

PUBLIC HEARING ON

**Common Ground Amendment Act of 2023
Bill 25-39**

**Before the
Committee on Facilities and Family Services
The Honorable Janeese Lewis George, Chairwoman**

Council of the District of Columbia

**December 14, 2023, 11:00 am
Virtual Meeting Platform**



Comments of

**Nancy Fox
Senior Policy Analyst
Economic Development Finance
The Office of Finance and Treasury**

**Glen M. Lee
Chief Financial Officer
Government of the District of Columbia**

Thank you for the opportunity to provide comments on behalf of the Office of the Chief Financial Officer (“OCFO”) on Bill 25-39, the “Common Ground Amendment Act of 2023” (the “Bill”).

Generally, the Bill sets forth new procedures governing the disposition of District real property and certain acquisitions of real property by the District or instrumentalities of the District. Section 108 of the Bill provides specific requirements for affordable housing construction on real property dispositions, but allows the Mayor to waive these requirements if the appraised value of the property to be disposed of is insufficient to support the affordable housing requirements given all available sources of subsidy. Among other things, a waiver must be supported by an analysis from the Chief Financial Officer that includes 1) a review and analysis of the financial condition of the disposed-of land; and 2) an advisory opinion stating whether or not it is likely that the developer could reasonably be expected to satisfy the affordable housing requirements.

The OCFO can perform the financial analysis requested in the Bill. The financial analysis set forth in the Bill is currently required under D.C. Code

§10-801(b-1)(4). Subsequent to its enactment, the OCFO established guidelines and submission requirements to support requests for waivers of affordable housing requirements associated with District real property dispositions. To date, no requests for financial analyses in support of waivers to affordable housing requirements on District real property dispositions have been requested.

Attached to my comments are proposed amendments from the OCFO's Office of Tax and Revenue and Office of Budget and Planning. If you have questions about my comments or the proposed amendments, please contact me at 202-478-9152 or nancy.fox@dc.gov.

Amend Section 202 to read as follows:

Sec. 202. Office of the Public Lands Ombudsperson; establishment; term.

(e) The Ombudsperson shall have ~~exclusive~~ authority to administer the Office's budget. **The Chief Financial Officer shall assign an Agency Fiscal Officer to provide fiscal oversight of the Office's budget and to assist with all fiscal transactions.**

Rationale: This proposed amendment will make it clear that the Ombudsperson will have authority to administer the budget of the Office, but will work with an Agency Fiscal Officer to carry out all fiscal transactions.

Amend Section 207 to read as follows:

Sec. 207. Budgeting.

~~Beginning in Fiscal Year 2024, the Chief Financial Officer shall assign an individual agency level code for the Office in the District's financial system.~~ **The Chief Financial Officer will assign an agency-level code for the Office and the code shall become effective on October 1, 2024 for Fiscal Year 2025.**

Rationale:

In order for the Office to be established in Fiscal Year 2025, the Office needs to be included in the formulation of the Fiscal Year 2025 budget. To that end, the Office of the Chief Financial Officer needs time to work with the Office to develop the appropriate budget and accounting details so that the Office can start its mission in Fiscal Year 2025.