall incorporate, but is not limited to,
11 the following:

12 “(1)Mandates of the Comprehensive Plan, Strategic Neighborhood Area Plans,
13 and the Comprehensive Housing strategy;

14 “(2) Community needs including affordable housing for very low income
15 persons, shelter and services for homeless residents, early childhood education, youth programs,
16 literacy programs, job training and vocational education, recreation, green space, community
17 gardens and farmers markets, support for local small businesses and space for nonprofit
18 organizations serving the community.

19 “(b) There is established the Master Facilities and Community Development Planning
20 Coordination Advisory Committee ("Advisory Committee"), to be led by the Deputy Mayor for
21 Planning and Economic Development (DMPED) and the Office of Planning (OP). DMPED and

1 OP will also lead the overall effort to develop the Master Facilities Plan and Community
2 Development Plan. The Advisory Committee shall be composed of 19 members.

3 “(1) Seven members shall be appointed by the Mayor, one of whom the Mayor
4 shall designate to serve as chair; eight members shall be District residents, one residing in each
5 ward of the city, selected by the Councilperson from that ward out of a pool of applicants; and
6 four members shall be Advisory Neighborhood Commissioners elected by sitting Advisory
7 Neighborhood Commissioners.

8 “(2) The seven mayoral appointees shall be one each from the DC Public
9 Schools, the DC Public Libraries, the Department of Parks and Recreation, the Police Department,
10 the Department of Fire and Emergency Medical Services, the Office of Property Management and
11 the Board of Education.

12 “(3) Each member shall be a resident of the District of Columbia ("District"),
13 and have demonstrated experience in facility management or program coordination in one or more
14 of the following fields: real estate, recreation, schools, public safety, libraries, community
15 development, affordable housing, social services, and neighborhood revitalization planning and
16 policy.

17 “(4) The Ward planners from the Office of Planning shall be tasked to support
18 the efforts of the Committee and participate in Committee meetings.

19 “(5) Notice shall be issued to solicit applicants for appointment to the Advisory
20 Committee no later than 15 days after the effective date of this legislation. The Mayor and
21 Council members shall make their appointments to the Advisory Committee no later than 60 days
22 after the effective date of this legislation. The Office of Advisory Neighborhood Commissions

1 shall conduct initial elections of the Advisory Neighborhood Commissioners to serve on the
2 Committee within 30 days of the effective date of this legislation and subsequent elections every
3 February of a non-election year thereafter.

4 “(c) The Advisory Committee shall perform the following duties:

5 “(1) Review the inventory to be provided by the Office of Property Management
6 pursuant to §10-807 of all facilities owned and operated by the District government;

7 “(2) Review the audit of leased properties to be provided by the Office of Property
8 Management pursuant to §10-1012.

9 “(3) Review data which provides benchmarks for the District and comparable
10 jurisdictions regarding the number of public facilities maintained by the District government using
11 demand and usage metrics, including facilities per capita and per square mile;

12 “(4) Review a 10-year projected annual average cost for maintaining the current
13 inventory of properties and an analysis of the long-term value of a public building if kept in public
14 service or leased instead of sold to be prepared by the Chief Financial Officer of the District of
15 Columbia and the Mayor;

16 “(5) Provide advice and comments on a standard developed by the Mayor for the
17 location of public facilities, which standard shall include population density, public needs,
18 accessibility, frequency of use, proximity to similar facilities, opportunity for multiple uses, the
19 long term cost effectiveness of facility maintenance, and program integration plans;

20 “(6) Provide advice and comments on conclusions prepared by the Mayor on the
21 number of facilities that the District should maintain based on:

22 “(A) Benchmark comparisons;

- 1 “(B) Available and possible sources of funding;
- 2 “(C) Program integration plans;
- 3 “(D) The standard developed by the Mayor under paragraph (4) of this
- 4 subsection;
- 5 “(E) The long-term facilities needs of District Agencies;
- 6 “(F) The opportunity to utilize public property for community
- 7 development purposes aimed at decreasing the number of District families living in
- 8 poverty; and
- 9 “(G) Other measures which the Advisory Committee considers
- 10 appropriate.
- 11 “(7) Provide advice and comments on recommendations prepared by the Mayor for
- 12 renovation, construction, consolidation, and closure of selected facilities based on an analysis
- 13 conducted, which advice and comments the Mayor shall review in formulating his proposed
- 14 Capital Improvement Plan;
- 15 “(8) Provide advice and comments on the appropriate relationship between the
- 16 Master Facilities Plan, the Community Development Plan, and the Comprehensive Plan;
- 17 “(9) Provide advice and comments on Mayoral plans for program integration
- 18 regarding the impact of the neighborhood places and wraparound schools initiative on facility co-
- 19 location and investment; and
- 20 “(10) Provide for broad community input and comment on the Master Facilities Plan,
- 21 the Community Development Plan, and related inter-program coordination as required in section
- 22 (a) and (a-1) above.

1 “(d) No member of the Advisory Committee shall be compensated for time expended in
2 the performance of duties, except to the extent that the member is a District government employee
3 serving as part of his or her existing responsibilities, but members shall be entitled to
4 reimbursement for actual and necessary expenses incurred in the performance of the Advisory
5 Committee's duties pursuant to applicable District government rules and regulations.”.

6 Sec. 4. Fiscal impact statement.

7 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
8 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
9 December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

10 Sec. 5. Effective date.

11 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
12 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
14 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of
15 Columbia Register.

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