

DC BOARD OF ELECTIONS

NOTICE OF PUBLIC HEARING RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections shall consider in a public hearing whether the proposed measure, “DC Housing Modernization and Accessibility Act of 2026,” is a proper subject matter for initiative at the Board’s regular meeting on Wednesday, December 3, 2025 at 10:30 a.m., at 1015 Half Street SE, Suite 750, Washington DC 20003. The Board will meet remotely. Members of the public can only access the meeting by using the following information:

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/84634978663>

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In making a proper subject matter determination, the Board does not consider the merits of a proposed measure. Instead, it may consider only whether the proposed measure meets the subject matter requirements set forth in District of Columbia law. Specifically, the Board must reject the proposed measure if it determines that:

- The measure conflicts with or seeks to amend the Title IV of the DC Home Rule Act (“the District Charter”);
- The measure conflicts with the U.S. Constitution;
- The measure has not been properly filed;
- The verified statement of contributions (the measure committee’s statement of organization and report of receipts and expenditures) was not timely filed;
- The measure would authorize discrimination in violation of the DC Human Rights Act;
- The measure would negate or limit a budgetary act of the DC Council; or
- The measure would appropriate funds.

Those who wish to testify at the hearing on the propriety of the proposed measure in light of the above-referenced criteria should contact the Board’s Office of the General Counsel at 202-727-2194 or ogc@dcboe.org and provide their name, address, telephone number, and name of the organization represented (if any) by no later than Friday, November 28, 2025 at noon. Any written testimony or memoranda should be submitted for the record to the Board’s Office of the General Counsel, 1015 Half Street SE, Suite 750, Washington, DC 20003 or at ogc@dcboe.org by that date and time as well. Individuals shall be permitted a maximum of three minutes for oral presentations. Representatives of organizations shall be permitted a maximum of five minutes for oral presentations.

The Short Title, Summary Statement, and Legislative Text of the proposed initiative, as submitted to the Board by the proposer(s) of the measure, read as follows:

SHORT TITLE

DC Housing Modernization and Accessibility Act of 2026

SUMMARY STATEMENT

If enacted, this Initiative would freeze rents for two years immediately upon enactment and in future periods of high inflation; realign DC’s affordable housing programs with an upper eligibility threshold of 60% of the Area Median Income to reflect actual median incomes of DC residents; revise affordable housing requirements for land sold or leased by the D.C. Government; and redefine affordable housing requirements to include a mix of studio, one, two, three, and four bedroom units.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DC Housing Modernization and Accessibility Act of 2026.”

Section 2. Title II of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §42-3501.01 through §42-3502.24), as amended, is further amended by adding thereto the following new section §42-3502.25 to read as follows:

“§42-3502.25. Temporary rent freeze during certain periods

“(a) Notwithstanding any provision of this chapter, the rent for any rental unit shall not be increased during the period from and including the effective date of this section through and including the second anniversary thereof.

“(b) Notwithstanding any provision of this chapter, if during any twelve month period subsequent to the period described in subsection (a), the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria DC-VA-MD-WV Metropolitan Statistical Area, as published by the Bureau of Labor Statistics, is greater than six percent, then the rent for any rental unit shall not be increased at any time during the subsequent twelve-month period.

“(c) Any rent increase that would become effective during any period described in subsection (a) or subsection (b) shall not become effective regardless of when notice of such rent increase is sent to the tenant of any rental unit.”

Section 3. Section 208 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42–3502.08), as amended, is further amended as follows: Subsection (h) is amended to read as follows:

“(h) Unless the adjustment in the amount of rent charged is implemented pursuant to § 42-3502.10, § 42-3502.11, § 42-3502.12, § 42-3502.14, or § 42-3502.15, an adjustment in the amount of rent charged:

(1) If the unit is vacant, shall not exceed the amount permitted under § 42-3502.13(a); or

(2) If the unit is occupied:

(A) Shall not exceed the current allowable amount of rent charged for the unit, plus the adjustment of general applicability plus 2%, taken as a percentage of the current allowable amount of rent charged; provided, that the total adjustment shall not exceed 8%;

(B) Shall be pursuant to § 42-3502.24, if occupied by an elderly tenant or tenant with a disability; and

(C) Shall not exceed the lesser of 5% or the adjustment of general applicability if the unit is leased or co-leased by a home and community-based services waiver provider.”

Section 4. Section 2 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code §42-2801), as amended by section 501 of the Housing Act of 2002 (D.C. Law 14-114), and as further amended by section 3 of the Workforce Housing Production Program Amendment Act of 2008 (D.C. Law 17-285), is further amended as follows: Subsection 2A is amended to read as follows:

“(2A) ‘Eligible household’ means a household that, at the time of its purchase of a qualified housing unit, had total annual income at or below 60% of the area median income, provided that the annual incomes of eligible households assisted through an allocation of proceeds from the Housing Production Trust fund shall not exceed 60% of the area median income.”

Section 5. Section 2 of the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code §42-2131) is amended to read as follows: Subsection (4) is amended to read as follows:

“(4) ‘Affordable housing unit’ means a dwelling that is offered for rent or for sale for residential occupancy and is made available to, and affordable to, a household whose income is equal to, or less than, 60% of AMI, as a result of a federal or District subsidy.”

Section 6. The Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, effective August 5, 1939 (53 Stat. 211, ch. 449; D.C. Official Code §10-801), as amended by section 2 of the Disposition of District Land for Affordable Housing Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-193), and as further amended by section 2(f) of the Land Disposition Transparency and Clarification Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-267), is further amended as follows:

(a) Subsection (b-3)(1) is amended to read as follows:

“(1) If a proposed disposition of real property will result in the development of multifamily residential property consisting of 5 or more units (‘multifamily units’), the following requirements shall apply:

“(A) At least two-thirds of the multifamily units shall be dedicated as affordable housing;

“(B) At least one-quarter of the multi-family units shall consist of units with two or-more bedrooms; and one-quarter shall consist of units with three-or more bedrooms; and

“(C) The multifamily units dedicated as affordable housing pursuant to this subsection (b-3)(1) shall continue to be dedicated as affordable housing for the life of the ground lease if the land disposition is by ground lease, or shall remain affordable housing units in perpetuity, secured by a covenant running with the land.”

(b) Subsection (b-3)(2) is amended to read as follows:

“(b-3)(2) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall be made available at the following affordability levels:

“(A) In the case of affordable rental units, at least one-quarter of the units shall be housing for which an extremely low-income household will pay no more than 30% of its income toward housing costs; one quarter of the units shall be housing for which a very low-income household will pay no more than 30% of its income toward housing costs, one-quarter of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs and the remainder shall be housing for which a moderate income household will pay no more than 30% of its income toward housing costs.

“(B) In the case of affordable ownership units, one-half of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs and the remainder of any such ownership units shall be housing for which a moderate income household will pay no more than 30% of its income toward housing costs.”

(c) Subsection (b-3)(4) is hereby repealed.

(d) Subsections (b-3)(6) and (b-3)(7) are hereby repealed.

(e) Subsection (n) is amended as follows:

(1) Paragraph (3) is amended to read as follows:

“(3) ‘Low-income household’ means a household consisting of one or more persons with a total household income that is more than 30% and less than or equal to 45% of the area median income.”

(2) Paragraph (4) is amended to read as follows:

“(4) ‘Moderate-income household’ means a household consisting of one or more persons with total household income more than 45% and less than or equal to 60% of the area median income.”

(3) Paragraph 5 is amended to read as follows:

“(5) ‘Very low-income household’ means a household consisting of one or more persons with total household income more than 15% and less than or equal to 30% of the area median income.”

(f) Subsection (n) is further amended by adding to the end thereof the following new paragraph (6) to read as follows:

“(6) ‘Extremely low-income household’ means a household consisting of one or more persons with total household income less than or equal to 15% of the area median income.”

Section 7. Section 101 of the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code §6-104.01) is amended as follows: Subsection (1) is amended to read as follows:

“(1) ‘Eligible household’ means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 45% of the MFI or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations.”

Section 8. Section 104.07 of the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code §6-104.07) is amended as follows:

a) Subsection (5) is amended to read as follows:

“(5) Establishing minimum income requirements, provided that household income-eligibility for any IZ housing unit shall not exceed 45% MFI, and that housing costs, including utilities, shall not exceed 30% of the annual household income;”

b) Subsection (6) is amended to read as follows:

“(6) Evaluating the eligibility of households submitting applications pursuant to paragraph (4), based upon the eligibility criteria established in this subchapter and in Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations and other relevant considerations;”

c) Subsection (10) is amended to read as follows:

“(10) Establishing minimum size and other standards for inclusionary units, provided that at least one-quarter ($\frac{1}{4}$) of IZ program units to be constructed shall consist of 2 or more bedrooms, and one-quarter ($\frac{1}{4}$) shall consist of 3 or more bedrooms”.

d) A new Subsection (14) is added to read as follows:

“(14) The requirements of this subchapter, Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, and any other relevant Inclusionary Zoning program considerations shall not be subject to exemption or waiver;”

Section 9. Applicability.

(a) The provisions of this act with any fiscal effect shall apply upon the date of inclusion of the fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Section 10. Effective date. This act shall take effect following a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.