



DISTRICT OF COLUMBIA
HOUSING PRESERVATION STRIKE FORCE
FINAL REPORT

Six Recommendations for Addressing
Affordable Housing Preservation, 2016



STRIKE FORCE MEMBERS (l-r)

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Honorable Anita Bonds
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For more background on the establishment of the Strike Force, and its meeting process, go to: <http://dhcd.dc.gov/service/dc-housing-preservation-strike-force>.

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Dear Resident:

The District has good news to report on our efforts to ensure every District resident has a safe and affordable place to live.

We have yielded over 4,000 total affordable housing units since January 2015, far more than in previous years. Currently, over 5,300 units of affordable housing exist in the pipeline, which will house nearly 12,000 District residents — more than in the history of Washington, D.C.

The District is also making unprecedented investments in affordable housing through the \$100 million in the Housing Production Trust Fund I’ve committed each year in my budget, and is announcing more affordable housing opportunities through our request for proposals process.

But our work does not stop there.

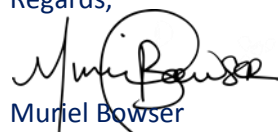
We are looking at ways that we can do more – and that includes finding ways to preserve existing affordable housing across all 8 Wards.

Last year, I charged the DC Housing Preservation Strike Force with creating an action plan to help preserve affordable housing units in the District.

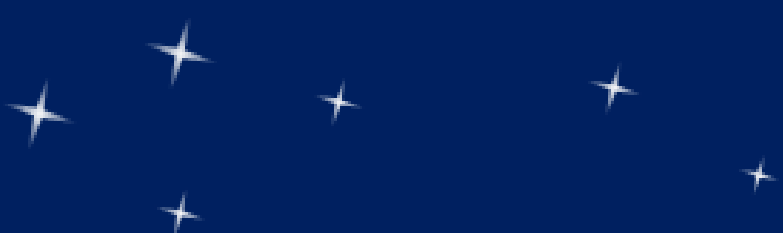
This report digs deeper into initial recommendations made as part of my June Housing Bloom Initiative and will guide my Administration as we work to preserve our existing supply of affordable housing and capitalize on other opportunities to protect our affordable housing stock.

I want to thank the Strike Force for their hard work over the past several months. Together, we will continue to give every Washingtonian a fair shot and a place to call home for years to come.

Regards,



Muriel Bowser
Mayor





Dear Mayor Bowser:

After decades of population decline, the District is welcoming a thousand new residents each month. The increasing demand for places to call home and escalating housing costs, however, put residents with low and moderate incomes—young people just starting out, senior citizens, and those who have experienced health or economic setbacks in their lives—under pressure. District residents must increasingly struggle to call the District “home.” We can see the challenges in our data:

- Thirty-eight percent of all households spend more than 30 percent of their income on housing costs.
- Over 42,000 families are on the District of Columbia Housing Authority’s waiting list for assistance.
- Nearly 4,000 households lived in units with more than one person per room.
- Over 2,000 households lacked kitchen or plumbing facilities.
- The city had nearly 7,500 homeless residents.

As a result, you have rightly made building new, high-quality affordable housing—as a pathway out of homelessness and into the middle class—a priority of your administration. With the formation of the Strike Force, you recognized that new construction alone will not create sufficient affordable housing opportunities for our city’s residents. We also must preserve and improve the city’s current affordable housing. This report provides you with six specific recommendations to do just that.

When I think about the work of the Strike Force over the past year, particularly our frank discussions of policy, I recall two words: ambitious and proactive. Strike Force members repeated these words often because they wanted our city’s preservation policy to be ambitious and proactive. When it comes to affordable housing preservation, the District makes its own destiny. As the Chair of the Strike Force, I pass these recommendations on to you with that spirit of ambition and action. I look forward to taking the next steps together.

Sincerely,

Polly Donaldson, Chair



TABLE OF CONTENTS

Letter from the Mayor.....	iii
Letter from the Chair.....	iv
Introduction.....	1
Membership.....	1
Setting the Stage.....	2
Summary Recommendations.....	2
The Work of the Strike Force.....	3
Research on Preservation Needs.....	7
The Question of “Naturally Affordable” Housing.....	10
Policies and Programs to Preserve Affordable Housing.....	11
DOPA Presentation.....	11
Section 8(bb) Presentation.....	11
Financing Innovation Presentation.....	12
Rent Control Presentation, and More on TOPA and DOPA.....	12
Developing the Recommendations.....	13
Financial Unit Deliberations.....	13
Operations Unit Deliberations.....	14
Coming to Consensus.....	14
Policy Goals and Recommendations.....	17
Conclusion.....	21

March 11 Meeting





Introduction

This report presents the work and conclusions of the District of Columbia Housing Preservation Strike Force (Strike Force). Appointed by Mayor Muriel E. Bowser in June 2015,¹ the 18 members of the Strike Force were charged with recommending to the Mayor an action plan to preserve the District’s existing affordable housing with special attention paid to covenants set to expire by 2020. To this end, Strike Force members have engaged in rigorous research and deliberations over the past year.

In its interim report, summarizing the first four months of its work, the Strike Force advanced the ambitious goal of preserving the affordability of 100 percent of the District’s existing federally- and city-assisted affordable rental homes. The Strike Force also concluded early in its work that preserving the city’s unassisted affordable homes, what the Strike Force came to call “naturally affordable,” also should be included in the District affordable housing preservation policy. At the conclusion of its work, the Strike Force confirmed these goals and reached consensus on six ambitious policy and program recommendations that form a bold plan to meet the goals and preserve the city’s affordable housing.

This report summarizes the work of the Strike Force and details the final recommendations delivered to the Mayor at the DC Housing Expo and Home Show on June 11, 2016.

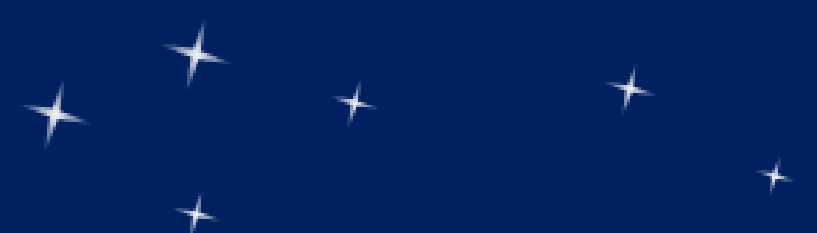
Membership

Chaired by the Director of the Department of Housing and Community Development (DHCD), the Strike Force members included four other cabinet members, three leaders of independent agencies, two members from the Council of the District of Columbia—including the Chair and a member of the Council’s Housing and Community Development Committee—and nine community stakeholders with varied and far ranging backgrounds related to real estate and affordable housing in the city.

Table 1: Strike Force Committee of the Whole and Policy Unit Membership

Member	Affiliation
Polly Donaldson (Chair)	Department of Housing and Community Development
Honorable Anita Bonds	Council of the District of Columbia
Honorable Elissa Silverman	Council of the District of Columbia
Brian Kenner	Deputy Mayor for Planning and Economic Development
Eric Shaw	Office of Planning
Melinda Bolling	Department of Consumer and Regulatory Affairs
Adrienne Todman	District of Columbia Housing Authority
Maria K. Day-Marshall	District of Columbia Housing Finance Agency
Johanna Shreve	Office of the Tenant Advocate
Thomas Borger	Borger Management
Elizabeth Elia	Elia Law Group, PLLC
Chris Hornig	Klein Hornig, LLP
Ramon Jacobson	Local Initiatives Support Corporation
Todd Lee	Housing Finance Consultant
Eric Price	AFLCIO Housing Investment Trust
Joesph Sternlieb	Georgetown BID
Amy Vruno	Washington Interfaith Network
Charles (Sandy) Wilkes	The Wilkes Company

¹Government of the District of Columbia, Mayor’s Order 2015-158.



Setting the Stage

After decades of decline in the number of jobs and residents in the city, for the past 15 years the District’s population and economy have been growing, even throughout the Great Recession. Spurred by an increasing share of the population that prefers urban living and a diversifying economy anchored by federal jobs and contracts, the District is now one of the fastest growing major American cities. This growth has brought renewed energy to the city and stabilized the District’s finances.

But growing demand for homes in the city has also made it more difficult for low and moderate income households to afford to live here. From young people just starting out to our senior citizens trying to age gracefully in the places they have called home for much of their lives, housing costs present a growing challenge.

The data collected for the city’s most recent affordable housing planning effort reveal the challenges clearly. [See The 2016 to 2020 Consolidated Plan retrieved from [http://dhcd.dc.gov/service/consolidated-plan-housing-and-community-development dated August 16, 2016](http://dhcd.dc.gov/service/consolidated-plan-housing-and-community-development-dated-August-16-2016).] Fully 38 percent of households citywide live in unaffordable housing, spending more than 30 percent of their income on monthly housing payments and utilities. For the lowest income District residents, those earning 30 percent or less of the Area Median Income (AMI) (approximately \$30,000 a year in the Washington region) the difficulties are most prevalent. Among these households, 69 percent, over 32,000 renters and over 7,000 homeowners—spend over 30 percent of their income for housing.

In addition, nearly 4,000 households are overcrowded (defined as having more than one person per room) and 2,000 households lack kitchen or plumbing facilities.

Thus, it is not surprising, that over 42,000 families have placed themselves on the District of Columbia’s Housing Authority’s waiting list for assistance and nearly 7,500 homeless families and individuals were tallied in the most recent count.

To address these challenges, we must not only provide new affordable housing but preserve the affordability of the housing we have.

Summary Recommendations

In its deliberations, the Strike Force came to the realization that for the District to remain a diverse, inclusive, and vibrant city, it can no longer wait for tenants and developers to come to the government for intervention or assistance in order to preserve affordable housing. Too often, residents, owners, and developers turn to the city with too little information and when continuing affordability is truly at risk. As a result, the opportunity to preserve may be limited, particularly when an affordability covenant or contract with an expiration date is in play. It is also not clear that in this process officials are made aware of either the universe of at-risk properties that could benefit from District assistance or those opportunities deserving the highest priority attention.

Accordingly, the Strike Force concluded that the District government must be proactive and persistently identify and cultivate its own opportunities to preserve needed affordable housing.

N Street Village
 Preservation Project
 (Ward 1)





To this end, the Strike Force makes the following recommendations for immediate implementation. They are summarized here and detailed further in the body of the report:

1. Establish a **“Preservation Unit”** located within a designated District agency that is tasked with being the District’s central resource to: (a) preserve existing assisted affordable housing in the city; (b) identify opportunities to place “naturally affordable,” unassisted units under covenant or to otherwise preserve their affordability; and (c) collect and maintain comprehensive data on all affordable housing in the city.
2. Provide seed funding to a **Public-Private Preservation Fund** to facilitate early investments while leveraging greater amounts of private capital to preserve affordable housing.
3. Develop a **Small Properties Preservation and Affordability Program** within DHCD to assist properties with five to 50 units with funds for renovations and repairs.
4. Implement **DOPA** (District Opportunity to Purchase Act) by releasing draft regulations that will allow the District to transfer ownership of properties at risk of losing affordable apartments to pre-qualified developers who are committed to preserving affordability.
5. **Improve Preservation under TOPA** (Tenant Opportunity to Purchase Act) and TOPA exemptions by providing financial incentives for preservation in TOPA transactions, including predevelopment work, legal services, third party reports, and acquisition bridge financing. This assistance also should be a mechanism for collecting accurate data about the outcomes of TOPA transactions.
6. Establish Programs to **Facilitate Low Income Seniors Aging in Place**. Examples include tenant-based vouchers or other rental assistance to seniors on fixed incomes or funds for renovation of buildings and individual apartments and single family homes to create appropriate housing options for seniors to age in place.

The Work of the Strike Force

On September 30, 2015, the Strike Force convened for its first organizational meeting. The Mayor swore in the members to service to the District of Columbia, reaffirmed the mission of the Strike Force and outlined her expectations for its work.

Strike Force Chair Polly Donaldson laid out the group’s purpose, objectives, and work program. She also reviewed the timeline for service and advised that a set of preliminary recommendations would be delivered to the Mayor by the end of the fourth month.

Chair Donaldson also organized the Strike Force into three units: (1) the Policy Unit; (2) the Operations Unit; and (3) the Financial Unit. The Policy Unit, which is where the recommendations and action plan would be put into final form, included all Strike Force members. Strike Force members were asked to serve on the Finance or Operations Units based on where they felt their contribution could be of greatest benefit.



Table 2: Strike Force Unit Membership

Financial Unit	Operations Unit
Todd Lee (Chair)	Melinda Bolling (Chair)
Honorable Anita Bonds	Brian Kenner
Charles (Sandy) Wilkes	Honorable Elissa Silverman
Thomas Borger	Adrienne Todman
Eric Price	Joseph Sternlieb
Amy Vruno	Johanna Shreve
Ramon Jacobson	Elizabeth Elia
Maria K. Day-Marshall	Polly Donaldson
Chris Hornig	Eric Shaw



When its work concluded on June 3, 2016, the Strike Force had held 14 meetings (Table 3). The contents of these meetings were organized around four themes:

1. Understanding the preservation need.
2. Determining what programs are available (or have been proposed) here or in other jurisdictions to preserve affordable housing.
3. Proposing policies and programs to preserve affordable housing in the most efficient and effective way.
4. Reaching consensus on recommendations to the Mayor.

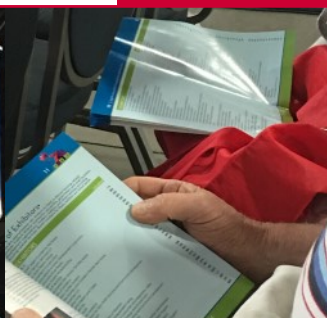
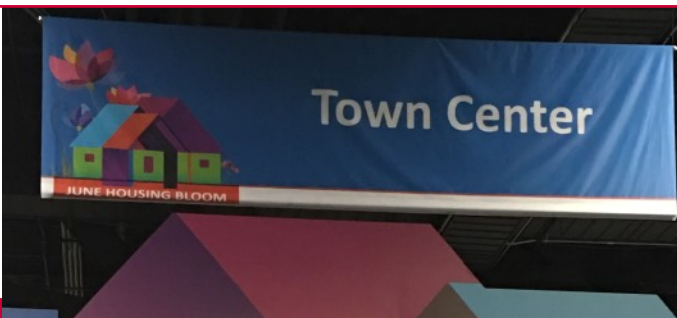




Table 3: Strike Force Meeting Schedule

Date	Location	Agenda Description
9/30/15	One Judiciary Square	<ul style="list-style-type: none"> • Mayor’s Welcome and Swearing in of Strike Force members. • Introductions/Overview of Policy, Finance, and Operations Units.
10/16/15	DCHFA	<ul style="list-style-type: none"> • Presentation by the Coalition for Non-Profit Housing and Economic Development (CNHED) and Urban Institute on the D.C. Preservation Network and Catalog. • Unit appointments.
10/30/15	DCHFA	<ul style="list-style-type: none"> • Policy Unit (Committee of the Whole), Polly Donaldson, Chair <u>Mission:</u> Develop action oriented recommendations to establish the Bowser Administration’s strategy for preserving existing affordable housing. <u>Strategic Elements:</u> <ul style="list-style-type: none"> ◇ Identify and prioritize affordable housing properties at risk. ◇ Devise consistent criteria and practices over a multi-year period for District government action. ◇ Determine what policy changes (administrative or legislative) are needed as part of the strategy.
11/06/15	DCHFA	<ul style="list-style-type: none"> • Policy Unit split into two units for the first time to review and comment on unit mission and possible strategic elements as well as designate a unit chair. • Finance Unit, Todd Lee, Chair <u>Mission:</u> Develop recommendations for a multi-year plan to fund affordable housing preservation using both public and private resources. <u>Strategic Elements:</u> <ul style="list-style-type: none"> ◇ Estimate costs of property owner outreach prior to affordability covenant termination (incentives for extensions of contracts, etc.). ◇ Estimate costs involved with fully implementing DOPA as a tool for preserving affordable housing. ◇ Plan for the creation and design of a public-private Affordable Housing Preservation Fund, seeded by the Housing Production Trust Fund and created to attract private investment. <u>Additional Discussion:</u> <ul style="list-style-type: none"> ◇ A mechanism to evaluate the existing affordable housing stock and categorize a property’s risk of losing its housing affordability. ◇ Requested market conditions evaluation across the city. ◇ Noted the difference in preserving a property versus preserving a contract (affordability covenant). • Operations Unit, Melinda Bolling, Chair <u>Mission:</u> Develop action oriented recommendations to make the proposed preservation strategy operational. <u>Strategic Elements:</u> <ul style="list-style-type: none"> ◇ Identify a structure through which the overall preservation strategy could be implemented and an entity to be held accountable for its implementation (Creation of a Preservation Officer/Unit). ◇ Devise the steps and stages in implementing the Housing Preservation Strategy, including consultation with all parties. ◇ Identify new opportunities and initiatives through which to highlight/incentivize the preservation strategy.

Date	Location	Agenda Description
11/13/15	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Presentation of DOPA by DHCD ◊ Discussion of how TOPA and DOPA could work together.
11/20/15	DCFHA	<ul style="list-style-type: none"> • Finance Unit and Policy Unit, Todd Lee, Finance Unit Chair and Polly Donaldson, Policy Unit Chair ◊ Discussion of at-risk properties. ◊ Presentation by Strike Force member on preserving U.S. Department of Housing and Urban Development (HUD) subsidized units via the Section 8(bb) transfer authority. ◊ Discussion of additional financing strategies.
1/26/16	DMPED Satellite Office	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Consensus on overarching policy, immediate recommendations, and content of interim report.
2/18/2016	DMPED Satellite Office	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Review accomplishments and set agenda for the remaining work. ◊ Presentation by Urban Land Institute on <i>New Approaches for Financing the Preservation of Workforce and Affordable Housing</i>.
3/11/2016	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Discussion on how to better define the affordable housing stock on which the Strike Force wished to focus its attention. ◊ Presentation by Virginia Commonwealth University on <i>Preservation of Affordable Housing in Washington, DC: Beyond the Nuts and Bolts</i>. ◊ Presentation by DHCD on <i>Rent Control: The Program and What We Know About the Properties</i>.
3/24/2016	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Discussion focused on TOPA and DOPA.
4/08/2016	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Reporting by Todd Lee, Finance Unit Chair, and Melinda Bolling, Operations Unit Chair, on unit work since the 3/24/2016 meeting. ◊ Facilitated discussion and drafting of recommendations.
4/22/2016	DMPED Satellite Office	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Facilitated discussion of proposed recommendations.
4/29/2016	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Report by Todd Lee, Finance Unit Chair, on financial tools discussed during a phone conference held since the 4/22/2016 meeting. ◊ Finance options discussed. ◊ Recap of proposed recommendations.
5/06/2016	DCHFA	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Reported back from work group on TOPA recommendations. ◊ Finalized recommendations.
6/11/2016	Washington Convention Center/ 8th Annual DC Housing Expo & Home Show	<ul style="list-style-type: none"> • Policy Unit, Polly Donaldson, Chair ◊ Final recommendations presented to Mayor Bowser.



Research on Preservation Needs

From the beginning, the Strike Force has sought to have a strong empirical base for its work. Hence, the initial presentations to the Strike Force focused on identifying privately owned rental properties with homes affordable to low-income households (with household incomes at or below 80 percent of AMI) assisted through one or more “project based” federal or local housing subsidy programs.²

The first presentation was from Steve Glaude of the Coalition for Non-profit Housing and Economic Development and Peter Tatian of the Urban Institute with data and findings from the D.C. Housing Preservation Network (DCPN), which these organizations convene. The DC Preservation Catalog data kept by DCPN include information on 314 projects containing 40,088 affordable rental homes in the city (Table 4 and Figure 1).

Table 4: Number of Assisted Units and Projects by Ward³

	Projects	Subsidized Units	Total Occupied Rental Units (Subsidized and Non-Subsidized)	% of Ward Subsidized
Total	314	40,088	152,278	26.33%
Ward 1	59	4,765	22,162	21.50%
Ward 2	16	1,930	25,250	7.64%
Ward 3	3	369	18,649	1.98%
Ward 4	15	790	11,730	6.73%
Ward 5	34	4,667	15,915	29.32%
Ward 6	50	7,943	20,360	39.01%
Ward 7	45	7,097	16,558	42.86%
Ward 8	92	12,527	21,654	57.85%

Source: DC Preservation Network Catalogue (October 2015); DCHA-provided updated public housing numbers (May 2016)

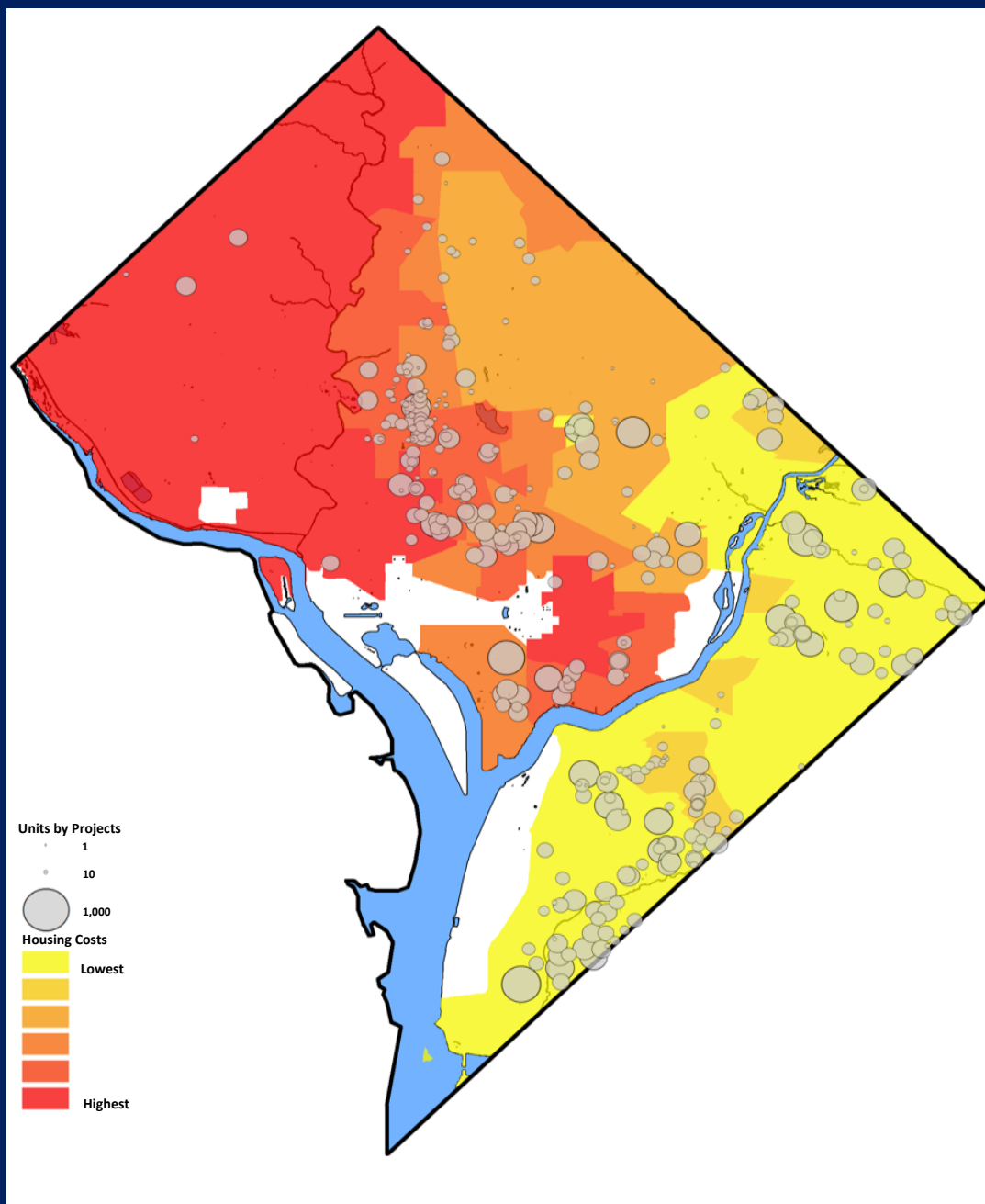
² That is, units receiving one or more of the following forms of subsidy such as Section 8, Low Income Housing Tax Credits (LIHTC) (with or without tax exempt bonds), a below market U.S. Department of Housing and Urban Development (HUD)-insured mortgage, HOME or Community Development Block Grant (CDBG) funds (administered by HUD), D.C. Housing Production Trust Fund monies, Section 202/811 funds, and other types of subsidy.

³ Subsidized units were not separated between rental and homeownership. For the purpose of this analysis, “% of Ward Subsidized” was only compared to occupied rental units, as the number of subsidized homeownership units is marginal. These data do not explicitly account for Housing Choice Vouchers and Local Rent Supplement programs independent of the project-based subsidies in the catalog.

1417 N Street, NW
 TOPA Project
 (Ward 2)



Figure 1: Assisted Housing Exists Across Different Markets in the City



This map shows DC Census Tracts classified according to the following methodology: Tracts were grouped into quartiles based on median rents (median rents from the tract and all adjacent tracts were averaged to create a larger sample size and smooth the data) and assigned a score of 1-4 (1 for the lowest rent quartile and 4 for the highest rent quartile). Tracts were then grouped into quartiles based on median monthly owner costs (for owner occupied units) and assigned a score of 1-4. The two scores were then summed, resulting in an overall score ranging from 2-8, representative of that tract's housing costs relative to all other DC tracts (scale above).

Map created by DHCD.
Data from D.C. Preservation Network and the U.S. Census Bureau.



Mr. Tatian found that that nearly 1,000 (910) project-based Section 8 units have a subsidy contract expiring in 2016. Between 2017 and 2026, the number is nearly 4,000 but ranges in individual years from 18 in 2021 to 931 a year later in 2022. Over 10,000 units of Low Income Housing Tax Credit (LIHTC) units will reach their first 15 years of maturity⁴ over a similar time period (2015 and 2024) and show similar year-to-year variation ranging from a low of 159 in 2023 to a high of 3,125 (2017).⁵ Along with this variation, the number of properties with expiring contracts in any given year is dynamic as properties may exit programs prior to their expiration date or when that date arrives opt to stay in the programs with a short- or long-term contract. Properties also move from one to another affordable housing assistance program.

In response to a request from the Finance Unit, Chris Dickensin-Prokopp and Abraham Barranca of DHCD presented additional data on November 20, noting that approximately 13,378 units have some type of subsidy expiring, thereby rendering them vulnerable to a loss of affordability, prior to 2020. The DHCD analysis also showed that many affordable housing projects are located in neighborhoods in transition with higher-priced home sales, particularly in Wards 1, 2, and 6 (Figure 1 and Table 4).

Later analysis, presented to the Strike Force on March 11, looked at the historical process of affordable housing preservation in the city and its uneven outcomes. According to the research presented by Virginia Commonwealth University Professor Kathryn Howell, the city has preserved the vast majority of the affordable assisted housing cataloged in a census taken in 1983. Still, since DCPN began tracking properties in 2008, housing assistance was lost for 2,775 units in 20 buildings.⁶ This was 6 percent of the assisted stock in DCPN's database and 12 percent of the units DCPN discussed as potentially threatened. In light of the increasing demand for housing in the city in just the last few years, the study suggests that the District needs to do more now to preserve its affordable housing stock.

Among the properties that DCPN discussed as threatened in this period, financial hardship—including owner bankruptcy and foreclosure—was the biggest concern. While only 8 percent of the properties discussed were threatened for these reasons, they made up 42 percent of those eventually coded as having lost assistance. In Professor Howell's research, owners formally giving notice that they were opting out of their subsidies, prepaying and nearing the expiration of a term of affordability were much less frequently associated with the loss of housing assistance. Although this may partly result from the data being from a period of a

⁴ Most LIHTC units in the District have an "extended use period" that keeps units affordable for an additional 15 years, for a total of 30 years of compliance. However, because the tax subsidy has likely already been consumed by year 15, there is considered to be a greater threat to preservation in this second compliance period.

⁵ Peter Tatian, "Presentation for District of Columbia Housing Preservation Strike Force" (presentation, D.C. Housing Preservation Strike Force, Washington, D.C., October 16, 2015). Assisted Units are those whose affordability is ensured by an affordability covenant or subsidy agreement. Along with privately owned assisted housing, this database includes Public Housing "District of Columbia Preservation Catalog," NeighborhoodInfo DC, accessed January 27, 2016, <http://www.neighborhoodinfodc.org/dcpreservationcatalog/>. Not explicitly accounted for are tenant based subsidies such as HUD Housing Choice Vouchers or Local Rent Supplements and some local-project based assistance.

⁶ This loss refers to the physical units. In many cases, current tenants receive tenant-based assistance as a result of being displaced that they can use to search for new housing in the private market. It is difficult to track the housing outcomes for these tenants. It is also important to note the primary sources the DCPN uses in developing the catalog often lag recent changes and also contain historical errors. Thus the picture is constantly being updated as new information becomes available.



Later analysis presented on March 11 looked at the historical process of affordable housing preservation and its uneven outcomes.

nationwide credit crunch and real estate crash, the implication is that simply monitoring the terms of affordability contracts and tracking opt-out notices that owners provide tenants is not sufficient to identify threatened properties. It is also important to know the financing and physical status of the properties as well as the intentions and financial condition of the owners or investors.

In Professor Howell’s presentation, the discussion of financing was followed by a case study of the role that DCPN plays. She concluded that DCPN’s greatest contribution was to create the conditions for more effective collaboration in preservation by catalyzing a diverse set of actors to share data and, in the process, build relationships and a measure of trust. DCPN also educates individuals and organizations about the business of preservation, which allows participants to speak a similar language and be more constructive in their interactions with one another and thereby to act more quickly.

The Question of “Naturally Affordable” Housing

The discussion of the assisted affordable stock raised another concern. Many unsubsidized multifamily buildings that provide affordable housing today are susceptible to rising rents, neglect, or both.

For example, an analysis by the Office of Planning found that even as the city’s overall stock of housing grew between 2009 and 2014, almost 10,000 rental units in the District became unaffordable to households with incomes less than 60 percent of AMI. This is the maximum income of a LIHTC unit (equal to roughly \$60,000 of income for a family of four in this region). This loss of affordable units is more than three times larger (measured over a shorter period) than the loss of assisted housing identified by Professor Howell above.

Table 5: Change in Supply of Rental Units by Affordability

	More than 60 % AMI	Less Than 60% AMI	Total
2009	53,596	83,558	137,154
2014	91,391	74,087	165,478
Change	37,795	-9,471	28,324

Source: U.S. 2014 ACS PUMs, DC Office of Planning

The professional experience of many Strike Force members, along with the statistical trend, made it clear that the loss of unassisted housing is an urgent concern. The Strike Force also recognized that without covenants already in place that guarantee a unit’s affordability, preservation may require developing tools and incentives to attract property owners to covenant their property with long-term affordability requirements.



5741 Colorado Avenue, NW
TOPA Project
(Ward 4)



Policies and Programs to Preserve Affordable Housing

In addition to its research on patterns and trends with respect to affordable housing in the city, the Strike Force also surveyed existing District policies and programs along with those of other jurisdictions. Strike Force members circulated materials on approaches to preservation in cities such as Austin, Boston, and New York. They also heard a series of presentations by Strike Force members and outside experts that cited successful policy and programs.

DOPA Presentation

The first such policy presentation the Strike Force received was on DOPA⁷ and was presented by Lauren Pair, the Rental Conversion and Sale Administrator and Interim Inclusionary Zoning/ADU Program Manager at DHCD. DOPA empowers the District to purchase housing accommodations consisting of five or more rental units where at least 25 percent of the rental units are currently affordable⁸ to a family earning 50 percent or less of AMI.

DOPA requires that the units be maintained as affordable units, and that the Mayor undertake affirmative measures to actually increase the number of affordable units in the property. Ms. Pair reviewed the statutory requirements of DOPA and the criteria for prioritizing buildings for DOPA purchase and for selecting qualified developers in regulations being drafted to formally implement the statute. In the statute, the District's right to purchase is subordinate to the tenant right to purchase by way of TOPA. Understanding how these policies independently and in tandem could better be deployed to preserve affordable housing became a theme for the Strike Force at this and subsequent meetings.

Section 8(bb) Presentation

On November 20, Strike Force member Chris Hornig made a presentation on Section 8(bb) of the U.S. Housing Act of 1937. This section of the Act and related transfer policies have recently been given new emphasis by HUD. They permit HUD to move a Section 8 contract from an inappropriate location⁹ to one or more new, more suitable locations.

After discussing the intriguing possibilities of this process, Mr. Hornig did note that the process can be involved and time consuming, which in turn makes it difficult to effect a transfer absent all but the most ideal conditions. The termination and permanent loss of the subsidy and subsequent redevelopment of the property generally can move much more quickly than the transfer process can be completed, so there is little opportunity when the owner is not personally interested in the transfer.

Mr. Hornig noted, however, that the District could explore using DOPA to purchase a building and then navigate the Section 8(bb) or other HUD transfer process. After a District purchase, the property could be transferred to a developer who would in turn transfer the Section 8 assistance contract in whole or part to a more appropriate site.

⁷District Opportunity to Purchase Amendment Act of 2008, D.C. Law 17-0286, effective December 24, 2008 and codified at D.C. Official Code §42-3404.31 et seq.

⁸"Affordable" is defined as costing less than 30 percent of the family's income.

⁹For example, in cases where an owner wishes to exit the program, there is high vacancy, a building is destroyed by casualty, there is irreparable physical obsolescence or deterioration of living conditions in a neighborhood.

Residents at June 25 ribbon cutting of TOPA Project, 5741 Colorado Avenue, NW



Financing Innovation Presentation

The next presentation addressed innovations in financing for affordable housing preservation and public/private partnerships. Stockton Williams, of the Urban Land Institute’s Terwilliger Center, presented on new approaches for financing the preservation of existing workforce and affordable housing. Mr. Williams discussed how below market debt funds, private equity vehicles and real estate investment trusts (REITs) are used to preserve affordable housing.

Below market debt funds are revolving loan funds that can attract private capital while also providing lower cost loans to developers. This is because government, philanthropic, and nonprofit investors may have lower return expectations and a lower cost of funds. These investment vehicles are generally used to fund development and construction related costs. The advantage of this approach is that it leverages mission-driven dollars and, structured as a revolving fund, it can provide a continuing source of capital after the initial round of investments. This approach also leaves the jurisdiction with control of the process and the investments being made. Examples of these funds can be found in cities such as Denver, San Francisco, Los Angeles, and New York. Mr. Stockton reported that Denver, for example, has \$11.25 million in first tier (most likely to get paid back) private capital from Banks and Community Development Finance Institutions (CDFIs), about \$8 million in second and third tier capital from the philanthropic sector, while the public sector invested \$5 million in “top loss” capital, those most at risk. Borrowers are also required to have a minimum of 10 percent equity in their projects.

Mr. Stockton cautioned, however, that below market debt funds can be complex to administer. Also, they depend on permanent “take out” financing being available to pay off the loan and replenish the fund once construction is completed.

Private equity and REITS have also started playing a larger role in affordable housing preservation, particularly in the current environment where the cost of borrowed capital is at historical lows. Although, as entirely private investment vehicles, there is likely to be a more limited opportunity for a jurisdiction such as the District to direct these resources, many of the vehicles highlighted in the presentation had an explicit geographic focus and many had recently been used in transactions in the Washington region. The District should identify opportunities and facilitate preservation transactions using these financing vehicles.

Rent Control Presentation, and More on TOPA and DOPA

Finally, before finalizing its recommendations, the Strike Force touched on two other issues related to affordable housing in the District of Columbia. The first was Rent Control and, second, the Strike Force revisited TOPA and DOPA.

On March 11, Keith Anderson, the District’s Interim Rent Administrator, gave the Strike Force an overview of the District’s rent control law (the Rental Housing Act of 1985 (D.C. Law 6-10) as amended, D.C. Official Code §42-3501.01 et seq.). On March 24, the Strike Force engaged in a group discussion of TOPA’s role in preservation. The purpose of both sessions was to provide a basis for discussion and to allow members to air and discuss their views of each topic before being asked to reach consensus on final recommendations to the Mayor.

The Strike Force touched on rent control, and revisited TOPA and DOPA.





Developing the Recommendations

The process of developing the recommendations, which took place primarily in the Finance and Operations Units, started well before the last few meetings, which were devoted entirely to developing a consensus.

In December 2015, the Chair solicited detailed policy recommendations from individual members; 59 individual recommendations were submitted. Staff assembled these into a single spreadsheet and categorized them as Operations (10), Finance (13), and General Policy (36).

The full list of recommendations was then considered by the Finance and Operations Units as they developed their recommendations for delivery to the Policy Unit. Strike Force members were also encouraged to review each recommendation as members of the Policy Unit in preparation for deciding on the final recommendations. This was the process followed in preparing the interim as well as the final report. Thus, by April, the Strike Force was very familiar with the proposals and the rationale for each one.

Financial Unit Deliberations

As discussed above, the Finance Unit's charge was to develop recommendations for a multi-year plan to fund affordable housing preservation using both public and private resources.

The Finance Unit discussed the risks for each affordable unit type: Section 8, LIHTC, HUD Mortgages reaching maturity, public housing, and "naturally affordable" units. The unit members also focused on the opportunities of preserving existing subsidies such as project-based Section 8 and the use of new or augmented resources to preserve affordability, including HUD Section 8(bb) as a preservation tool.

To understand the scale of the preservation work to be done in the assisted stock, the Finance Unit requested that DHCD undertake a market conditions evaluation across the city (Figure 1) and provide a detailed description of the assisted properties with subsidies expiring before 2020.

The Finance Unit also discussed how to preserve naturally affordable homes and, in particular, the difficulties associated with financing and recapitalizing smaller properties. These discussions formed the basis for the Financial Unit's preliminary recommendations for developing financing tools for affordable housing preservation.

In developing its final recommendations, the Finance Unit also reviewed some of the below market debt fund structures that leverage private investment and discussed raising public revenues or using tax incentives to finance preservation.

The Finance Unit's charge was to develop recommendations for a multi-year plan to fund affordable housing preservation using both public and private resources.



Garden Village Apartments
(Ward 8)

Operations Unit Deliberations

The Operations Unit’s charge was to develop specific recommendations to implement the proposed preservation strategy.

With its focus on operations, the Unit’s deliberations focused on how the initiatives of the District could be better coordinated and communicated. The unit was particularly interested in the implementation of DOPA and the Mayor’s use of DOPA and was struck by how it is often financially and technically difficult for smaller landlords to successfully apply and compete for funding in existing programs. There was also broad agreement that the District needs better coordination among its agencies and programs through the establishment of a single point of contact for affordable housing preservation efforts. Such an entity will need priority access to District financing and other tools to bring preservation projects to fruition.

The Operations Unit also recognized the District is sorely lacking data regarding its affordable housing stock and preservation efforts. Based on that lack of available information, the Unit determined it is critical that the District prioritize developing the capacity to collect and analyze property and neighborhood level data.

Coming to Consensus

On April 8, the Finance and Operations Units each presented four recommendations for consideration by the Policy Unit.

The Finance Unit forwarded:

1. Developing and funding a small rental building loan program.
2. Creating a public/private fund dedicated to preserving affordable housing.
3. Providing tax incentives for preserving affordable rental housing such as tax abatements or credits.
4. Developing a “linkage program” where both commercial and residential developers make mandatory contributions into a fund to benefit affordable housing, including its preservation.

The Operations Unit forwarded:

1. Establishing an entity within the District government, with access to financing solely focused on preserving affordable housing.
2. Fully implementing DOPA, with the publication of regulations governing the program.
3. Establishing a fund to assist small landlords with rehabilitation or repair work on their buildings.
4. Creating tiered selection criteria for prioritizing where the city will make investments in preservation.

The Operations Unit determined it is critical that the District prioritize developing the capacity to collect and analyze property and neighborhood level data.

These proposals were considered at the April 8 meeting and again two weeks later to give the Policy Unit time for consideration and discussion.



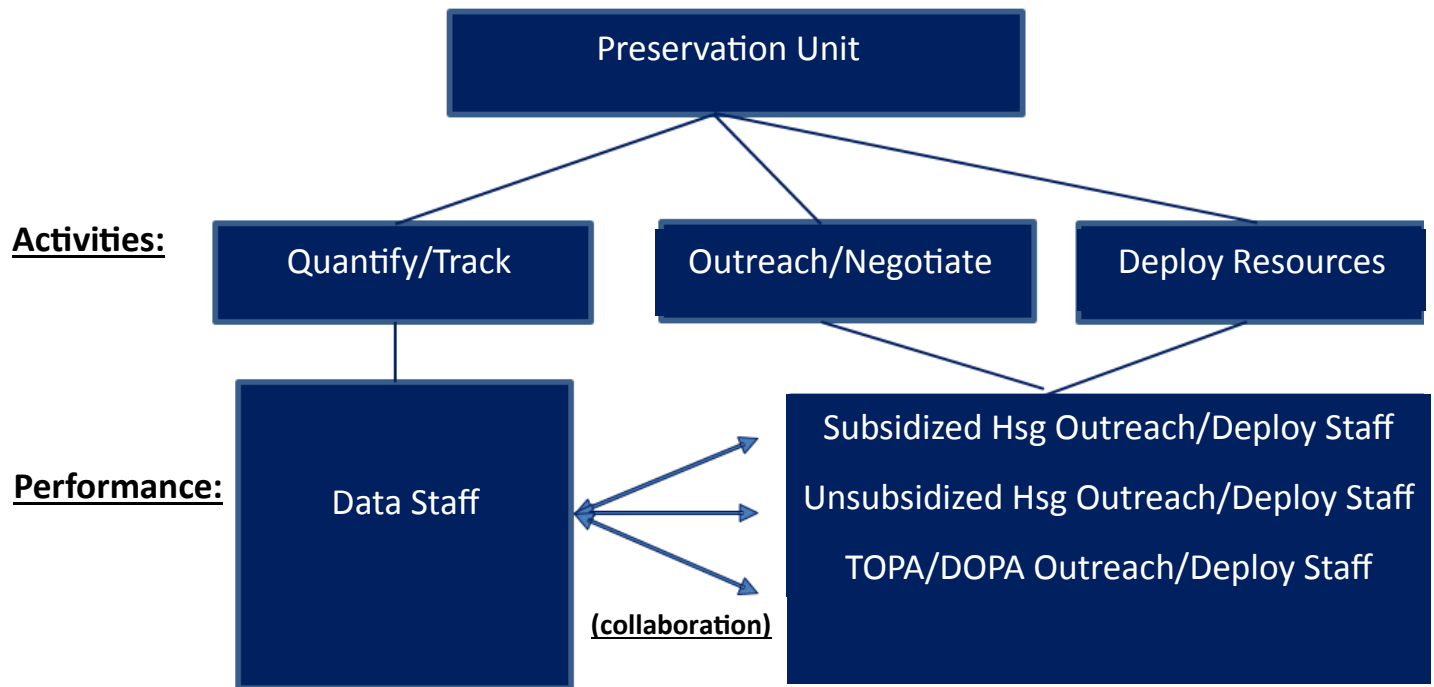


At that April 22 meeting, the Strike Force settled on six recommendations for final review and consideration. The Policy Unit determined that reaching consensus on improving the existing tax incentives and credits for affordable housing and understanding the budget implications of possible changes were beyond the scope of what could be accomplished in the Strike Force's remaining meetings. Similarly, a linkage fee program did not have sufficient support, with many members raising concerns that could not be adequately addressed in the time remaining.

The small building program was an area of considerable overlap between the two units' proposals. Consensus was quickly reached on the purpose and components of the program, which the Strike Force sees as potentially one of the tools in the new preservation entity's tool box.

The Strike Force was also able to reach a strong consensus in framing the preservation entity. A graphic was developed depicting how the new entity would work (Figure 2).

Figure 2: Conceptual Sketch of a Preservation Unit Considered by the Strike Force



As originally proposed, the entity had three functions.

1. Quantify and track the properties needing preservation.
2. Reach out to the owners of these properties to discuss their intentions for the property and if necessary or possible negotiate in the District’s interest to preserve the units as affordable housing.
3. Deploy financing and technical assistance as necessary to achieve the negotiated outcomes.

The basic contours of the preservation unit proposal remained in place throughout the remaining sessions. The only notable change in the final recommendation is that the “negotiate” and the “outreach” functions are treated as distinct functions to emphasize the importance of the preservation unit being authorized to negotiate on behalf of the District and act quickly. Another final change was to have explicit, published criteria for preservation as one of the duties of the preservation entity rather than as a stand-alone recommendation.

The Strike Force debated a number of options for the preservation fund, starting with a structure based on the New York Acquisition Fund. Ultimately, the Strike Force came to the consensus that it was sufficient to provide recommendations on the function and parameters for such a fund; as the details of its funding, operation, and structure would be negotiated between the District and the other private, philanthropic, and public investors that would eventually endow the fund.

During the discussion, two topics emerged again with members making specific proposals directly to the Policy Unit.

The first was TOPA. Data from the multi-family brokerage firm Greysteel underscored the difficulty in assessing the outcomes from TOPA. Chair Donaldson asked interested members to form a working group to meet and see if they could craft a proposal relating to improve the efficacy with which TOPA could be used as a preservation tool. On May 3, this TOPA working group had a frank and full discussion on the purposes of TOPA and its role in preserving affordability.

As potential recommendations the group considered incentives to encourage preservation and the timeliness of transactions, improving the pairing of TOPA with the LIHTC program in preservation projects, and improved data.

The second proposed recommendation made to the Policy unit was to assist older residents to be able to afford their current homes and to age in place.

When the group finalized their consensus recommendations on May 6, these recommendations were included in the final list.

Strike Force members made specific proposals directly to the Policy Unit on TOPA and helping older renters age in place.



The Strike Force was able to reach a strong consensus in framing the preservation entity.



Policy Goals and Recommendations

In its earlier interim report, the Strike Force recommended that the District set a goal of:

- Preserving the affordability of 100 percent of its existing federally- and city-assisted affordable rental homes.

In order to achieve this ambitious goal, the Strike Force recommended that the District:

- identify or create an entity to coordinate the District's affordable housing preservation strategy and include in the Mayor's Fiscal Year 2017 budget funding for this entity; and
- create a funding mechanism specifically dedicated to preserving existing affordable housing inclusive of opportunities to leverage local, federal, and private sector sources of funding to realize this goal.

The final Strike Force recommendations both confirm and expand on those set forth in the interim report.

Accordingly, the Strike Force recommends the following to the Mayor.

Recommendation #1: Establish a "Preservation Unit"

Establish a "**Preservation Unit**" located within a District government agency and tasked with being the District's central resource to: (a) preserve existing assisted affordable housing in the city; and (b) identify opportunities to place "naturally affordable" unassisted units under covenants or otherwise preserve their affordability.

The Strike Force recommends that the Preservation Unit have five fundamental capabilities that will allow it to both identify preservation opportunities and take action to preserve affordability:

1. **Plan:** The Preservation Unit should have the responsibility of representing affordable housing preservation in the District's planning activities, including HUD's Consolidated Plan and the District's Comprehensive Plan.
2. **Analyze:** The Preservation Unit should have dedicated funding and staff to enable it to:
 - (a) collect, buy, and analyze property and market data on current and potential assisted affordable rental housing; (b) track progress toward mayoral goals; and (c) assist in the determination of the risks to, and opportunities for, the preservation of affordable housing; and
 - conduct annual or more frequent data collection on TOPA's outcomes and impact on the preservation of affordable housing.
 - ◇ Publish an initial analysis of its data within one year of its creation.



The Strike Force recommends that a Preservation Unit be established to coordinate the District's affordable housing preservation strategy.



3. **Outreach:** The Preservation Unit should systematically and proactively reach out to property owners, investors, and others associated with real estate and housing advocacy in the District to establish relationships and gather intelligence.
4. **Negotiate:** The Preservation Unit, or specifically the top preservation officer, should have the authority to discuss concrete options with owners and other interested parties to seek agreement on a preservation outcome even when the threat to affordability is not imminent.
5. **Deploy:** The Preservation Unit should be capable of providing financial and technical assistance rapidly to make preservation the most efficient and effective method for the District to provide affordable housing. The Preservation Unit should:
 - Be in a position to facilitate access to sources of financial assistance at local agencies including DHCD, DCHA, DCHFA, and elsewhere through memoranda of understanding or similar formal agreement.
 - Be knowledgeable about how to access private, federal, and philanthropic sources of funds outside the District government.
 - Have preferential access to funds from the Preservation Fund.
 - In addition the Mayor should expressly:
 - ◇ Direct the Preservation Unit to develop the capacity to complete Section 8(bb) and similar transfers of federal housing assistance in cases where the assistance cannot be preserved on-site.
 - ◆ Transfers should be encouraged in these cases.
 - ◆ Continuing the improvement in the relationship between the District and HUD is crucial.
 - ◇ Direct the Preservation Unit to develop Tiered Criteria for District preservation activities.
 - ◆ Given limited resources and the high profile nature of many of these decisions, the District must be explicit about the reasons it becomes involved in a preservation effort and why it prioritizes some properties over others.
 - ◇ Direct the Preservation Unit and its partners in the District government to share information relevant to the preservation of affordable housing on a regular and in a timely manner.
 - ◇ Provide for the continuity of the Preservation Unit’s activity across administrations.





Recommendation #2: Provide seed funding to a Public-Private Preservation Fund

Provide seed funding to a **Public-Private Preservation Fund** to facilitate early investments in preservation deals and leverage greater amounts of private capital to preserve affordable housing.

- **Loan:** The Fund would provide loans to mission driven developers and tenant associations (or their assignees) to quickly conduct due diligence and architectural and environmental assessments, earnest money, and other predevelopment costs necessary to acquire a property and prepare it for construction and permanent financing.
- **Preserve:** Funding would be dependent on a formal binding commitment to preserve or expand current affordability for low-income residents. The preferential terms of the financing would be dependent on that outcome being achieved.
- **Leverage:** The Fund would leverage private and philanthropic dollars to:
 - ◇ increase the impact of public funding; and
 - ◇ put additional “eyes” on the deals and properties being considered and funded by the Fund to increase the likelihood of successful outcomes.
- **Assist in the TOPA Process:** In transactions where tenants are seeking to purchase their building or have decided to assign their rights under TOPA, access to these funds and perhaps additional incentives could be used to encourage shorter transaction times for improved preservation outcomes.
- **Collaborate:** In addition to seeking private funds, there should be collaboration between the public and private sectors in the operation of the Fund.

Recommendation #3: Develop a Small Properties Preservation and Affordability Program

Develop a **Small Properties Preservation and Affordability Program** within DHCD to assist smaller properties (five to 50 units) with funds for renovation and repair.

- This program, housed in the Preservation Unit, would facilitate access to private financing and small business technical assistance.
- New local programs would provide grants and preferential financing in return for affordable covenants.
- Provide or facilitate access to the Federal and government sponsored enterprise (GSE) small properties/small loans programs and local program dollars.
- It would assist small property owners and mission-driven buyers in transitioning small properties to permanent or long-term affordable housing use.
 - ◇ The Small Properties Preservation and Affordability Program also would be available to facilitate preservation in the case of a sale or planned expansion to more than 50 units.

Mayor Bowser greets
Strike Force Members
at the Expo.



Recommendation #4: Implement DOPA

Implement DOPA by releasing the draft regulations that will allow the District to take greater advantage of DOPA laws through the assignment of ownership to pre-qualified developers on an expedited basis.

Recommendation #5: Advance Preservation under TOPA

Improve Preservation under TOPA by providing financial incentives for preservation in TOPA transactions, including predevelopment activities, legal services, third party reports, and acquisition bridge financing and the collection of accurate data about the outcomes of TOPA transactions.

- TOPA currently exempts property owners from providing tenants with an opportunity to purchase their buildings if the only reason for the transfer of ownership interest is to admit an investor partner for the purpose of pursuing a LIHTC redevelopment. (D.C. Official Code §42-3404.02(c)(2)(H)) However, this important exemption is so narrowly construed that most LIHTC projects are unable or unwilling to use it. Further, it does not match the organizational structure that most LIHTC projects must use. The Strike Force recommends a legislative change to this exemption to better accommodate the typical structure for LIHTC transactions.
- Use preservation funding to provide incentives and support for preservation in TOPA transactions (see Recommendation 2, under *Assist in the TOPA Process*).
- Collect better data on preservation outcomes real estate transactions involving TOPA (see Recommendation 1).

Recommendation #6: Create programs to Allow Low Income Senior Renters to Age in Place

Create programs to **Allow Low Income Senior Renters to Age in Place**. In addition to general unit and property preservation strategies, there needs to be increased attention paid to the affordability problems of elderly residents with low incomes aging in place, as demographics suggest this population will grow.

- Provide funds for renovation of buildings and individual apartments and single family homes to create appropriate housing options for seniors to age in place.
- Consider tenant-based strategies to allow seniors to remain in place in their current homes with relative financial security. Buildings serving significant numbers of elderly residents warrant a coordinated, project-based preservation effort.





CONCLUSION

The Strike Force's members are united in their view that in order for the District of Columbia to remain a diverse, inclusive, and vibrant city, it needs a more urgent and systematic response to preserving affordable housing.

The strong consensus is that whatever the specifics of policy, the District must be ambitious and committed to a preservation strategy that goes well beyond simply expanding the amount of funding devoted to preservation or adding programs to the city's preservation tool box. While such an expansion is necessary, the District also must constantly be identifying and cultivating opportunities to preserve affordable housing and then seize them. While the Strike Force expects its recommendations to be well suited to address the affordable housing preservation challenges the District will face between now and 2020, it is also aware that the District will need to continue the mission well beyond that date. Establishing the lasting habits and institutions for affordable housing preservation are therefore as important as establishing specific funding totals and programs today. Only such an ambitious, coordinated, and proactive effort will enable the District to preserve its current stock of affordable housing, much of which is threatened today, and remain optimistic that the legacy of our ongoing investment in new affordable housing will persist well into the future. The Mayor has correctly identified this as one of the most important challenges of our times. ■ ■ ■

The District must constantly be identifying and cultivating opportunities to preserve affordable housing and then seize them.

Naylor Gardens (Ward 7)



ACKNOWLEDGMENTS

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