


ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

MINUTES

February 25, 1980

ROLL CALL Commissioners Strand, Wamsley and Asher were absent; Klose, Mendelson and Kopff arrived shortly after the meeting was called to order at 8:07 PM. A motion was made to deviate from the agenda as mandated in By-Laws Article VIII, Section 2 and to permit further deviations, as needed, to accommodate guest speakers. Motion carried.

VERIFICATION OF NOTICE It was noted that posting had been duly accomplished. The secretary was asked to have official notices printed professionally onto which appropriate monthly times, dates and places could be printed manually.

JANUARY MINUTES Approval was voted and seconded.

VICE-CHAIRMAN'S REPORT/ISSUES Joe Jeff Goldblatt voiced a few general concerns about the 1980 ANC-3C, primarily his feeling that this Commission should establish certain projected goals and work toward them, rather than become merely a reactive body dealing with community problems as they're presented. He suggested an informal meeting of the Commission to discuss objectives. There was unanimous interest from all Commissioners present, but decision on details was deferred until arrival of expected Commissioners.

1. Anne Blaine Harrison Institute: Joe Jeff Goldblatt reported that his letter to the ABH Institute requesting timely presentation of issues relative to consideration by Commissioners had been met with agreement by the ABH Institute staff.

J. Goldblatt distributed copies of a memorandum to him from Bob Stumberg summarizing ideas developed during their Feb. 20th informal meeting on legal services to ANC-3C. These ideas were organized into three categories: 1) general objectives of the ABH Institute relative to ANC-3C 2) operational suggestions and 3) projects in progress. Bob Stumberg was introduced and elaborated on the memorandum. He felt that the ABH Institute should no longer play an obtrusive role in ANC-3C affairs and furthermore, that it needs much input from other ANC's in order to help direct Commissions toward their most effective participation in community affairs. He explained that a great deal of detailed legal work on ABH's part was, in a sense, superfluous, since the governmental process is mostly political. He stated an ANC need for more community involvement for more effective impact on the city government, since the inertia of government bodies requires equal or greater community pressure to push it along. Mr. Stumberg recommended that

Single Member District Commissioners, 1980-1981

01-Christopher Klose
02-Ruth Haugen
03-Thomas Asher
04-Joe Jeff Goldblatt
05-Phil Mendelson

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-Kaj Strand
07-Gary Kopff
08-Wilma Martin
09-Patricia Wamsley
10-David Grinnell

the ABH Institute become more involved with the implementation of ANC rights/policy since, presently, the city's expressed policy concerning ANC rights does not jibe with the reality of their actions e.g. the issuance of permits prior to announcement of petition for permit. Nowhere presently is there any room in the political process is there any room for discretionary action by the ANC's. Remediation of this problem would require statutory reform into which ABH Institute could make valuable input. Mr. Stumberg further recommended that ANC-3C involve other ANC's in these ANC-wide issues. He urged that ANC-3C limit its involvement to those issues of primary concern to its community. At the same time it might use its analytical ability to spot issues and pass them on to other ANC's or community organizations. He asserted that ANC's can work together and take action collectively by adhering to some fairly modest rule requirements. ABH Institute is in a position to interpret rules which might limit (collective) Commission action and work with other ANC's legally within the rules framework. He summarized by recommending that ANC-3C use its resources to publicize issues rather than drudge fruitlessly through the legal processes. Political savvy and citizen involvement are the most effective assets of the ANC's, far more important than anonymous/non-visible legal maneuvers.

A motion for this 1980 Commission to sign the prepaid contract with the Anne Blaine Harrison Institute carried. *\$3500. worth of the originally contracted for \$5000. service remains for this 1980 Commission. (*approximated figure)

TREASURER'S REPORT/ISSUES The January Treasurer's report indicating an end-of-month balance of \$2067.68 was introduced and accepted. At this time a motion was made and carried to accept the quarterly report. The chair asked David Grinnell if he might consider formulating a 1980 ANC-3C budget. He responded that he needed more commissioner input to take on such a task, but that, basically, ANC-3C had fairly predictable \$300-400 monthly expenses out of a \$15,000. annual income. Beyond that, other commissioners might consider special items to be planned into a budget and report them to the Treasurer.

Phil Mendelson moved that the Commission authorize its established committees to expend up to \$50 per month and individual commissioners up to \$25 per month to cover properly documented copying, travel and secretarial expenses specifically related to committee/Commission work. Additionally, he moved that the Commission further authorize an up to \$250 annual office supplies allowance. Motions carried.

SECRETARY'S REPORT/ISSUES The Commission was given a copy of Wilma Martin's letter to Elections Administrator Mary Rodgers officially resigning her ANC-3C-08 Commissionership. After its publication in the D.C. Register, interested applicants will have 30 days to supply the required petition carrying 30 SMD-08 signatures necessary to replace the resigned Commissioner in that district. Wilma's resignation leaves ANC-3C's office of Secretary vacant. Discussion and decision about a new Secretary will be deferred until March 24th.

A request was made again of Phil Mendelson to provide the October and November 1979 minutes. Gary Kopff reported the need for a 1979 annual report. Ruth Haugen reported that the city had been duly notified of ANC-3C's newly elected Commission officers.

STANDING COMMITTEES/REPORTS AND ISSUES

1. Communications Chris Klose submitted a mock-up of ANC-3C's first 1980 newsletter, to be ready for distribution around March 20th. Some unresolved discussion followed concerning the appropriate means of distribution, either by mail or a network of door-to-door volunteers. He submitted the ANC-3C bulk mail permit to the secretary. He reported that the planned newsletter would be published every 6-8 weeks and that the first issue would include:

- A. a capsulization of current ANC-3C issues
- B. a readership poll
- C. profiles of 1980 commissioners

With regard to item #3 above, Chris asked that each Commissioner prepare a 3-paragraph biographical sketch with emphasis on his/her background and special issues. Final decisions on the form and content would be made by the editor.

2. Crime Prevention Committee Joe Jeff Goldblatt introduced Police Captain Spurlock, Sector III Chief, who outlined for the Commission the updated crime profile of Ward 3. He reported that, although the number of crimes committed had not significantly increased, the Police Department's great concern was the incursion of crimes into the residential neighborhoods and the use of weapons in those crimes. He explained that usually defenseless elderly women are the most frequent victims of these crimes. (Statistics attached.)

Joe Jeff Goldblatt made a motion to start a Safety Committee of which he would assume chairmanship (carried) and distributed copies of a letter he'd written (attached) regarding his proposal for a Neighborhood Watch Program to help area residents deal/react effectively to the residential crime problem. His proposal included plans to print and distribute a brochure outlining an array of crime awareness do's and don't's, costs for printing and distribution to be shared by neighborhood businessmen and volunteers.

3. Housing Phil Mendelson began his presentation by distributing the following material pertinent to housing for consideration by the Commission:

- A. Anne Blaine Harrison Institute Comparison of legislation on conversion and sale of rental housing (Bills 3-18, 134, 140 and 222) and recommendations of the Emergency Commission on Condominium and Cooperative Conversion.
- B. Mendelson's Feb. 19th letter to Hon. Willie Hardy presenting ANC-3C's resolution recommending that the Committee on Housing and Economic Development give favorable consideration to Bill 3-222.
- C. Mendelson's Housing Committee Report, 1980#1
- D. Copy of D.C. Register's Notice of Public Hearing on "Rent Control in the District of Columbia" to be held on Thursday, March 27th at 10 AM.

4. Human Resources/Aging Ruth Haugen announced that the Inter-ANC Council on Aging meets monthly on Saturdays. Chairmen of ANC-3F and 3B the last meeting as part of a task force to devise methods of increasing Ward 3's housing stock. Ruth mentioned that the Inter-ANC Aging group is still looking for interested volunteers.

Ruth Haugen also notified the Commission that she and Joe Jeff Goldblatt had served on the panel and testified at the Ward 3 Mini-Conference on Families.

5. Transportation, Zoning, Licenses and Permits

A. Sheraton Park The only update on this issue was notification of Sheraton Park's presentation of its case to interested area residents on February 25th. More specific details will be available at the March meeting.

B. Howell BZA Application Lindsley Williams reported that Mr. Howell of R1B-zoned 2923 Macomb St. NW has petitioned BZA for permission for an addition to his home that would cause that structure to occupy more than the maximum 40 % of his lot. Because his lot is 3700 sq. ft. in an area zoned for 5000 sq. ft. minimum, Mr. Howell's case presents a technical problem only. Since the addition to Mr. Howell's home a) has the approval of his neighbors and b) will cause the size of his home to be completely in keeping with sizes of surrounding houses on 5000 sq. ft. lots, Lindsley Williams moved that ANC-3C endorse the Howell expansion and request that the BZA grant his permit. Motion carried. Lindsley Williams mentioned that he would include in a letter to BZA's Leonard McCants a description of the positive, courteous and helpful nature of Mr. Howell's dealings with ANC-3C in this matter.

C. Parking at 4000 Mass. Ave. NW Ruth Haugen reported for the Commission's information that the Department of Transportation's Residential Parking Division has erected residential parking restriction signs into the driveway area of the apartment complex at 4000 Massachusetts Ave, NW because that area belongs to the city rather than to the apartment complex.

D. Alley Closure Lindsley Williams moved that the Commission reaffirm its negative stance against the closure of the public alley at 39th and Macomb Sts. NW requested by the Minkoff Development Corp. Motion to reaffirm carried. A copy of Lindsley Williams' letter will be sent to Mr. Kalibat.

Phil Mendelson reported that OPB's Jim Gibson's status report on their Comprehensive Plan maintained that it could be completed in two years with adequate funding. The status report mentioned businesses but omitted citizens and ANC's.

Announcement was made of an ANC-3E meeting to be held at 4025 Chesapeake St. NW on March 10th at 8PM concerning traffic problems caused by the Donohoe complex at Wisconsin and VanNess St. NW.

SPECIAL COMMITTEES/REPORTS AND ISSUES

1. By-Laws Phil Mendelson presented an interim report on By-Laws Revision 9(attached). In short, he recommended streamlining of the lengthy by-laws and asked that the Commissioners, after considering the content of his memorandum, provide him with written conceptual recommendations or comments.

He also reported that Bob Stumberg has just done a by-laws revision for another ZNC and that perhaps some of his findings/ideas resulting from that might be applicable to ANC-3C's by-laws revision. He suggested the possibility that a law student might be assigned to the problem free of charge.


OTHER MATTERS Gary Kopff informed commissioners that \$1.50 official I.D. photos could be arranged for interested commissioners.

He also reported that ANC-3C had been invited to submit comments to the Combined Sewer Overflow Study February 26th meeting.

A As the concluding item for discussion, the Commission was asked to consider for the long term ways in which the Advisory Neighborhood Commissions and the Neighborhood Planning Councils in the same area might be able to work more effectively together.

The meeting adjourned at 11:12 PM. The next official meeting will be held at 8:00 PM, March 24, 1980 at the Second District Police Station. An informal meeting of Commissioners will be held at Chris Klose's home at 9:00 AM on Saturday, March 8, 1980.

Respectfully submitted for the Commission:



Linda D. Major, Recorder

Approved, as Corrected:

Secretary

TREASURER'S REPORT, ANG-3C

For Month of Feb, 1980

2,273.22
\$ 2,273.22

A. Opening Balances

1. Checking maintained at NS 207 \$ 2,146.97
2. Savings maintained at NS 177 \$ 128.31
3. Other maintained at --- \$ ---

Money

B. Revenues During Month

1. D.C. Government \$ 128.31
2. Interest on savings \$ ---
3. Other \$ ---

\$ 0

C. Disbursements Made

Total Disbursed \$ 207.60

| | <u>Payee</u> | <u>Purpose</u> | <u>Amount</u> |
|-----|-------------------------|----------------|---------------|
| 1. | <i>Chck. 377 to 380</i> | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |
| 9. | | | |
| 10. | | | |

(Additional details posted in Treasury Accounts Book and in Treasury Vouchers, both available for inspection by consulting with the Treasurer)

D. Closing Balances (A + B - C) = (D.1 + D.2)

2,067.68
\$ 2,067.68

1. Checking \$ 1,939.37
2. Savings \$ 128.31
3. Other \$ ---

Respectfully submitted by

David Grinnell
David Grinnell, Treasurer

Gary J. Kopff, Vice-Treasurer

Date

JOB DESCRIPTION

1. The Executive Secretary is the principal staff employee of the Chevy Chase Advisory Neighborhood Commission 3G. He/she works generally under the supervision of the Commissioner Secretary. The position calls for approximately twenty hours of work a week.
2. His/her tasks are divided into staff and clerical jobs.

A. Staff Tasks

- i. Scan the incoming mail and/or phone calls for matters of significance.
- ii. Decide which of the matters require rapid dissemination to one or more Commissioners and disseminate them, if requested by phone or otherwise, as appropriate.
- iii. Log the incoming material that requires attention or action and assign action on a tentative basis.
- iv. Prepare the incoming material, if required, for review and action by Commissioners, by obtaining documents or other helpful material, carry out research and preparing ANC testimony.
- v. Prepare routine correspondence.
- vi. Prepare draft minutes of meetings for approval by the Secretary or Chairman.
- vii. Maintain liaison and coordinate with other ANCs and Civic Associations. Follow-up on related activities and keep Commissioners informed.
- viii. Attend and report on meetings upon the request of the Chairman of the Commissioners.
- ix. Assist Commission in seeking and recruiting volunteers as ANC committee participants.
- x. Assist Commissioners in distributing newsletters and other ANC informational materials.

B. Clerical Tasks

- i. Type all Commission-required material, including official material of the Committees and their chairmen.
- ii. File and keep in order Commission, as well as Committee, correspondence, minutes and other materials.
- iii. Assist the Treasurer by maintaining petty cash records.

E. I.

M E M O R A N D U M

February 25, 1980

TO: Joe Jeff Goldblatt
Vice-Chair, ANC 3C

FROM: Bob Stumbatz

RE: Summary of Ideas from Meeting of 2/20 on Legal Services

The purpose of our meeting last Wednesday was to identify methods of improving the planning and delivery of legal services to ANC 3C. In so doing, we discussed general objectives for which to strive (in addition to specific project objectives), operational suggestions for meeting those objectives, and projects in progress which need to be evaluated in terms of ANC priorities and resources available. These are summarized below:

General Objectives

1. Provide the Commissioners with timely and succinct information so that they can participate in strategy-making (as opposed to being passive consumers of information).
2. Develop a general level of expertise among all Commissioners regarding the basic processes of government.
3. Develop the capacity of the ANC to establish priorities of community concern and to plan the use of its resources accordingly.

Operational Suggestions

1. Share research designs and work plans with the full Commission to the extent possible---to promote "citizen participation" in the ANC's own strategic allocation of legal resources.
2. Prepare summary pages of technical, legal or lengthy written reports.
3. Distribute copies of work product to all Commissioners (and committee members), not just to the Chairperson, and do so at least five days before briefings or discussions are planned.
4. Distribute copies of quarterly reports to the full Commission.

Projects in Progress

1. Alcoholic Beverage Control Board rules revision (a major ANC 3C bill has been drafted and submitted to the Council Committee. also 3 pgs summary to every ANC and Citizens Assoc.)
2. Reform of rulemaking to implement "great weight" to ANCs.
3. Reform of permit process to implement "great weight" to ANCs.

Support of
citizen input

AGENDA FOR ANC 3-C MEETING*

February 25, 1980

A. CALL TO ORDER

B. ROLL CALL

C. VERIFICATION OF NOTICE

D. REVIEW AND APPROVAL OF JANUARY MINUTES

E. VICE-CHAIRMAN'S REPORT/ISSUES

1. Harrison Institute
 - a. Contract execution
 - b. "Great Weight" project
 - c. "Permits & Licenses" project
2. "Aims & Goals" Meeting in mid-March

Joe Jeff &
Robert Stumberg

F. TREASURER'S REPORT/ISSUES

David Grinnell

- 7 David
1. Monthly expenses & balances outstanding
 2. Letter to City Budget Office not done
 3. FY80 Budget asked Grinnell to do Phil will do it for next mtg.
 4. Discretionary Funds - March/September, 1980
 5. General authorization for expenses under \$50.00 per cash transportation, copying - for purposes of?

Ch. 2146.97
sa. 128.31
207.60
bal. 2067.68
quarterly report signed by Wilma

G. SECRETARY'S REPORT/ISSUES

Wilma Martin &
Phil Mendelsen

1. Minutes for September/December ^{done} outstanding still need for annual report
2. Letter to City on new officers
3. Description of duties of Secretary - Ruth has it
4. Posting of notices
5. Unlabeled petition - letter to Elections Administrator post in ^{D.C.} ~~central~~ Register people have 30 days to get petition (30 names) to get vacancy

H. STANDING COMMITTEES: REPORTS & ISSUES

1. Communications Committee
 - a. Annual Report (Due Nov, 1979)
 - b. Newsletters for 1980
 - c. New stationary
 - d. Bulk mailing permits

Chris Klose

- | | |
|--|---|
| 2. Crime Prevention Committee (Proposed) | Joe Jeff & Captain Spurloff |
| 3. Education Committee | Kaj Strand & Jacques Feuillan |
| a. Annual Hearst/Eaton Meeting | |
| b. Crime problem affecting students | |
| 4. Housing Committee | |
| a. Condo conversion bills | Phil Mendelson |
| b. Rent Control law | |
| 5. Human Resources & Aging Committee | Ruth Haugen |
| 6. Recreation Committee | Phil Mendelson |
| 7. Transportation, Zoning, Licenses & Permits Committee | Lindsley Williams Pat Wamsley Linda |
| a. Sheraton Park situation | |
| b. Howell's BZA Application | |
| c. Parking at 4000 Mass. Ave. | |
| d. Others | |

I. SPECIAL COMMITTEES: REPORTS & ISSUES

- | | |
|------------|----------------|
| 1. By-Laws | Phil Mendelson |
|------------|----------------|

J. OTHER MATTERS

- | | |
|---|-------------|
| 1. Future meeting times & locations | Chris Klose |
| 2. Commissioner ID photos | Gary Kopff |
| 3. Service Area System | Ruth Haugen |
| 4. Combined Sewer Overflow Study meeting February 26 | Gary Kopff |
| 5. Notices of Property Tax Relief Program | Gary Kopff |
| 6. Other | |
- Invited to submit
Comments*

K. TIME/PLACE OF NEXT MEETING *9th Monday here*

L. ADJOURNMENT

11:12 PM

* - Subject to: (1) majority vote to deviate from agenda as mandated in By-Laws (Article VIII, Section 2); and (2) further deviations, as needed, in sequence to accommodate guest speakers.

JOE JEFF



February 25, 1980

To: All Community Association Leaders
Woodley Park, Cleveland Park,
Cathedral Heights, McLean Gardens
ANC 3C and 3F and Business Leaders, Captain Spurlock-Second District.
From: Joe Jeff Goldblatt, Vice Chairperson ANC 3C
Re: Proposal for "HELP YOUR NEIGHBOR" Crime Reduction Program

Dear friends,

We are experiencing an alarming increase in Crime in our neighborhoods. Our citizens are becoming more and more fearful and frustrated. The purpose of this letter is to invite your participation in a combined effort to Reduce Crime in Our Neighborhoods.

After a lengthy meeting with Captain Spurlock and a tour of duty with a local patrolman I have discovered the following immediate needs.

- * An extensive program for educating our citizens in how to effectively assist police with better skills in observation, identification and proper use of the 911 emergency number is vitally needed.
- * An assigned parent on each block where children walk to and from school who will agree to remain at home one afternoon per week during the time neighborhood children are returning from school. This parent or other neighbor will be known as a Block Parent. They will place a small sign in their window which will identify them as a person whom the children can turn to for assistance or to report suspicious behavior.
- * An effective partnership between the business community and police in crime-proofing their businesses.

To deal with these needs I propose the following plan: We will immediately institute a local program entitled "HELP YOUR NEIGHBOR" which will be jointly sponsored by a coalition of business, civic associations and ANC's 3C and 3F. This program will:

- * Print and distribute brochures which will contain the following information:
HOW TO BECOME MORE OBSERVANT, what constitutes suspicious behavior that should be reported.
POLICE SERVICES: special services that citizens may not be aware of that police can perform.
CRIME PROOFING YOUR BLOCK: How to involve your neighbors in creating a safer neighborhood.
HOW TO RECEIVE IMMEDIATE ASSISTANCE BY CALLING 911, what to say to bring immediate help. When to use 911, when to call the Second District Station direct to report suspicious behavior.



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RIDE-A-LONG PROGRAM: How to Participate, Why participate?

BLOCK PARENT PROGRAM: How to become involved and why.

In addition to this information each brochure will contain a self stick label that will adhere to the telephone. It will read: Emergency: CALL 911 Say: "I Need Help Now; give name, address, phone, repeat I Need Help NOW".
suspicious Behavior: Call 282-0070, Second District Police Station.

Each brochure will also contain a clip and return (postage paid) PARTICIPATION FORM. It will include the following information:

Name, Address, Phone (Day and evening) YES! I Want to Reduce Crime in My Neighborhood, please contact me about: (circle one or more)
ATTENDING A WORKSHOP ON 1. BURGLAR PROOFING MY HOME
2. BECOMING MORE OBSERVANT 3. BECOMING A BLOCK PARENT
4. BURGLAR PROOFING MY BUSINESS-INCREASING SECURITY
5. THE RIDE-A-LONG PROGRAM.

We will then follow up on these requests by establishing workshops on a monthly basis with official guidance and support from local police. As you can readily see, the potential for community involvement in this program is enormous if we are First able to count on your support.

All management and office work will be handled in the ANC 3C office. The start-up costs and on-going costs are minimal (primarily for printing of brochure and self stick labels). The time involvement will be minimal (distribution of brochures) and the rewards will be tremendous, a renewed feeling of safety, security and community participation in creating a better neighborhood.

This program can easily involve seniors, teenagers, singles, families, everyone who values the security of their environment. I welcome your suggestions for involving these groups and your overall support for this program. You may reach me at (202) 966-9777.

Sincerely,

JOE JEFF GOLDBLATT
ANC 3C04

4000 Cathedral Ave., N. W.
Washington, D. C. 20016
February 26, 1980

Mrs. Mary Rodgers
Elections Administrator
Room 4, District Building
14th and E Streets, N. W.
Washington, D. C. 20004

Dear Mrs. Rodgers:

I hereby submit my resignation from the office of
Commissioner for Advisory Neighborhood Commission 3C,
single member district 08.

I did not seek this office, but was elected to it
by unsolicited write-in votes. I fully support the
concept of the Advisory Neighborhood Commissions and
believe them to be an important element in achieving
citizen participation and representation in local
government, as well as providing a means for neighbor-
hood development in accordance with neighborhood interests.
However, I find that for personal reasons I will be unable
to fulfill the responsibilities of a commissioner and,
therefore, am submitting my resignation to take effect
immediately.

Sincerely,

Wilma C. Martin

cc: Mr. Gary J. Kopff, Chairman
Advisory Neighborhood Commission 3C
2939 Newark Street, N. W.
Washington, D. C. 20008

Council of the District of Columbia

Notice of Public Hearing

City Hall, 14th and E Streets, N.W. Fifth Floor 638-2223 or Government Code 137-3806

PUBLIC HEARING ON

"RENT CONTROL IN THE DISTRICT OF COLUMBIA"

Thursday, March 27, 1980

10:00 a.m.

Council Chambers

District Building

14th & E Streets, N.W.

Washington, D.C. 20004

Councilwoman Willie J. Hardy, Chairwoman of the Committee on Housing and Economic Development, announces a Public Hearing on Rent Control in the District of Columbia to be held Thursday, March 27, 1980 at 10:00 a.m. in the Council Chambers.

The present rent control law in the District of Columbia, D.C. Law 2-54, "Rental Housing Act of 1977" expires on September 30, 1980. The Committee is seeking testimony on D.C. Law 2-54 and the administration of that law including any comments concerning possible modification of the present rent control law and administration. Further the Committee wishes to hear testimony concerning the following bills which have been filed with the Committee and which amend D.C. Law 2-54: Bill 3-232, "Encouragement of New Rental Housing Units Act of 1979"; Bill 3-95, "Rent Stabilization Exemption Act of 1979"; Bill 3-222, "Rental Housing Conversion and Sale Act of 1979" (Title IV).

Persons who wish to testify should contact Karen May by March 25, 1980 before 5:00 p.m., by calling 724-8021. Witnesses will be permitted to testify a maximum of five minutes. Written statements are strongly encouraged and should be submitted to Mr. John Brown, Acting Secretary to the Council, 14th & E Streets, N.W., Washington, D.C. 20004. Additionally it is recommended that copies be brought to the Public Hearing for use by Councilmembers present. Copies of legislation may be obtained from the Legislative Services Unit of the Council by calling 724-8050. The record will close Monday, March 31, 1980.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
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MEMORANDUM:

TO: All Commissioners

FR: Phil Mendelson, Housing *PM.*
Committee Chair

RE: Housing Committee Report (1980 #1)

February 25, 1980

1. On February 14, 1980, the D.C. Council Committee of Housing and Economic Development held a hearing on five proposed bills. This public hearing was briefly discussed at our January 28th meeting. Our Commission adopted a resolution generally supportive of Bill 3-222 and urged quick Council action. I transmitted this 3-C resolution to Councilmember Hardy, who is Chair of the Committee. A copy is attached. The hearing record has been closed for one week and therefore I am not asking for additional 3-C testimony tonight.

I am developing a file of testimony elicited at the hearing. Presently it includes testimony from: MWPFA, University Legal Services, and the McLean Gardens Residents Association. It also includes minutes from Ward III Inter-ANC meetings and a comparison of the bills, drawn up by the Anne Blaine Harrison Institute.

The same file includes copies of six pieces of proposed housing legislation. Because the file, with all these materials, has become bulky, copies of all material are not being provided to each Commissioner. The file is of course available, however.

2. The same D.C. Council Committee has announced a hearing on rent control for March 27th. A copy of the notice is attached. This hearing will occur after our Commission's March meeting, so my Committee's proposed testimony will not be presented for your consideration until then.

Interestingly, Bill 3-222 will be the subject of the March hearing, even though it was already the focus of the February hearing. It is my impression that the Council Committee will not act quickly on this legislation.

3. The Mayor has recently issued his legislative policies for 1980. A significant segment is devoted to housing concerns: restoration of

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

ANC-3C Office
2737 Devonshire Place, N. W.
Washington, D. C. 20008
232-2232

06-Kay McGrath
07-Gary Kopff
08-
09-Louis Rothschild
10-David Grinnell

Housing Committee Report

February 25, 1980

Page Two

vacant housing; housing code enforcement; renewal of rent control; prevention of apartment-hotel conversions; etc. The entire package of proposals--which concern many other areas, too--was published in the February 22nd D.C. Register.

4. The 3-C Housing Committee must grow to be effective. To this end volunteers are needed. Three or four citizens in our area volunteered last year, but were "lost." If you know of any interested people, tell me or have them tell me.

5. The 3-C Housing Committee would like the new Commission's formal ratification of previous 3-C practice authorizing Committee expenditures of up to \$25 per month.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
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Woodley Park

February 19, 1980

The Hon. Willie Hardy, Chair
D.C. Council Comm. on Housing
The District Building
Washington, D.C. 20004

RE: Bill 3-222

Dear Mrs. Hardy:

At its regular January meeting, our Commission passed the following resolution by a vote of 8-0 (with one abstention):

WHEREAS: Ward 3 has suffered a considerable shrinkage of its rental housing stock through condominium and cooperative conversion, particularly along the Connecticut and Wisconsin Avenue corridors; and

WHEREAS: Ward 3 would be threatened by an additional loss of rental housing stock should the current and pending conversion moratoria expire without a permanent solution of the rental housing crisis having been found; and

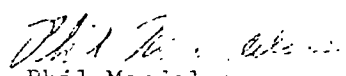
WHEREAS: The elderly, fixed and middle-income renters in Ward 3 are experiencing great anxiety caused by the uncertainty of their rental status and by the extremely low vacancy rate in this Ward where most of them have lived for practically a lifetime; and

WHEREAS: The proposed Rental And Housing Conversion And Sale Act of 1979, Bill 3-222, represents a commendable effort to slow down the ever accelerating rate of condominium and cooperative conversion in the District of Columbia; and

WHEREAS: Bill 3-222, if enacted, would help preserve what is left of the traditional character of the Nation's Capital as a community of renters;

BE IT RESOLVED: That Advisory Neighborhood Commission 3-C urgently recommend that the Committee On Housing And Economic Development give favorable consideration to Bill 3-222 and promptly report it out to the Council for timely action.

FOR THE COMMISSION:


Phil Mendelson,
3-C Housing Committee Chair

cc: Councilmember Polly Shackleton

Single Member District Commissioners, 1978-1979

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07-Gary Kopff
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09-Louis Rosenchild
10-David G. ...

COMPARISON OF LEGISLATION ON CONVERSION
AND SALE OF RENTAL HOUSING

Bill 3-18
Bill 3-134
Bill 3-140
Bill 3-222

and recommendations of the Emergency
Commission on Condominium and Cooper-
ative Conversion



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Comparison of Legislation on Conversion
and Sale of Rental Housing

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This comparison refers to bills before the D.C. Council Committee on Housing and Urban Development (724-8021). The sponsors of these bills are as follows:

| | |
|------------|---|
| Bill 3-18 | Polly Shackleton, John Wilson, and Hilda Mason. |
| Bill 3-134 | Hilda Mason and Wilhelmina Rolark. |
| Bill 3-140 | Hilda Mason and Wilhelmina Rolark. |
| Bill 3-222 | John Wilson, John Ray, Polly Shackleton, William Spaulding, Wilhelmina Rolark, Jerry Moore, Betty Ann Kane, David Clarke, and Charlene Drew Jarvis. |

The comparison also refers to recommendations of the Emergency Commission on Condominium and Cooperative Conversion which was created by the Council. The persons involved in that commission are:

Chairperson: Timothy L. Jenkins Staff Coordinator: Edward Hollander

Members: Sheila Boykin Albright, James G. Banks, J.R. Crawford, Isabelle C. Davis, John S. Hampton, Carolyn D. Jordan, Hank Leland, David H. Marlin, Frank H. Pearl, and Michael Williams.

Additional copies of this comparison are available from the Harrison Institute for Public Law, 605 G St., N.W. - Suite 401, Washington, D.C. 20001 (624-8235).

Copies of the legislation are available through the Office of Legislative Services, ground floor of the District Building, 14th & E Sts., N.W., Washington, D.C. 20004 (724-8050).

A. CONVERSION CONTROLS

1. Tenant Consent

Existing Law

1. Notice: Every tenant must be notified of the intent to convert to either a cooperative or a condominium at least 120 days prior to the conversion date. (Law 1-89, §408; Law 2-54, §603)

2. Tenant Consent for Condominium Conversion:

- (a) "High Rent Buildings": If the building is classified as "high rent", tenant consent need not be obtained. (Law 1-89, §501)
- (b) Non-High Rent Buildings: If the building is non-high rent, and the vacancy rate is less than 3%, tenant consent need not be obtained. (Law 1-89, §501)
- (c) Vacancy Rate Decontrol: If the building is non-high rent, and the vacancy rate is equal to or greater than 3%, majority tenant consent must be obtained for conversion to proceed. (Law 1-89, §501)

3. Tenant Consent for Cooperative Conversion:

- (a) If less than 50% of the units in a rental structure are occupied, then tenant consent need not be obtained. (Law 3-19, §4)
- (b) If more than 50% of the units in a rental structure are occupied, then majority tenant consent must be obtained for conversion to proceed. (Law 3-19, §4)
- (c) If the building is classified as "high rent", tenant consent need not be obtained. (Law 3-19, §4)

4. "High Rent": A computation which involves multiplying the number of rental units in each category of sizes by the corresponding HUD Section 8 fair market rent and then totalling the results. When the total monthly rent of a housing accommodation exceeds this amount, it is classified as "high rent". (Law 1-89, §501; Law 3-19, §4)

Conversion Commission

1. "High Rent" Exemption: Tenant consent should not be required for "high rent" buildings. "High rent" is defined as the highest priced buildings approximating 5% of the rental housing stock.

2. Moderate Rent Buildings: For buildings with rents above HUD Section 8 fair market rent levels, 51% tenant consent should be required, for both condominiums and cooperatives.

3. Low Rent Buildings: For buildings with rents at or below HUD Section 8 fair market rent levels, 65% tenant consent should be required, for both condominiums and cooperatives.

Bill 3-18: No provision.

Bill 3-134; No provision.

Bill 3-140

All Buildings: When the vacancy rate in the District for privately-owned rental facilities is less than 5%, there is a 60% tenant approval requirement for all buildings. A vote is taken as of the first day of the month in which the application relating to the registration of such housing accommodation is filed.

Bill 3-222

All Buildings: 50% tenant consent is required. An election must be conducted by the tenant organization within 60 days of receipt of owners written request for the election.

A. CONVERSION CONTROLS

2. Annual Maximum per Neighborhood

Existing Law: No provision.

Conversion Commission

No more than 5% of the rental units in any neighborhood should be converted in a single year. The Department of Housing and Community Development (DHCD) should determine annually the number of rental units in each neighborhood, with the aid of census tracts or Advisory Neighborhood Commission (ANC) area boundaries.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-222: No provision.

A. CONVERSION CONTROLS

3. Statutory Tenancies for Elderly,
Handicapped or Low-Income Tenants

Existing Law: No provision.

Conversion Commission

Elderly and low income tenants should have a statutory right to continue renting their units for a minimum period of 3 years and for an additional period of up to 5 years, if no relocation housing is available.

Bill 3-18

Low-income elderly may not be forcibly evicted. Tenants of 60 years of age or over with an income that does not exceed the "lower income" limits of the Section 8 Housing Assistance Payments Program would have a life tenancy.

Bill 3-134

A tenant who has not exercised the option to purchase in either the cooperative or condominium may not be forced to vacate sooner than 3 years after service of notice.

Bill 3-140

Elderly and/or handicapped tenants may not be forcibly evicted.

Bill 3-222

1. Tenant Protection: The owner may not evict low-income elderly tenants, except under certain circumstances: failure to pay rent, lease violation, or performance of an illegal act.

2. Tax Reduction for Owner: The owner's property tax is reduced by the proportionate value of units occupied by low-income tenants.

A. CONVERSION CONTROLS

4. Price Limit After Conversion

Existing Law: No provision.

Conversion Commission

The average price of the units in the converted building should be affordable for the average income of renter households in the neighborhood. (See "annual maximum per neighborhood" category for definition of neighborhood).

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-222: No provision.

A. CONVERSION CONTROLS

5. Certificate of Eligibility

Existing Law

1. Generally: A certificate of eligibility to convert must be issued by the Mayor before conversion can take place, for all buildings. (Law 3-19, §4; Law 1-89, §501.)

2. Cooperative conversion:

- (a) The Mayor may issue a certificate if the housing accommodation is of high rent status. (Law 3-19, §4(a)(3))
- (b) "High rent" means a housing accommodation for which the total monthly rent exceeds an amount computed for such housing accommodations. The computation involves multiplying the number of rental units in each category of sizes by the corresponding HUD Section 8 fair market rent and then totalling the results. (Law 3-19, §2(g))
- (c) The Mayor may issue a certificate if less than 50% of the units in the housing accommodation are occupied. (Law 3-19, §4(a))
- (d) The Mayor may issue a certificate if 50% or more of such units are occupied, and if a majority of the heads of households have agreed in writing to the conversion. (Same as (c))
- (e) A certificate may be issued only upon application and shall not be granted in less than 10 days. The Mayor shall notify the affected tenants in writing that an application has been filed by the owner, and shall allow them the opportunity to be heard on the validity of the facts asserted in the application. (Law 3-19, §4(b))

3. Condominium conversion:

- (a) Same as above. (Law 1-89, §501(b)(1)(A))
- (b) Same as above. (Law 1-89, §501(b)(1)(B))
- (c) If the vacancy rate for non-high rent units in the District is greater than 3%, the Mayor may issue a certificate to convert. (Law 1-89, §501(b)(1)(B))
- (d) If the vacancy rate for non-high rent units in the District is less than 3%, the Mayor may issue a certificate if at least a majority of the heads of households in the applicant building have consented to the conversion in writing. (Law 1-89, §501(b)(2))

- (e) The Mayor computes and certifies the percentages mentioned in (c) and (d) at least once every 12 months. The Mayor conducts hearings on that percentage before actually certifying a final figure. (Law 1-89, §502.)
- (f) At the time of application to the Mayor for a certificate, the applicant must certify to the Mayor that he has given written notice to all the tenants of the filing of the application. The Mayor shall then allow the tenants an opportunity to be heard in a manner pursuant to regulations promulgated by the Mayor. (Law 3-18, §3)

4. Moratorium: A moratorium in the certification process for cooperative and condominium conversion was approved by the Council, signed by the Mayor on December 21, 1979 and when it becomes a D.C. Law, it is effective for 180 days. (Act 3-143)

- (a) The Mayor shall not issue a certificate to convert to a cooperative.
- (b) The Recorder of Deeds shall not file any Articles of Incorporation for housing accommodations that have been issued certificate, unless the accommodations fall into one of these categories:
 - (1) Purchased on or before May 22, 1979, in contemplation of conversion.
 - (2) A proper notice of intent to convert was served on tenants before May 22, 1979.
 - (3) The conversion was agreed to by the tenants' organization, pursuant to Law 2-54, §602(b), as amended.
 - (4) Substantial financial investment towards conversion made on or before May 22, 1979.
- (c) The Mayor shall issue rules prescribing standards for compliance with the above categories.

Conversion Commission

- 1. Certificates of eligibility and exemption should be replaced by a permit to convert which would be valid for only a fixed period of time.
- 2. Outstanding certificates should be declared null and void, except where the holder, relying on the certificate, has made a substantial investment toward converting.
- 3. Pending certificates should not be processed.

4. The conversion permit could transferred with the property from one owner to another, but there would be no extension in the length of time for which the permit is valid.

5.. The holder of a contract for the purchase of a building should not be allowed to give tenants notice of intent to convert unless the tenants waiver their right to purchase the building or until the period for the exercise of that right has expired.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140

1. No certificate of eligibility shall be issued until the tenant election is conducted.

2. Upon receiving a request for a certificiate, the Mayor shall give 30 days written notification of the application to the appropriate local Advisory Neighborhood Commission for its review and comments. The Mayor shall give great weight to these comments.

3. When the Department of Housing and Community Development receives an application for a certificate, it shall notify, within 30 days, all tenants in writing that they have the right to inspect and obtain copies of the application.

4. When the tenant believes that the requirements of Title IV (registration and offering of condominiums) and Title V (regulations on condominium conversion) of the Condominium Act have not been met by the declarant, the tenant shall have the right to file a challenge with the Mayor.

Bill 3-222

1. Non-Transferable: Certification of a conversion by the Mayor is not transferable to a subsequent owner.

2. 180 Day Conversion Limit: Certification by the Mayor is effective for 180 days. If an owner receives certification by the Mayor and does not convert within this period, an owner may not request another tenant election or certification by the Mayor for that accommodation for one year from the date of expiration of the prior certification.

3. Tenant Consent and Rights to Purchase: Certification requires prior compliance with provisions governing tenant consent for conversion and tenant rights to purchase prior to conversion.

A. CONVERSION CONTROLS

6. Conversion Fee

Existing Law: No provision.

Conversion Commission: No provision.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-222

An owner seeking to convert shall pay the Mayor a conversion fee of 4% of the declared sales price for each unit or share within the housing accommodation. If a unit or share is sold for more than the declared sales price, the conversion fee on that increment of value becomes a lien on the property which the Mayor may collect in the manner provided for collection of property taxes. The Mayor may all but \$50 of the fee if the owner declares intent and sells or provides long-term leases to at least 51 percent of the tenants who are low-income within controlled price range.

B. ASSISTANCE TO DISPLACED TENANTS

1. Relocation Payments

Existing Law

The following requirements apply for all buildings. (Law 1-89, §502; Law 3-19, §8,9)

1. Notice: The owner must send application forms for relocation payments along with the 120 day notice of conversion. (Law 1-89, §502; Law 3-19, §9)

2. Eligibility: If the application appears adequate, on its face, then the Mayor declares the applicant to be eligible. (Law 1-89, §502; Law 3-19, §9)

3. Amount: The payment is in the amount of \$125.00 for each room in the vacated apartment. The convertor pays this compensation directly to the tenant, and the payment does not include the following types of rooms: bathrooms, closets, kitchens, storage, utility, etc. (Law 1-89, §502; Act 3-63, §8)

4. Payment: The date of payment is contingent on the date that the tenant served notice that the apartment was to be vacated. (Law 1-89, §502; Law 3-19, §8)

5. Owner's Appeal of Eligibility: The owner may appeal the Mayor's declaration of eligibility. To do so, the owner must pay the full amount of the compensation to the Mayor, pending the outcome of a hearing conducted by the Mayor. (Law 1-89, §502; Law 3-19, §9)

Conversion Commission

The convertor of a building should be required to make a mandatory minimum relocation assistance payment to dislocated income-eligible tenants, and there should be a penalty for non-payment.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-222:

1. Notice: The owner must notify the tenant of the right to relocation payments at the same time that a written request for a tenant election is made to the Mayor and each tenant.

2. Eligibility: The tenant who bears the cost of relocation is entitled to the payment. If more than one bear the cost from a single unit, the owner shall pay the tenants in equal proportion.

3. Amount: An owner converting to a condominium or cooperative shall pay the tenant an amount justified by relocation expense receipt or by a written estimate from a moving company or other relocation service provider. The owner is required to pay a minimum of \$125.00, but not more than \$500.00 to the tenant.

4. Payment: The owner may pay by check or cash to the tenant, and shall pay within 7 days of receipt of the written estimate or receipt for expenses.

B. ASSISTANCE TO DISPLACED TENANTS

2. Relocation Services

Existing Law

The Relocation Assistance Office provides relocation advisory services, which include determining needs and supplying current housing information. The office is not, however, charged with the legal responsibility to find replacement housing; services are advisory in nature. (Law 3-19, §12)

Conversion Commission: No provision.

Bill 3-18: No provision.

Bill 3-134

Each tenant who has received the 3 year notice to vacate shall have the right for 18 full months after the receipt of such notice to request of the landlord the opportunity to examine and rent comparable rental units. "Comparable rental units" means units of corresponding facilities and with the same or similar benefits or services included in the price of rent.

Bill 3-140: No provision.

Bill 3-222

The Mayor shall provide relocation assistance to low-income tenants who move from housing accommodation which is converted into a condominium or cooperative. These include, at a minimum: ascertaining the relocation needs for each household, providing current information on the availability of comparable housing of suitable size, supplying information concerning federal and District housing programs; and providing counselling to displaced person in order to minimize hardships in adjusting to relocation. "Comparable housing" means rental or homeownership units with equivalent benefits and services included in the monthly payments.

B. ASSISTANCE TO DISPLACED TENANTS

3. Rent Supplements after Relocation

Existing Law

1. Convertor's Obligation: The convertor must provide housing assistance payments to displaced eligibles who apply, are living in their unit 1 year prior to the first day of the month of the conversion application, and who are relocating in the District. (Law 1-89, §502; Law 3-19, §6)

2. D.C. Government's Obligation: Payments are sent by the Mayor or the convertor (as appropriate) beginning with the 25th month after relocation, and continuing for 35 months thereafter. The Mayor may also choose to make one lump sum payment. (Law 1-89, §502; Law 3-19, §6)

3. Amount of Payment: The formula for computing the payments takes into account the average monthly housing expenses and average net monthly family income. (Law 1-89, §502; Law 3-19, §7)

Conversion Commission

The rent supplement payments currently required by law should be mandatory upon the convertor and there should be a penalty for non-payment; the Council should appropriate funds so that the District can make the rent supplement payments the law requires of it.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-22

1. D.C. Government's Obligation: The Mayor shall provide housing assistance payments for 3 years to each low-income tenant who does not purchase a unit or share in a condominium or cooperative.

2. Amount of Payment: The amount of the payment will be calculated by a formula taking into account the household's average monthly housing expenses and net monthly household income.

3. Source of Funds: These payments are funded primarily by a Housing Assistance Fund, which consists of the revenues from the conversion fees.

C. TENANT RIGHTS TO PURCHASE

Existing Law

1. When converting to a cooperative or condominium:

- (a) The owner must give the tenant an opportunity to purchase. (Law 2-54, §602)
- (b) The owner must submit a bona fide written offer to each tenant, which includes, at a minimum, the asking price and statement of statutory tenant rights. (Law 2-54, §603)
- (c) The tenant is allowed a 60 day period to negotiate a contract. (Law 2-54, §603)
- (d) No tenant may be evicted until one of the following occurs: the tenant submits a written rejection of the sale offer, or the 60 day contract period and a 90 day period after the notice to convert was issued expire. (Law 2-54, §603)

2. Sale of a single-unit accommodation:

- (a) Same as above. (Law 2-54, §601)
- (b) Same as above. (Law 2-54, §601)
- (c) The tenant is allowed a 45 day period to negotiate a contract. (Law 2-54, §601)
- (d) When a third party submits an offer to buy, the tenant has the right of first refusal for a period of 15 days. This period begins immediately after the 45 day contract period expires, regardless of when the third party offer was made. (Law 2-54, §601; Law 3-26, §2)
- (e) If the unit is not sold within 6 months, the landlord must repeat the offer to the tenant. (Law 2-54, §601)
- (f) The owner may not require an earnest money deposit of greater than 5% of the sales price. (Law 3-26, §2)
- (g) The owner must allow at least 60 days for settlement after the effective date of the contract. (Law 3-26, §2)

3. Sale of a building with 4 units or less:

- (a) Same as above (Law 2-54, §602)
- (b) Same as above. (Law 2-54, §602)

- (c) The tenant is allowed a 90 day period to negotiate a contract. (Law 2-54, §602; Law 3-26, §2)
- (d) At the expiration of the 90 day period, the owner shall provide an additional 15 day period during which any one of the current tenants may contract with the owner for the purchase of a unit. (Law 2-54, §602; Law 3-26, §2)
- (e) Same as (f) above.
- (f) Same as (g) above.

4. Sale of a building with more than 4 units:

- (a) Same as above. (Law 2-54, §602; Law 3-18, §2)
- (b) Same as above. (Law 2-54, §602; Law 3-18, §2)
- (c) If a tenant organization with the legal capacity to hold real estate does not exist at the time of notice, the owner must allow 30 days to form one. (Law 2-54, §602; Law 3-18, §2)
- (d) When formed, the eligible organization must be given a 90 day contract period. (Law 2-54, §602; Law 3-18, §2)
- (e) The owner may not require an earnest money deposit of greater than 5% of the sales price. (Law 2-54, §602; Law 3-18, §2; Law 3-26, §2)
- (f) The owner must allow at least 60 days for settlement after the effective date of the contract. (Law 2-54, §602; Law 3-18, §2; Law 3-26, §2)
- (g) Act 3-144 would change the 60 day figure in (f) to 120 days. The bill is currently before Congress.

Conversion Commission

- 1. The District government should provide income eligible tenants with financial assistance for the purchase of a unit in their building.
- 2. The District should have an office that would advise and counsel tenants on how to purchase their individual units.
- 3. The Council should make a legislative finding that loans from savings and loan associations and banks to tenants for the purchase of their individual units are a community credit need under the Community Reinvestment Act.
- 4. The District should guarantee interim financing for, or "option money" for, tenant purchase of buildings when DHCD determines that the changes for successful tenant conversion are good.

5. The District should provide finance consultants to assist tenant organizations in filing applications for existing mortgage insurance programs and in taking other steps to buy their buildings.

6. The period in which tenants must submit their contract for the purchase of their building should be extended from 90 days to 180 days.

7. Tenants who submit a contract for the purchase of their building should be allowed a period of one year to go to settlement.

8. The right of tenants and tenant associations to receive a notice of sale and the right to make an offer to purchase their buildings should not be abridged under any circumstances.

9. The following are suggested as guidelines for tenant purchase: a price equal to that made in good faith by a third party, or a price 10% above the appraised value of the building.

10. The bargaining process should be reformed to provide the following: seller must accept from tenants the same terms as the seller accepted from a third party, or seller must accept from tenants any offer which provides that the purchase price is paid in full to the seller at the time of settlement, or the seller must not impose unreasonable terms on tenant organizations.

Bill 3-18: No provision.

Bill 3-134: No provision.

Bill 3-140: No provision.

Bill 3-222

1. Offer Required: Before an owner may sell, discontinue use, convert or demolish, the owner must give the tenant an opportunity to purchase the accommodation at a price and terms which represent a bona fide offer of sale.

2. Notice and Disclosure: The owner must notify each tenant in writing of the following: asking price and terms, statement of tenant rights, statement as to whether a contract with a third party exists for sale of the accommodation and that the owner shall make a copy available within 7 days of request, and a statement that owner shall provide tenant a statement of monthly operating expenses for each of the preceding calendar years within 7 days of written request.

3. Third Party Rights: The right of third party to purchase an accommodation is conditional upon exercise of tenant rights under this act.

4. Good Faith Bargaining: An owner must have a reasonable justification for not offering the tenant a price or term, or ultimately a final contract, at least as favorable as that offered to a third party.

5. Deposit: The owner shall not require the tenant to pay a deposit of more than 5% of the contract sales price in order to make a contract.

6. Price: The owner shall not require the tenant to agree to a price greater than the appraised value unless justified by a material advantage or material concession by the owner with respect to other terms. The owner may require up to 10% above appraised value if a contract with a third party substantiates such a price.

7. Waiver of Rights: An owner shall not request, and a tenant may not grant, a waiver of the right to receive an offer to purchase under this act.

8. Negotiation and Settlement Periods - Single-Family Accommodations: The owner must allow at least a 60 day negotiation period prior to the signing of the contract, and at least a 60 day settlement period afterwards in order to secure financing.

9. Negotiation and Settlement Periods - Accommodations with Five or More Units: The owner must allow at least a 120 day negotiation period prior to the signing of the contract, and at least a 120 day settlement period afterwards in order to secure financing.

10. Enforcement Process: The Mayor shall designate a senior hearing officer who is an employee of the District government and a member of the bar of the D.C. Court of Appeals. This officer may render declaratory or provisional orders, upon application of a tenant, an owner, or the District government, which are binding on the parties until dissolved or until a reviewing court holds otherwise.

11. Remedies: If an owner does not bargain in good faith, the tenant or tenant organization has a private right of action in law or equity to enforce the terms of this act or to seek compensation for damages or attorney fees.

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

MEMORANDUM:

TO: All Commissioners

FR: Phil Mendelson *PM*

RE: Interim Report On Bylaws Revision

February 25, 1980

I have reviewed the Commission's Bylaws and believe they can be significantly streamlined and that several changes may be desirable. However, to date I have not received comments from any Commissioners. It is my belief that it would also be good to receive general comments from our legal counsel.

Several "problem" areas have struck me:

- ° No reference to a parliamentary authority, such as Robert's Rules Of Order.
- ° The quorum and/or the number of votes required, for certain actions, is set at 7, which may no longer be wanted.
- ° Article IX, §4, makes brief reference to an indemnification of sorts. This may be very inadequate, and this, specifically, should be reviewed by counsel.
- ° There are no provisions for dissolution and distribution of assets, which may seem to be an unlikely occurrence but should be provided. Perhaps the statutes provide for us on this matter, but here, again, our counsel should make specific review.

More generally, our Bylaws are very lengthy and thereby cumbersome. They can and should be streamlined, by taking out much of what merely restates, verbatim, the law and/or procedures that are obvious and must be followed anyway. This will be a drafting concern and should not preoccupy the Commission at this time.

Single Member District Commissioners, 1978-1979

01-Fred Pitts
02-Ruth Haugen
03-Bernie Arons
04-Lindsley Williams
05-Katherine Coram

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10-David Grinnell

ADVISORY NEIGHBORHOOD COMMISSION 3-C
Government of the District of Columbia

Linda Major
ANC Records

Cathedral Heights

Cleveland Park

McLean Gardens

Woodley Park

3 March 1980

Mr. Steven E. Sher
Executive Director
Board of Zoning Adjustment
Government of the District of Columbia
District Building, Room 9-A
Washington, D.C. 20004

Dear Mr. Sher:

Re: BZA #13172

This is in response to your letter of February 8 advising us of the scheduled hearing before the Board of Zoning Adjustment on the application of Joseph and Embry Howell for variances to permit them to erect a two-story addition to their home, located at 2923 Macomb Street, N.W. The hearing is scheduled to take place March 14.

By resolution of this Advisory Neighborhood Commission, this letter is to inform you that we (1) do not oppose the application, and (2) do appreciate the manner in which the applicants informed this Commission of their plans in a timely manner. In this latter regard, we believe the process they followed might well be encouraged on a more general basis. Discussion follows. (The Commission voted this at its February 25 meeting.)

The Application

The Howells wish to erect a small, two story addition to their home, located at 2923 Macomb Street. The lot on which the present house is located (lot 33, square 2082), is zoned R-1-B. It is surrounded on the north, west, and south by areas zoned R-1-B; the eastern side is zoned C-2-A; and diagonally southeast is zoned R-5-C. The surrounding uses are residential, being single family houses except in the case of the area zoned R-5-B which is an apartment, and the C-2-A parcel is the site of the Cleveland Park Library.

The lot in question is less than the area required for lots located in the R-1-B zone being about 3,540 square feet (in contrast to the regulatory standard of 5,000 square feet) but existed as a lot of record at the time the present zoning regulations and map were adopted in May of 1958.

The present house covers between 1200 to 1500 square feet, the range reflecting a technicality which comes into play because

of both roof overhang and the existing penetration of the building within 5 feet (at most points) of the side lot line. Actual coverage, using the foundation as a point of reference, totals close to the lower figure. Thus, actual lot coverage is presently about one-third (1200/3540).

The proposed addition will cover just over 300 square feet. It will be located at the rear of the present house. The roof of the new addition will overhang significantly -- in keeping with the style of the existing house. The overhang extends within 25 feet of the rear lot line and, because it exceeds the amount of overhang normally permitted (established as 2 feet by section 7602.11) by about six inches, the entire overhang is measured. Significantly, most of the rear wall of the new addition exceeds 25 feet from the rear lot line at all points. Also significant is the fact that the rear lot line runs at an angle; the requested variance would not be needed if the rear lot line of this lot continued the line established for other lots between Macomb and Newark Streets. Finally, the new addition will not penetrate the lot to a depth significantly deeper than other single family homes presently located to the west along Macomb Street.

The proposed addition will have its side wall just over 7 feet from the western side yard line. The regulations provide that side yards should be 8 feet, except that buildings in place at the time of the adoption of the regulations not meeting this requirement may be extended if they are within 5 feet of the side lot line. The applicant's home is just under the five foot rule on its western side; thus, any extension within 8 feet requires a variance. The proposed addition's side wall is located so as to maximize internal space while maintaining access to a garage; thus, further encroachment is not anticipated.

The applicant's plans also envision an addition to the northeast corner of the existing building. This segment of the addition will be completely within applicable building restriction lines.

Finally, the plans call for a deck to be located off the rear of the house. The side of this deck will be located at the same depth from the east side lot line as the existing front porch -- about 6 feet. No variance is needed for this as this side of the house is within the above-mentioned five foot rule. The open deck would extend to about 7 feet from the rear lot line, but angle back to the corner of the new addition. The open deck would be no more than three feet above the natural grade at any point, often less. The application of record, dated December 31, 1979, does not seek any variance in connection with this deck even though it comes within 7 or 8 feet of the rear lot line. Should a determination be made that one must be applied for, the planned openness and closeness to the natural grade make it fairly innocuous.

In sum, the proposed addition will result in an enlargement of an existing single family house whose total size will be no larger, in terms of lot occupancy, than a house might be as a matter of right constructed on a full-sized lot (2000/5000=40 percent). The rear yard will be somewhat encroached upon, but not to a depth significantly different from other houses along the same block face. The side yard will be less than the required 8 feet but, at about 7 feet, more than the existing building line. The associated deck will be low-lying, no nearer its side yard than the existing front porch, and extend within 8 feet of the rear lot line. It is to remain open and not be enclosed.

The existing lot is less than the 5,000 square foot minimum established in the regulations. It is also less than the 50 foot width minimum, being actually about 40 feet. Finally, its rear lot line is angled, rather than parallel with the front -- this in contrast to the rear lot lines of homes just to the west. The applicant seeks variances under terms of section 8707.11 of the Zoning Regulations. It allows variances when:

... by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, ... the strict application of any regulation ... would result in peculiar and exceptional practical difficulties to ... the owner of such property

This is permitted when it can be granted:

... without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

Advisory Neighborhood Commission 3C believes the subject property meets each of the enabling conditions (narrowness, shallowness, and shape) and that the relief requested can be granted without detriment to the public good or impairing the intent of the zone plan, regulations, or map. Accordingly, it does not oppose the subject application.

The Applicant's Involvement with ANC 3C

The Howells provided this Commission with a copy of their application and pertinent supporting materials, including scale drawings, shortly after filing with the Board. Their courtesy in so doing provided the ANC with more effective notice than the usual advisory letter from the Board. It also made it possible for the ANC to have more information on which to form an opinion than is carried in the Board's standard notice.

Mr. Steven E. Sher

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3 March 1980


The Commission feels the Board should be informed of this interaction and our favorable reaction to it. The Board might favorably commend the applicants in this regard, as we do by copy of this letter, and give consideration to encouraging the Zoning Secretariat to encourage similar interactions in other applications it receives or even asking the Zoning Commission to adopt this process by rule.

The Howells' application also contains an indication of their having shown the application to the owners or residents in single family homes in the immediate vicinity and a signed statement that they have "no objection" to the variances requested. This is also a courtesy worth encouraging in other applications that come before the Board.

BY RESOLUTION OF THE COMMISSION:



Gary Kopff, Chairperson



Lindsley Williams, Chairperson,
Committee on Transportation,
Zoning, Licenses, and Permits

cc: Joseph and Embry Howell