Amendment in the Nature of a Substitute

December 15, 2020

A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency, with respect to repealing the University of the District of Columbia’s exclusive use of PR Harris.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “UDC PR Harris Exclusive Use Repeal Emergency Declaration Resolution of 2020”.

Sec. 2. (a) In 2010, the Council approved the “University of the District of Columbia Expansion Act of 2010” which gave the University of the District of Columbia (UDC) the exclusive use of the closed Patricia R. Harris Educational Center School property (PR Harris). PR Harris is located at 4600 Livingston Road, S.E..

(b) UDC was to use PR Harris to expand its Workforce Development and Lifelong Learning (WDLL) Program, thereby making WDLL courses more accessible to individuals who reside in Wards 7 and 8.

(c) For years UDC, along with several public charter schools, used PR Harris but given its huge footprint and the need for an extensive modernization, UDC began to look for other locations in Ward 8 for its WDLL courses. It also agreed to sever its exclusive use rights so that the District could dispose of PR Harris, but wanted to retain the right to stay in the building, even if the District disposed of it, until it could find a new location.

(d) In 2017, the Council approved the “UDC Patricia R. Harris Facility Exclusive Use Amendment Act of 2017” which severed the university’s exclusive right to PR Harris if the Mayor disposed of the building but still allowed UDC to lease or sublease a portion of it.

(e) After that act was approved, the Office of the Deputy Mayor for Education, on behalf of the Mayor, issued a request for offer, or RFO, to dispose of the property. The award was given to the Charter School Incubator Initiative (”CSII”) to use a portion of PR Harris to manage and maintain the facility for authorized public charter schools, accommodate UDC, the District of Columbia Fire and Emergency Medical Service Department, and the local Advisory Neighborhood Commission. Since 2011, CSII has leased a portion of PR Harris and then entered into subleases with three public charter schools, two of which are still in effect To ensure that CSII or the public charter schools are not displaced once UDC’s exclusive use is removed, the emergency clarifies that any rights or obligations that UDC has under any existing leases will transfer to the District for a new lease pursuant to the RFO with CSII.

(f) To date, the District has not entirely disposed of PR Harris pursuant to the RFO award, so UDC retains exclusive use of the facility. Although UDC maintains a Ward 8 food hub in the parking lot and operates a greenhouse outside of the main building of PR Harris, it has vacated the rest of the facility. However, the District’s Department of General Services and the public charter schools that are located in PR Harris expect UDC to fix any issues that arise in the building since the law stipulates that UDC has exclusive use of the building. This places a burden on UDC and given the current fiscal climate in the District, it is important that UDC is not financially responsible for PR Harris. Thus, an immediate need exists to repeal UDC’s exclusive use of PR Harris.

(g) Emergency legislation would repeal UDC’s exclusive use of PR Harris, regardless of whether the District has disposed of the facility. Additionally, because UDC does have a food hub, which is part of the University’s CAUSES program, and would like one office in PR Harris to support that food hub, the emergency maintains UDC’s right to maintain its Ward 8 food hub, greenhouses, and an office space in the building, even if the District disposes of the facility.

 (h) Additionally, to ensure that all parties are clear as to what “sufficient office space” and “Ward 8 food hub” encompass, the emergency indicates that “sufficient office space” will be dictated by an agreement that UDC and the Mayor will enter into no later than 45 days of the effective date of the emergency. Moreover, the emergency allows UDC and the Mayor to enter into an agreement to provide a different scope for the “Ward 8 food hub” other than what is provided for in the emergency. Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the UDC PR Harris Exclusive Use Repeal Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.