



**Before the Committee on Facilities & Family Services**  
**Testimony of Nancy MacWood on Behalf of the Committee of 100 on the**  
**Common Ground Amendment Act of 2023 (B25-39)**  
**December 14, 2023**

I am Nancy MacWood and I am testifying for the Committee of 100 on the Federal City. We have a keen interest in Bill 25-39 introduced by Councilmember Robert White, in part because we worked to reform public land surplus and disposition procedures almost two decades ago. Though the current legislation adds important processes to provide more transparency and safeguard citizens' interests, we urge the Council to strengthen some of the Bill's provisions.

In our view, the major problem with the surplus and disposition of public land is that the administration has the beginning, the middle, and the end of the process scripted from the outset. There is no authentic separation of the surplus and disposition procedures. The required community hearings are a sham because there is no intention to revise either the surplus decision or the disposition plan based on community views and needs.

When the Bill was introduced, Councilmember White issued a thoughtful public statement that declared one of his goals was to increase community input to elevate community needs above developers' desires. To achieve that goal, we urge the Council to add three provisions:

1. The Council Office on Racial Equity (CORE) should issue a report on the surplus resolution as prepared by the Office of Planning and the disposition resolution when it is sent to the Council. While the bill provides for a report from the administration's Chief Equity Officer, that office cannot be expected to analyze the pros and cons of changing the status of public land in a specific location as independently, thoroughly, or as frankly as CORE. CORE has demonstrated its capacity for quick, professional, and relevant insights regarding racial equity that are particularly useful in the legislative process.

2. The Council should issue guidance to the mayor and the administration on appropriate optional methods of disposition when it approves a surplus resolution. It's clear that the Council must take a more active role in protecting public land and using it for productive public purposes and/or key non-public uses. The surplus and disposition processes provide an opportunity for the Council to be involved. The Council should demonstrate that it will listen to the comments of each community hoping to influence the surplus decision and shape a disposition plan. No longer should a mayor or administration give away public land for purposes that may have little to do with a community's interests or needs and everything to do with enriching developers. The only way to assure the public that its wishes will be heard is for the Council to critically evaluate the efficacy of agreeing to surplus and importantly to frame what disposition options should be considered before the mayor takes that planning step. This will also serve to heighten the relevance of the surplus process as an instructive step in determining how best to use our limited public land.
  
3. Encouragement of a community benefit package negotiated by the Advisory Neighborhood Commission (ANC) should become a requirement with no triggering conditions. Communities often disagree vehemently with surplus proposals for a variety of reasons. One way to mitigate whatever harm or loss communities identify is to require public land acquirors to incorporate specific community needs as mandatory elements of their future stewardship of the land.

We also urge the Council to consider revising the ½ mile analysis to include similar data collection for the relevant Comprehensive Plan area element. A ½ mile picture may not accurately represent the level of affordable housing, including units in the pipeline or under construction, the area's need now and in the future for public uses, or the demographics even a mile from a public land site. The Council should not limit the scope of relevant information it receives when assessing the future of public land.

In addition, the C100 finds that the affordable housing waiver in the bill is largely carried over from the current law. The need for affordable housing has changed since the current law was passed. Increasing the affordable housing percentage set aside must be an important step in the disposition process, as well as requiring multiple bedroom units to meet the needs of DC families. In recognition of the urgent need for maintaining affordable housing, including naturally occurring affordable housing, and creating new affordable housing, we urge the Council to remove language which allows the administration and developers to escape a firm affordable housing commitment. Let's make what we want is what we get. Similarly, other waiver pathways should be tightened and made hard to satisfy.

The C100 acknowledges the hard work of Councilmember White and his staff to improve the surplus and disposition of public land processes and to ensure that significant public goals are achieved as outcomes. It is informative that there are now two public land proposals under consideration, one at 17<sup>th</sup> and U Streets and another on Connecticut Avenue in Chevy Chase, that

reveal concurrent concerns about the surplus and disposition procedures. We encourage the Council to examine the public response at those sites with the proposed reforms to determine if and how the Bill would improve those community's experience and respect for the process. While we think more should and can be done to give the public an authentic voice, we support the Bill and offer our assistance in continuing to shape the legislation.

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