



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

February 10, 2026

Terri D. Stroud
General Counsel
District of Columbia Board of Elections
1015 Half Street, S.E., Suite 750
Washington, D.C. 20003

Re: Proposed Initiative, the "DC Housing Modernization and Accessibility Act of 2026"

Dear Ms. Stroud:

D.C. Official Code § 1-1001.16(b)(1A) requires that the General Counsel of the Council of the District of Columbia provide an advisory opinion to the District of Columbia Board of Elections ("Board") as to whether a proposed initiative is a proper subject of initiative. I have reviewed the "DC Housing Modernization and Accessibility Act of 2026" ("Proposed Initiative") for compliance with the requirements of District law, and based on my review, it is my opinion that the Proposed Initiative is a proper subject of initiative.

I. Applicable Law

The term "initiative" means "the process by which the electors of the District of Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval."¹ The Board may not accept a proposed initiative if it finds that the measure is not a proper subject of initiative under the terms of Title IV of the District of Columbia Home Rule Act or upon any of the following grounds:

- The verified statement of contributions has not been filed pursuant to D.C. Official Code §§ 1-1163.07 and 1-1163.09;
- The petition is not in the proper form established in D.C. Official Code § 1-1001.16(a);

¹ D.C. Official Code § 1-204.101(a).

- The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2 of the D.C. Official Code; or
- The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to D.C. Official Code § 1-204.46.²

The right of initiative is to be construed liberally, and “only those limitations expressed in law or clear[ly] and compelling[ly] implied” are to be imposed upon that right.³ Absent expressed or implied limitation, “the power of the electorate to act by initiative is coextensive with the power of the [Council] to adopt legislative measures.”⁴

II. The Proposed Initiative

The Proposed Initiative would amend the Rental Housing Act of 1985 to establish a 2-year rent freeze, beginning the effective date of the initiative, and additional 1-year rent freezes whenever the percentage increase in the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria DC-VA-MD-WV Metropolitan Statistical Area is greater than 6%.

The Proposed Initiative would also amend the Housing Production Trust Fund Act of 1988,⁵ the Affordable Housing Clearinghouse Directory Act of 2008, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, and the Inclusionary Zoning Implementation Amendment Act of 2006 to redefine certain affordable housing requirements.

III. The Proposed Initiative is a Proper Subject of Initiative

The Proposed Initiative does not block the expenditure of funds requested or appropriated, directly appropriate funds, require the allocation of revenues to new or existing purposes, establish a special fund, create an entitlement enforceable by private right of action, or directly address and eliminate a source of revenue. In addition, the

² D.C. Official Code § 1-1001.16(b)(1).

³ *Convention Center Referendum Committee v. DCBOEE*, 441 A.2d 889, 913 (D.C. 1981).

⁴ *Id.* At 897.

⁵ Section 4 of the Proposed Initiative, which proposes changes to the permissible uses of the Housing Production Trust Fund (“Fund”), no longer would make such changes directly, but instead would call upon the Council to make such changes. As a result, section 4 of the Proposed Initiative would no longer interfere with the Council’s ability to allocate the expenditure of money in the Fund.

Proposed Initiative conforms with both the District Charter and the U.S. Constitution. The Proposed Initiative does not authorize or have the effect of authorizing any form of discrimination. The Court has said that “absent express or implied limitation, the power of the electorate to act by initiative is coextensive with the power of the legislature to adopt legislative measures.” In the instant case, no such express or implied limitation exists. Accordingly, the Proposed Initiative is a proper subject of initiative.

I am available if you have any questions.

Sincerely,

Nicole L. Streeter

Nicole L. Streeter
General Counsel, Council of the District of Columbia