



**Testimony to the Committee on the Whole  
Budget Oversight for the Office of Planning  
Tuesday, March 28, 2023**

*Rebecca Miller on Behalf of the DC Preservation League*

Good morning, Chairman Mendelson and Councilmembers. My name is Rebecca Miller, Executive Director of the DC Preservation League (DCPL), Washington's citywide nonprofit that, for more than 50 years, has been dedicated to the preservation and protection of the historic and built environment of our nation's capital. I am pleased to be here today, and thank you for the opportunity to comment on the Mayor's Budget for the Historic Preservation Office (HPO). DCPL works closely with the Historic Preservation Office (HPO) and its parent agency, the Office of Planning, to help carry out our mission and, in doing so, support DC-led initiatives that successfully utilize historic preservation as a tool for economic growth and vitality.

As DCPL testified at the Office of Planning Performance Oversight Committee, we believe the Historic Homeowner Grant Program should be expanded to include all historic properties across the city, with household income being the only limiting qualifier. In 2021, HPO conducted a public survey online to receive feedback and comments to include in the 2025 Preservation Plan. In response to the question, "What historic preservation resources would you like to see more of in the future?", 85% of respondents wanted more resources focused on the Historic Homeowner Grant Program.

As requested by the Chairman, DCPL has attached to its testimony proposed amendments to the law to expand the program citywide and extend it to low-and-moderate income owners in multifamily buildings.

We would also propose raising the maximum grant amount from \$25,000 to \$50,000 per household per grant cycle. This dollar increase would be the first since the program was authorized in 2007 and is necessary to keep up with inflation and construction costs associated with building maintenance and preservation standards.

With this increase in dollar amount, DCPL would recommend that the covenant held by the Historic Preservation Office be expanded from 5 to 10 years, protecting the city's investment in our historic neighborhoods and landmarks.

Expansion of this targeted program is consistent with the goals of the 2025 Historic Preservation Plan and the Mayor's Fair Shot initiative. To that end, DCPL requests that the Council increase the funding proposed in the Mayor's Budget from \$250,000 to the statutorily authorized maximum of \$1.25 million, to allow more homeowners across the District to access this critical funding for neighbors who may struggle financially to maintain their historic properties.

Finally, HPO has requested an additional FTE for an Archaeologist for years, yet it has never been included in the Budget. As a result, the city's comprehensive Archaeology program is staffed by a single FTE and one contract position. HPO has consistently paid interns, fellows, and contractors to assist with the program, as the responsibilities are too great for a single city employee. For example, the city archaeologist reviewed more than 100 local and federal projects last year, in addition to having responsibility of curating the city's artifact

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collection. As part of the MLK Library Rehabilitation and Modernization project, a portion of the Library exhibit spaces will be used to create temporary exhibits utilizing a portion of the city's archaeological collections. The temporary exhibitions are intended to make District of Columbia history and archaeology more visible and accessible to District of Columbia residents. This work cannot be carried out at current staffing levels. HPO had proposed converting a vacant reviewer position to an archaeologist position, but that position was eliminated in the Mayor's proposed FY2024 Budget. DCPL requests that this FTE be reinstated as an Archaeologist position, so the Historic Preservation Program can adequately carry out its Archaeological responsibilities.

We look forward to our continued work with HPO and thank you for your time and attention to these requests.

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A BILL (Draft)

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Historic Landmark and Historic District Protection Act of 1978 to include all historic landmarks and contributing properties in historic districts under the Targeted Homeowner Grant Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

Act may be cited as the “Targeted Historic Preservation Assistance Amendment Act of 2023”.

Sec. 2. Section 11b(b) of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(per)), is amended as follows:

(b) Paragraph is amended to strike “one of the following historic districts” and replaced with “any historic district or is a designated historic landmark.”

(b)(1)-(16) Strike All Paragraphs

(d) Paragraph is amended to strike “\$25,000, except that a grant may be a maximum of \$35,000 if the structure is located within the Anacostia Historic District and replaced with \$50,000.

34 (e)(1)(B) Paragraph is amended to strike “, and includes written consent from each person in the  
35 applicant’s household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of  
36 his or her gross income; which disclosure shall be used solely for consideration of grant applications  
37 under this section.” And will read as “The taxpayer submits an application showing that the taxpayer  
38 and household residents meets the applicable household income criteria. The taxpayer must also be  
39 listed on the Office of Tax and Revenue’s records as currently receiving the homestead deduction for  
40 property taxes.”

41 (e)(2) Strike Paragraph

42 (e)(f) Strike “; except, that the match requirement shall be a minimum of 15% for a taxpayer in  
43 the Anacostia Historic District”

44 (g) Strike “; except, that the match requirement shall be a minimum of 40% for a taxpayer in the  
45 Anacostia Historic District”

46 (i)(1) Strike “5” and replace with “10”

47 Sec. 3 Fiscal impact statement.

48 The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
49 statement required by section 4a of the General Legislative Procedures Act of 1975, approved October  
50 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

51 This act shall take effect following approval by the Mayor (or in the event of a veto by the  
52 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
53 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,  
54 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
55 Register.

# § 6–1110.02(Perm). Targeted Homeowner Grant Program

## Proposed Updates

Code Section	Current Grant Program	Proposed Grant Program Change(s)
<b>(a) Program Statement</b>	The Mayor may use authorized funds to establish a targeted homeowner grant program to assist homeowners with the rehabilitation of their historic property.	No Change
<b>(b) Eligible Historic Districts</b>	A grant under this program may be used to rehabilitate a structure that contributes to one of the following historic districts:	A grant under this program may be used to rehabilitate a structure that contributes to the character of any historic district or any designated historic landmark:
<b>(b)(1)-(16)</b>	List of HDS	Strike All
<b>(c) Eligible Work</b>	A grant shall be limited to structural repairs or work on the exterior of a qualified structure;	No Change
<b>(d) Funding Maximum</b>	A grant shall not exceed \$25,000, except, that a grant may be a maximum of \$35,000 if the structure is located within the Anacostia Historic District.	A grant shall not exceed \$50,000. per household
<b>(e)(1) Eligible Household</b>	A grant may be made to a taxpayer, as defined in <a href="#">§ 47-1801.04(7)</a> , who has a household income of 120% or less of the area median income	No Change
<b>(e)(1)(A)</b>	The grant is for rehabilitation of the taxpayer’s principal place of residence or a structure that will be the taxpayer’s principal place of residence within 60 days after the rehabilitation is completed;	No Change
<b>(e)(1)(B)</b>	The taxpayer submits an application showing that the taxpayer meets the applicable household income criteria and is listed on the Office of Tax and Revenue’s records as currently receiving the homestead deduction for property taxes, and includes written consent from each person in the applicant’s household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross	The taxpayer submits an application showing that the taxpayer and household residents meet the applicable household income criteria. The taxpayer must also be listed on the Office of Tax and Revenue’s records as currently receiving the homestead deduction for property taxes.

	income; which disclosure shall be used solely for consideration of grant applications under this section.	
<b>(e)(2)</b>	The Office of Tax and Revenue shall report the gross income of each of the persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.	Strike Section
<b>(f)</b>	A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.	A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation.
<b>(g)</b>	A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.	A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation.
<b>(h)</b>	The Mayor shall	No Change
<b>(h)(1)</b>	Approve the scope of rehabilitation work prior to award of a grant;	No Change
<b>(h)(2)</b>	Ensure that all work is consistent with the purposes of this subchapter and implementing regulations; and,	No Change
<b>(h)(3)</b>	Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.	No Change
<b>(i)(1)</b>	The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the	The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation

	rehabilitation improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for 5 years after the date on which the grant is fully disbursed.	improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for <b>10 years</b> after the date on which the grant is fully disbursed.
<b>(i)(2)</b>	If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this subchapter and may assess the amount of the grant as a tax on the property, and shall:	No Change
<b>(i)(2)(A)</b>	Carry the tax on the regular tax rolls; and	No Change
<b>(i)(2)(B)</b>	Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.	No Change
<b>(j)(1)</b>	An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.	No Change
<b>(j)(2)</b>	A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.	No Change
<b>(k)(1)</b>	The Mayor shall deposit in the HLP Fund established in <a href="#">§ 6-1110.01</a> any funds appropriated for the purposes of the Targeted Homeowner Grant Program.	No Change
<b>(k)(2)</b>	The Mayor may expend up to \$1.25 million of appropriated funds for this purpose each fiscal year. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.	No Change

<b>(k)(3)</b>	In each fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs.	No Change





# Council of the DISTRICT OF COLUMBIA

Code of the District of Columbia

## § 6-1110.02(Perm). Targeted Homeowner Grant Program.

(a) The Mayor may use authorized funds to establish a ~~targeted~~ homeowner grant program to assist homeowners with the rehabilitation of their historic property.

(b) A grant under this program may be used to rehabilitate a structure that contributes to the character of any historic district or any designated historic landmark; ~~one of the following historic districts:~~

- ~~(1) Anacostia Historic District;~~
- ~~(2) Blagden Alley/Naylor Court Historic District;~~
- ~~(3) Capitol Hill Historic District;~~
- ~~(4) Greater Fourteenth Street Historic District;~~
- ~~(5) Greater U Street Historic District;~~
- ~~(6) LeDroit Park Historic District;~~
- ~~(7) Mount Pleasant Historic District;~~
- ~~(8) Mount Vernon Square Historic District;~~
- ~~(9) Mount Vernon Triangle Historic District;~~
- ~~(10) Shaw Historic District;~~
- ~~(11) Strivers' Section Historic District;~~
- ~~(12) Takoma Park Historic District;~~
- ~~(13) Emerald Street Historic District;~~
- ~~(14) Kingman Park Historic District;~~
- ~~(15) Wardman Flats Historic Landmark; or~~
- ~~(16) Bloomingdale Historic District.~~

(c) A grant shall be limited to structural repairs or work on the exterior of a qualified structure;

(d) A grant shall not exceed \$~~5025,000~~; ~~except, that a grant may be a maximum of \$35,000 if the structure is located in the Anacostia Historic District.~~

(e)(1) A grant may be made to a taxpayer, as defined in [§ 47-1801.04\(7\)](#), who has a household income of 120% or less of the area median income; provided, that:

(A) The grant is for rehabilitation of the taxpayer's principal place of residence or a structure that will be the taxpayer's principal place of residence within 60 days after the rehabilitation is completed;

(B) The taxpayer submits an application showing that the taxpayer and household residents meets the applicable household income criteria. The taxpayer must also be ~~and is~~ listed on the Office of Tax and Revenue's records as currently receiving the homestead deduction for property taxes, ~~and includes written consent from each person in the applicant's household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross income; which disclosure shall be used solely for consideration of grant applications under this section.~~

~~(2) The Office of Tax and Revenue shall report the gross income of each of the persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.~~

(f) A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the rehabilitation; ~~except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.~~

(g) A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; ~~except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.~~

(h) The Mayor shall:

(1) Approve the scope of rehabilitation work prior to award of a grant;

(2) Ensure that all work is consistent with the purposes of this subchapter and implementing regulations; and,

(3) Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.

(i)(1) The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation improvements be

maintained in good repair satisfactory to the State Historic Preservation Officer for ~~105~~

years after the date on which the grant is fully disbursed.

**(2)** If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this subchapter and may assess the amount of the grant as a tax on the property, and shall:

**(A)** Carry the tax on the regular tax rolls; and

**(B)** Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.

**(j)(1)** An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.

**(2)** A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.

**(k)(1)** The Mayor shall deposit in the HLP Fund established in [§ 6-1110.01](#) any funds appropriated for the purposes of the Targeted Homeowner Grant Program.

(2) The Mayor may expend up to \$1.25 million of appropriated funds for this purpose each fiscal year. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.

(3) In each fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs.

([Mar. 3, 1979, D.C. Law 2-144, § 11b](#); as added [Mar. 2, 2007, D.C. Law 16-189, § 2\(c\)](#), 53 DCR 6786; [Mar. 25, 2009, D.C. Law 17-353, § 128\(b\)](#), 56 DCR 1117; [Mar. 3, 2010, D.C. Law 18-111, § 2121](#), 57 DCR 181; [Nov. 27, 2018, D.C. Law 22-180, § 2](#), 65 DCR 11198; [Dec. 23, 2020, D.C. Law 23-162, § 2](#), 67 DCR 13261.)

### Effect of Amendments

[D.C. Law 17-353](#) validated a previously made technical correction in the section designation.

[D.C. Law 18-111](#), in subsec. (k)(2), substituted “fiscal year” for “fiscal year, beginning from fiscal year 2006 through fiscal year 2010”; and, in subsec. (k)(2), deleted “applicable” following “each”.

### Emergency Legislation

For temporary (90 day) addition, see § 2(c) of Targeted Historic Preservation Assistance Emergency Amendment Act of 2006 (D.C. Act 16-472, July 31, 2006, 53 DCR 6781).

For temporary (90 day) addition, see § 2(c) of Targeted Historic Preservation Assistance Congressional Review Emergency Act of 2006 (D.C. Act 16-500, October 23, 2006, 53 DCR 9046).

For temporary (90 day) amendment, see § 2 of Targeted Historic Housing Preservation Assistance Emergency Amendment Act of 2008 (D.C. Act 17-470, July 28, 2008, 55 DCR 8761).

For temporary (90 day) amendment of section, see § 2 of Targeted Historic Housing Preservation Assistance Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-546, October 20, 2008, 55 DCR 11434).

For temporary (90 day) amendment of section, see § 2121 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2121 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

### Temporary Legislation

Section 2 of D.C. Law 17-277, in subsec. (e), added par. (3) to read as follows:

“(3) A grant made to a taxpayer pursuant to this section shall be excluded in the computation of District gross income.”.

Section 5(b) of D.C. Law 17-277 provided that the act shall expire after 225 days of its having taken effect.

### Short Title

Short title: Section 2120 of [D.C. Law 18-111](#) provided that subtitle M of title II of the act may be cited as the “Targeted Homeowner Grant Program Funding Amendment Act of 2009”.

**Editor's Notes**

Section 7071 of [D.C. Law 17-219](#) repealed section 4 of [D.C. Law 16-189](#).

**PUBLICATION INFORMATION**

**Current through**

Feb. 1, 2023

**Last codified Emergency Law:**

[Act 25-9 effective Feb. 1, 2023](#)

**Last codified D.C. Law:**

[Law 117-328 effective Dec. 29, 2022](#)

**Last codified Federal Law:**

[Public Law 115-334 approved Dec. 20, 2018](#)

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[<https://github.com/dccouncil/law-html>]

[<https://github.com/dccouncil/law-xml>]

[<http://www.openlawlib.org/>]