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Testimony Before the District of Columbia Council  
Committee on Housing  
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Public Hearing:  
Housing Production Omnibus Amendment Act of 2026 (B26-0597)  
Fair Share Housing Targets Act of 2025 (B26-0556)  
Portable Tenant Screening Report Amendment Act of 2025 (B26-0477)

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## **Introduction**

Good afternoon, Chairperson White, and members of the Committee. My name is Makenna Osborn. I am a Senior Policy Attorney at Children's Law Center, and a tenant in the District. Children's Law Center believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

Thank you for this opportunity to testify. Through our work representing children and families across the District,<sup>1</sup> Children's Law Center sees firsthand how fundamental housing security is to a child's ability to grow, learn, and thrive.<sup>2</sup> Unfortunately, for many of our clients, housing security is consistently out of reach. There are too few rental units available in DC's housing market that are affordable to families with lower incomes<sup>3</sup> and not enough subsidy resources to make up the gap between high rents and low wages.<sup>4</sup> To make meaningful progress in lessening the affordable housing crisis that is affecting so many DC families, the Council and Executive must act wherever possible to increase the amount and affordability of rental housing in the District. Therefore, Children's Law

Center appreciates that in recent months Councilmembers have introduced a variety of legislative proposals to decrease costs and increase transparency for District tenants and remove barriers to the production and preservation affordable housing in each Ward of the District. Children's Law Center also applauds this Committee's effort to move many of the recently introduced housing bills forward with urgency in this Council Period.

In the bulk of my testimony, I would like to focus on perhaps the boldest legislative proposal before the Committee today, the Housing Production Omnibus Amendment Act of 2026 (B26-0597) (Housing Production Omnibus).<sup>5</sup> First, I will explain why Children's Law Center believes the District's existing tools for producing and preserving affordable housing, including the Housing Production Trust Fund (HPTF), need to be updated in order to make meaningful progress toward closing the affordable housing gap harming so many District families. Second, I will detail why, in light of the existing system's limitations, Children's Law Center supports the Housing Production Omnibus, including the proposal to replace the HPTF with a new and restructured vehicle for financing affordable housing in the District. Throughout, I will highlight areas of the Housing Production Omnibus where the Committee could explore changes to deepen the ability of the new tools to meet the housing needs of the District's lowest income families. Lastly, I will express Children's Law Center strong support for two other bills before the Committee today, the Portable Tenant Screening Report Amendment Act of 2026 (B26-0477)<sup>6</sup> and the Fair Share Housing Targets Act of 2025 (B26-0556).<sup>7</sup>

## **The District's Existing Tools and Strategies Have Not Meaningfully Closed the Affordable Housing Gap That Is Harming DC Families**

Since the Housing Production Trust Fund (HPTF) began receiving significant funding in 2001, it has been the District's primary tool for supporting the production and preservation of more affordable housing in DC.<sup>8</sup> And since her election in 2015, Mayor Bowser has made funding the HPTF one of her highest priorities, resulting in the District investing over **\$1.4 billion** in the HPTF in just the past 10 years.<sup>9</sup> However, the realities experienced by low-income renters in the District call into question the efficacy of the HPTF and those investments. In 2016, around the time Mayor Bowser began investing heavily in the HPTF, the District had a deficit of 23,214 rental units that were affordable and available to households with income at or below 50% Area Median Income.<sup>10</sup> In 2024, that deficit had increased to 28,608.<sup>11</sup> Our affordable housing gap is growing. As a result, a staggering 51,975 low-income renter households in DC are spending *more than half* of their income on housing costs.<sup>12</sup> The lack of sufficient affordable housing is particularly acute for extremely low-income renters (those with an income of 0-30% Area Median Income (AMI)) and very low-income renters (31-50% AMI), a population that is supposed to be a primary beneficiary of HPTF investments.<sup>13</sup>

The HPTF and the District's other tools and strategies are not meeting the economic realities of the District's affordable housing crisis nor the housing needs of low-income families. In recent years, stakeholders, including affordable housing developers

and operators, have highlighted three primary limitations to the HPTF's structure and DHCD's practices in administering it:

1. Proposals to preserve existing affordable housing through acquisition or rehabilitation are less likely to receive competitive funding awards than proposals for new construction,<sup>14</sup> despite the fact that preservation is faster and more cost-effective and critical to reversing the net loss of affordable housing units.<sup>15</sup>
2. A consistent lack of predictability and timeliness in the HPTF process is delaying existing affordable housing projects and discouraging future proposals.<sup>16</sup>
3. DHCD continually fails to meet the statutory requirements to prioritize HPTF funding for the production and preservation of deeply affordable units.<sup>17</sup>

In recent years the Council and DHCD have attempted to address these concerns within the existing structure of the HPTF. For example, the Council has added subtitles to the Budget Support Act mandating a minimum amount of HPTF funding in given years be dedicated to preservation projects.<sup>18</sup> However, none of these efforts have successfully moved the needle on the affordable housing crisis for low-income District tenants. Larger scale change and new tools and strategies are needed.

### **The Changes Proposed by the Housing Production Omnibus Will Support More Preservation and Deeply Affordable Housing Projects and Increase Predictability and Transparency in the District's Financing Processes**

The Housing Production Omnibus Amendment Act proposes the creation of a new financing tool, the Housing Opportunity Fund (HOF), to replace the existing HPTF.<sup>19</sup> Instead of one large pot of money for which affordable housing projects of all kinds compete together, the HOF will feature five distinct sub-accounts, each dedicated to an

area where the District needs movement to meet the housing needs of low-income residents. These sub-accounts are the:

1. Housing Production Account: to attract and leverage investment to build new housing;
2. Affordable Housing Subsidy Account: to finance and support operations of deeply affordable units and Permanent Supportive Housing;
3. Preservation Account: to preserve and expand the existing stock of affordable housing;
4. Tenant Purchase Support Account: to help tenants purchase and preserve their buildings under the Tenant Opportunity to Purchase Act; and
5. District Acquisition Account: to enable strategic use of public land for housing development.<sup>20</sup>

Children’s Law Center believes that the structure of these sub-accounts will better ensure that existing affordable housing properties, especially those with units for extremely and very low-income households, receive sufficient funding to maintain economic affordability and habitability than the HPTF.

*The HOF Will More Effectively Prioritize Preservation of Existing Affordable Housing*

While HPTF finances can technically be awarded to projects to preserve existing affordable housing, the scoring criteria DHCD uses for selecting projects to receive HPTF financing has historically favored new construction projects.<sup>21</sup> Preservation projects — particularly small and mid-sized buildings serving existing tenants — are often unable to score competitively. As a result, the District’s primary preservation-focused tool has been the Housing Preservation Fund (HPF). While valuable, the HPF is designed as a short-

term “bridge loan” product, supporting initial acquisition and urgent repairs rather than long-term rehabilitation.<sup>22</sup> Volatile market conditions, persistent inflation, and the lack of reliable permanent financing options all slow repayment timelines, undermining the fund’s ability to revolve effectively. The HPF alone cannot meet the scale of preservation need in the District.<sup>23</sup> In a similar vein, the District’s primary resource for providing financial support to tenants seeking to exercise their rights to purchase their building under the Tenant Opportunity to Purchase Act (TOPA), the First Right Purchase Program (FRPP) has been reliant on discretionary allocations from the HPTF, which are too unpredictable and low for TOPA to reach its full potential as a tool for preserving naturally occurring affordable housing.<sup>24</sup> By creating dedicated subaccounts for both preservation projects and tenant purchases and setting guidelines to ensure they have reliable funding amounts each year, the HOF would improve the District’s ability to preserve existing affordable housing.

Children’s Law Center encourages the Committee to explore opportunities to get even more return on its investments in preservation and to decrease future pressures to preserve economic affordability of properties with expiring covenants by requiring longer affordability periods for projects that receive HOF funding. For example, instead of the 40-year affordability period required under the District’s current law and retained in the Housing Production Omnibus, the Committee could require a 99-year or perpetual affordability covenant.<sup>25</sup>

*The HOF Will More Effectively Support the Production and Operation of Deeply Affordable Housing*

The District has historically struggled to build and operate housing affordable to households making under 30% of AMI. Recognizing this particular challenge, the Council set a statutory requirement 50 percent of HPTF funds be dedicated to these deeply affordable units.<sup>26</sup> Unfortunately, DHCD has repeatedly failed to meet this requirement.<sup>27</sup> This failure is due in part to the depth of subsidy needed to maintain these units, as the rents returned are low enough that they must either be offset with market rate units or ongoing operating support from project-based vouchers (such as the Local Rent Supplement Program). The HOF would create several mechanisms to specifically support more deeply affordable rental units in the District to alleviate the severe cost burdens disproportionately borne by households with extremely low incomes. Most notably, the Affordable Housing Subsidy sub-account would allow the fund to essentially “buy down” affordability in existing units. For instance, a building with units affordable at 60% AMI could apply for preservation funding to make those units affordable to households at 30% AMI.<sup>28</sup> This flexibility to combine HOF funds with other subsidies would expand the financial tools available to affordable housing developers seeking to make their units deeply affordable.

Given the scale of the affordable housing gap faced by extremely low-income families in DC, Children’s Law Center encourages the Committee to explore opportunities to build in even more supports for the operation of deeply affordable units.

For example, the Committee should carefully assess all of the areas in the Housing Production Omnibus where funding is reserved for what it defines as Tier 2 housing (targeted to households with 31-50% AMI) and especially Tier 3 housing (targeted to households with 51-80% AMI) and assess if it could also be used for Tier 1 housing (targeted to 0-30% AMI).<sup>29</sup>

*The HOF Will Require More Predictability and Transparency in DHCD's Distribution of Affordable Housing Financing*

Children's Law Center has consistently heard reports from partners in the affordable housing space that delays within DHCD's HPTF application, underwriting, and closing processes and a lack of responsiveness from DHCD staff contribute to increased project costs and postponements in rehabilitation efforts and the delivery of new affordable units; and that a lack of transparency in HPTF awards choices makes it hard to predict if they will get funding, even if they meet the scoring requirements, and therefore move forward with projects. Delays and confusion have serious consequences for affordable housing providers and ultimately low-income tenants who live in properties awaiting much-needed repairs or who will be at risk of losing their home if an affordable housing provider has to sell or is foreclosed on. The Housing Production Omnibus would address these concerns by 1) requiring that DHCD issue HOF Requests for Proposals (RFPs) and process submitted applications on a quarterly basis<sup>30</sup> and 2) requiring that DHCD publish all applications submitted for HOF RFPs and indicate which were selected for awards.<sup>31</sup> Children's Law Center encourages the Committee to

discuss with DHCD whether it will be able to implement this quarterly pace and if not, amend the legislation accordingly. It is Children's Law Center's understanding from conversations with affordable housing developers operating in the DMV that what they value most is predictability so an RFP and awards that are published and issued on a reliable timeline annually may be better than sporadic RFPs and awards throughout the year if DHCD attempts but fails to meet the quarterly requirements.

### **Requiring Landlords to Accept Portable Tenant Screening Reports Will Increase Access to Rental Housing for Low-Income District Families**

Recognizing that application fees can pose a barrier to tenants seeking a new unit, especially for low income families, in 2022 the Council passed a law to cap the price housing providers can charge for tenant screening applications at \$50.<sup>32</sup> While this cap was an important step forward, when tenants end up having to apply to multiple units due to a competitive market or poor credit and rental history, the multiple \$50 non-refundable application fees add up quickly and pose a disproportionate barrier to low-income DC renters, especially Black families. Children's Law Center regularly works with families who have to apply to several units before successfully leasing in one and find it extremely difficult to afford the multiple application fees. For example, if a family has to apply to four different apartments, they could need to pay \$200 in application fees. For most of Children's Law Center's clients \$200 is a large and impactful portion of their monthly income and they must cut back on necessities like food or healthcare to pay the fees or stay in an unsuitable housing situation until they can afford to spend \$50 again.

Empowering tenants to access and utilize a portable tenant screening report so they only have to pay one application fee per 30 days will make accessing a new rental unit easier for all District residents and more racially and economically equitable.

Children’s Law Center supports the passage of the Portable Tenant Screening Report Amendment Act of 2026 so the District can join states like Colorado,<sup>33</sup> Rhode Island,<sup>34</sup> and Illinois<sup>35</sup> in requiring housing providers to accept certified portable tenant screening reports in lieu of charging a fee to run their own report.<sup>36</sup> We welcome the opportunity to discuss effective implementation measures and address any concerns raised by housing providers as the bill moves through the legislative process.

### **The District Must Take A Strategic, Proactive Approach to Meeting Affordable Housing Targets To Promote Equitable Access to Opportunity for DC Families**

In recognition of the fact that a history of “racially discriminatory and exclusionary policies” disproportionately concentrated housing affordable to lower income families in a few neighborhoods of the District while others with greater “economic, educational, and employment opportunities” remained inaccessible, in 2019 the Mayor, the Department of Housing and Community Development (DHCD) and the Office of Planning (OP) intentionally set Planning Area-level affordable housing goals within the Executive’s larger goal of creating 36,000 new housing units by 2025.<sup>37</sup> In the *Housing Equity Report* establishing these goals, the Executive emphasized that achieving these equitable geographic distribution goals for affordable housing would be “critical to advancing the District’s goals of equity and inclusive prosperity and promoting the

wellbeing of all residents.”<sup>38</sup> While Children’s Law Center celebrates that the District has achieved its goals to produce 36,000 new housing units, including 12,000 affordable units, we share the concern many Councilmembers and District residents have raised that the District has not had similar success in achieving its equitable distribution goals.<sup>39</sup> While some Planning Areas, comprised largely of those that already had a high concentration of lower income households, have reached well over their equitable distribution targets, other Planning Areas with historically high opportunity neighborhoods remain far from meeting their targets. For example, the Far Northeast and Southeast Planning Area, which includes most of Ward 7, has reached over 250% of its affordable housing target while the Rock Creek West Planning Area in affluent Ward 3 has reached less than 12% of its target.<sup>40</sup>

It is not enough to merely establish equitable affordable housing distribution goals, especially when the District has failed to meet its initial targets for many Planning Areas. Therefore, Children’s Law Center supports the Fair Share Housing Targets Act of 2025, which would require the Mayor to “establish a process for assessing and remedying barriers to housing production for any [P]lanning [A]rea that does not meet a housing target, now or in the future.”<sup>41</sup> We strongly encourage the Council to pass this legislation before current Council Period ends so it can ideally become effective in time for the District’s new Executive leaders to include these goals and assessments in their transition plans.

## **Conclusion**

Thank you again for the opportunity to testify. In closing, Children's Law Center wants to acknowledge what many stakeholders have raised to the Committee today: without sufficient funding and transparent, reliable implementation by agency leadership, no tools for financing housing production and preservation will be sufficient to meaningfully address the District's affordable housing gap. However, that does not mean the Council should forego any action to replace the tools and strategies we know are not working, with a new approach. Not only will the changes proposed by the Housing Production Omnibus address many of the known problems with the current Housing Production Trust Fund, but they will also best set DHCD and the District up for success when the District is able to invest the levels of funding required to meet the need.

Further, while Children's Law Center appreciates that this is a uniquely precarious time for housing developers and operators in the District, we do not believe that should prevent Council from changing the parts of our affordable housing system that are not working. Large scale changes are necessary for progress, and the next year is a powerful opportunity for new District leadership to implement bold policy reforms and set a new path for the District's housing ecosystem.

Ultimately, the pervasiveness of housing insecurity among Children's Law Centers clients reflects a systemic lack of sufficient affordable housing options in the District's housing ecosystem. Passing the bills before the Committee today is one step

Council can take to achieve meaningful progress in lessening the affordable housing crisis that is affecting so many DC families. Children’s Law Center welcomes the opportunity to work with this Committee throughout the remaining legislative process to hone and pass these bills before the end of this Council period.<sup>42</sup>

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<sup>1</sup> Children’s Law Center’s innovative medical legal partnership, Healthy Together, places attorneys at primary care pediatric clinics throughout the city with Children’s National, Unity Health Care, and Mary’s Center to receive referrals from pediatric providers for assistance with non-medical barriers to a child’s health and well-being. See *Our Impact: Health*, Children’s Law Center, <https://childrenslawcenter.org/ourimpact/health/>.

<sup>2</sup> See Sonya Acosta, “Stable Housing is Foundational to Children’s Well-Being,” Center on Budget and Policy Priorities (Feb. 15 2022), available at: <https://www.cbpp.org/blog/stable-housing-is-foundational-to-childrens-well-being>; Megan Sandel et al., “Housing as a Healthcare Investment,” Children’s Health Watch (Mar. 2016), available at: <https://childrenshealthwatch.org/wp-content/uploads/Housing-as-a-Health-Care-Investment.pdf>.

<sup>3</sup> For every 100 renter households with an income at or below 50% Area Median Income in DC, there are only 64 rental units in DC that are affordable (meaning a household would not be spending more than 30% of their income on housing costs). *The Gap: District of Columbia*, National Low Income Housing Coalition (NLIHC), available at: <https://nlihc.org/gap/state/dc>.

<sup>4</sup> According to a 2024 Urban Institute analysis, to fully close the gap between household incomes and market rent costs for low-income tenants in DC, the District would need to fund an additional \$380 million per year in local vouchers and at least \$76 million in the Emergency Rental Assistance Program (ERAP), which is significantly higher than current levels of spending. See Elizabeth Burton, Leah Hende, and Peter A. Tatian, *Combating Rising Evictions in the District of Columbia with Housing Subsidies*, Urban Institute (June 2024), available at: <https://www.urban.org/research/publication/combating-rising-evictions-district-columbia-housing-subsidies>.

<sup>5</sup> B26-0597, *Housing Production Omnibus Amendment Act of 2026*, available at: <https://lims.dccouncil.gov/Legislation/B26-0597>.

<sup>6</sup> B26-0477, *Portable Tenant Screening Report Amendment Act of 2025*, available at: <https://lims.dccouncil.gov/Legislation/B26-0477>.

<sup>7</sup> B26-0556, *Fair Share Housing Targets Act of 2025*, available at: <https://lims.dccouncil.gov/Legislation/B26-0556>.

<sup>8</sup> See Brian McCabe, *The Housing Production Trust Fund Explained*, Greater Greater Washington (February 8, 2021), <https://ggwash.org/view/80343/what-is-the-housing-production-trust-fund-anyway>; Maribeth DeLorenzo and Angie Rodgers, *The District’s Housing Production Trust Fund Has Developed Thousands of Affordable Housing Units Since FY 2001*, Coalition for Nonprofit Housing and Economic Development (CNHED) and DC Fiscal Policy Institute (April 20, 2007), <https://dcfpi.org/all/the-districts-housing-production-trust-fund-has-developed-thousands-of-affordable-units-since-fy-2001-2/>.

<sup>9</sup> *Mayor Bowser Announces \$100 Million Investment in the Housing Production Trust Fund*, Executive Office of the Mayor (April 30, 2025), <https://mayor.dc.gov/release/mayor-bowser-announces-100-million-investment-housing-production-trust-fund>.

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<sup>10</sup> *The Gap: District of Columbia*, National Low Income Housing Coalition (NLIHC), available at: <https://nlihc.org/gap/state/dc>, (Select “2016” in the drop down menu located in the top right corner of the table titled “All Gap Data for District of Columbia”).

<sup>11</sup> *Id.* (Select “2024” in the drop-down menu located in the top right corner of the table titled “All Gap Data for District of Columbia”).

<sup>12</sup> *2026 District of Columbia Housing Profile State Report*, National Low Income Housing Coalition (NLIHC), p. 1 Chart: Extremely Low-Income Renters Make Up Majority of Severely Cost-Burdened Renters (March 2026), available at: <https://nlihc.org/gap/state/dc> (Select “Download State Report”) (43,874 extremely low income renter households (0-30% AMI), 5,453 very low income renter households (31-50% AMI), and 2,648 low income renter households (51-80% AMI) were spending more than 50% of household income on housing costs according to the latest American Community Survey for DC).

<sup>13</sup> For every 100 extremely low-income (earning at or below 30% AMI) and very low-income (earning at or below 50% AMI) households in DC, there are only 37 and 64 rental units available that are affordable, respectively; compared to 96 and 105 affordable units available to households earning at or below 80% AMI and at or below 100% AMI. *The Gap: District of Columbia*, National Low Income Housing Coalition (NLIHC), available at: <https://nlihc.org/gap/state/dc>. This is even though according to the statute that governs the HPTF, 50% of HPTF’s dollars spent each fiscal year are supposed to serve extremely low-income households (0-30% AMI) and another 40% of spending is supposed to serve very low-income households (31-50% AMI). See Libby Solomon, Bowser Announce Surge of Affordable Housing Funds in Next Year’s Budget, Greater Greater Washington (May 24, 2021), <https://ggwash.org/view/81431/bowser-announces-surge-of-affordable-housing-funds-through-the-housing-production-trust-fund>.

<sup>14</sup> See Ryan Trout et al., *Sustaining Affordability: The Role of the Tenant Opportunity to Purchase Act (TOPA) in Washington, DC*, Coalition for Nonprofit Housing and Economic Development (CNHED [now known as The Coalition]) (November 2023) p. 66, available at: <https://thecoalitiondc.org/news/cnhed-releases-comprehensive-analysis-of-dcs-tenant-opportunity-to-purchase-act-topa/>; Eliana Golding, *Council Must Invest in Affordable Housing Preservation to Prevent Displacement*, DC Fiscal Policy Institute (April 3, 2023), <https://dcfpi.org/all/council-must-invest-in-affordable-housing-preservation-to-prevent-displacement/> (“In the last Consolidated Request For Proposals (RFP) round, only two of the 22 projects selected for underwriting were preservation projects. . . . The current weighting structure awards so few points for preservation projects that it is nearly impossible for them to beat out other projects during the competitive RFP round.”).

<sup>15</sup> See Priya Jayachandran, *In the Rush to Build, Existing Affordable Housing is Falling Apart*, Shelterforce (May 9, 2024), <https://shelterforce.org/2024/05/09/in-the-rush-to-build-existing-affordable-housing-is-falling-apart/> (“In urban centers, new construction can exceed \$700,000 per apartment home, in contrast to the typical \$50,000–\$200,000 per unit cost of preserving and renovating a property. . . . It’s also faster—an affordable home that is renovated and preserved can be available to families in need of housing in a fraction of the time it takes to build new housing.”); Andrea Ponsor, Althea Arnold, Michael Bodaken, *Preserving Affordable Homes for Equitable, Healthy Communities*, Center for Community Investment, Lincoln Institute of Land Policy, and Stewards of Affordable Housing for the Future (November 2020), [https://www.sahfnet.org/sites/default/files/documents/preserving\\_affordable\\_homes.pdf](https://www.sahfnet.org/sites/default/files/documents/preserving_affordable_homes.pdf).

<sup>16</sup> In conversations with actors in the affordable housing production and preservation space in the DMV region, Children’s Law Center has repeatedly been told about the challenges posed by lengthy delays and the lack of consistency and predictability in DHCD’s administration of the HPTF.

<sup>17</sup> See Ingrid Drake et al., *DHCD Should Improve Management of the Housing Production Trust Fund to Better Meet Affordable Housing Goals*, Office of the District of Columbia Auditor (March 16, 2017), available at: <https://dcauditor.org/report/dhcd-should-improve-management-of-the-housing-production-trust-fund->

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[to-better-meet-affordable-housing-goals/](#); District of Columbia Office of the Inspector General, *DHCD Did Not Effectively and Efficiently Use the Housing Production Trust Fund to Produce Affordable Housing Units for Extremely Low-Income Households*, OIG Project No. 20-1-23DB (September 2021), available at:

<https://oig.dc.gov/oig-services/reports/audit-reports>; Eliana Golding, *Council Must Invest in Affordable Housing Preservation to Prevent Displacement*, DC Fiscal Policy Institute (April 3, 2023),

<https://dcfpi.org/all/council-must-invest-in-affordable-housing-preservation-to-prevent-displacement/>.

<sup>18</sup> See e.g., B26-0265, *Fiscal Year 2026 Budget Support Act of 2025*, Title II. Economic Development and Regulation, Subtitle U. Housing Production Trust Fund, <https://lims.dccouncil.gov/Legislation/B26-0265>.

<sup>19</sup> B26-0597, *Housing Production Omnibus Amendment Act of 2026*, available at:

<https://lims.dccouncil.gov/Legislation/B26-0597>.

<sup>20</sup> *Id.* Introduction and Sec. 104. Fund organization.

<sup>21</sup> See Eliana Golding, *A Holistic and Reparative Agenda for Ending Displacement in DC*, DCFPI (November 15, 2023), [https://www.dcfpi.org/all/agenda-for-ending-displacement/#\\_edn51](https://www.dcfpi.org/all/agenda-for-ending-displacement/#_edn51).

<sup>22</sup> Housing Preservation Fund, DHCD, <https://dhcd.dc.gov/service/housing-preservation-fund>; Eliana Golding, *DC Council Must Prioritize Displacement Prevention and Affordable Housing Preservation*, DCFPI (February 15, 2024), <https://www.dcfpi.org/all/dc-council-must-prioritize-displacement-prevention-and-affordable-housing-preservation/>.

<sup>23</sup> See *id.*

<sup>24</sup> See Ryan Trout et al., *Sustaining Affordability: The Role of the Tenant Opportunity to Purchase Act (TOPA) in Washington, DC*, Coalition for Nonprofit Housing and Economic Development (CNHED [now known as The Coalition]) (November 2023) p. 66, available at: <https://thecoalitiondc.org/news/cnhed-releases-comprehensive-analysis-of-dcs-tenant-opportunity-to-purchase-act-topa/>.

<sup>25</sup> B26-0597, *Housing Production Omnibus Amendment Act of 2026*, lines 268-269, available at:

<https://lims.dccouncil.gov/Legislation/B26-0597>. For discussions and examples of perpetual affordability covenants tied to funding for affordable housing projects see, Elizabeth Elia, *Perpetual Affordability Covenants: Can These Land Use Tools Solve the Affordable Housing Crisis?*, Penn State Law Review Vol. 124: Iss. 1, Article 2 (2019), available at: <https://insight.dickinsonlaw.psu.edu/pslr/vol124/iss1/2/>;

Roshan Abraham, *Make Your State's Housing Affordable Forever With This One Weird Trick*, Poverty & Race Research Action Council (September 12, 2024), <https://www.prrac.org/make-your-states-housing-affordable-forever-with-this-one-weird-trick/>.

<sup>26</sup> DC Code Sec. 42-2802(b-1), <https://code.dccouncil.gov/us/dc/council/code/sections/42-2802>.

<sup>27</sup> See Ingrid Drake et al., *DHCD Should Improve Management of the Housing Production Trust Fund to Better Meet Affordable Housing Goals*, Office of the District of Columbia Auditor (March 16, 2017), available at:

<https://dcauditor.org/report/dhcd-should-improve-management-of-the-housing-production-trust-fund-to-better-meet-affordable-housing-goals/>; District of Columbia Office of the Inspector General, *DHCD Did Not Effectively and Efficiently Use the Housing Production Trust Fund to Produce Affordable Housing Units for Extremely Low-Income Households*, OIG Project No. 20-1-23DB (September 2021), available at:

<https://oig.dc.gov/oig-services/reports/audit-reports>; Eliana Golding, *Council Must Invest in Affordable Housing Preservation to Prevent Displacement*, DC Fiscal Policy Institute (April 3, 2023),

<https://dcfpi.org/all/council-must-invest-in-affordable-housing-preservation-to-prevent-displacement/>.

<sup>28</sup> B26-0597, *Housing Production Omnibus Amendment Act of 2026*, lines 430-446, available at:

<https://lims.dccouncil.gov/Legislation/B26-0597>.

<sup>29</sup> *Id.* at lines 63-70.

<sup>30</sup> *Id.* at lines 250-251.

<sup>31</sup> *Id.* at lines 348-370.

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<sup>32</sup> B24-0096, *Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022*, <https://lims.dccouncil.gov/Legislation/B24-0096>.

<sup>33</sup> HB25-1236, *Residential Tenant Screening*, Colorado General Assembly, <https://leg.colorado.gov/bills/hb25-1236>.

<sup>34</sup> RI Gen L § 34-18-59. (2025).

<sup>35</sup> Public Act 103-0840, Illinois General Assembly, <https://ilga.gov/Legislation/publicacts/view/103-0840>.

<sup>36</sup> B26-0477, *Portable Tenant Screening Report Amendment Act of 2025*, available at: <https://lims.dccouncil.gov/Legislation/B26-0477>.

<sup>37</sup> Executive Office of the Mayor, Department of Housing and Community Development, and Office of Planning, *Housing Equity Reprt: Creating Goals for Areas of Our City* (October 2019), p. 10, 13, available at: <https://planning.dc.gov/sites/default/files/dc/sites/housingdc/publication/attachments/Housing%20Equity%20Report.pdf>.

<sup>38</sup> *Id.* at 13.

<sup>39</sup> B26-0556, *Fair Share Housing Targets Act of 2025*, Statement of Introduction, available at: <https://lims.dccouncil.gov/Legislation/B26-0556>.

<sup>40</sup> See DMPED 36,000 by 2025 Dashboard, “New Affordable Housing Units Since 2019 by Planning Area,” <https://open.dc.gov/36000by2025/>.

<sup>41</sup> B26-0556, *Fair Share Housing Targets Act of 2025*, Statement of Introduction, available at: <https://lims.dccouncil.gov/Legislation/B26-0556>.

<sup>42</sup> It is important to prioritize passing these bills before the end of the current Council Period at the end of 2026 because under Council rules, any legislation not passed within the Council Period it was introduced “lapses” and must be reintroduced and move through the legislative process again in the next Council Period. District of Columbia Council, *Rules of Organization and Procedure for the Council of the District of Columbia*, Council Period 26, Rule 418, available at: <https://dccouncil.gov/wp-content/uploads/2026/01/PR26-0001-FINAL-1-29-26.pdf>.