

DC Zoning Commission Adopts Emergency Amendments to Inclusionary Zoning Regulations

July 2010

By Cary Kadlecek

On Monday, July 26, the D.C. Zoning Commission adopted emergency amendments to the Inclusionary Zoning (“IZ”) Regulations to exempt most affordable housing projects. This change was prompted by a request from the Department of Housing and Community Development, and Goulston & Storrs has been a strong advocate for this change on behalf of several affected clients.

Affordable housing projects previously were subject to the requirements of IZ, resulting in numerous and difficult conflicts between the IZ Regulations and projects’ funding sources. Under the new IZ Regulations, any affordable residential project funded completely or partially by the federal or District government is entirely exempt from the IZ requirements as long as it meets four criteria:

- At least 80% of the units must be affordable;
- rent and for sale prices cannot exceed those established by the maximum rent or for sale schedule for the affordability program;
- the affordable units must remain as such for at least 30 years; and
- a covenant for the affordability criteria must be recorded against the property.

The emergency regulations will remain in effect for 120 days. It is likely that the Zoning Commission’s hearing on changes to the regulations will be held before the emergency expires.

The author, Cary Kadlecek, is an associate in the Land Use and Development Group and can be reached at ckadlecek@goulstonstorrs.com

For further information about the newly adopted emergency amendments to the Inclusionary Zoning Regulations, please contact:

Linda Goldstein 202.721.1150
lgoldstein@goulstonstorrs.com

Cynthia Paine 202.721.1148
cpaine@goulstonstorrs.com

Allison Prince 202.721.1106
aprince@goulstonstorrs.com

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