

1 **COMMITTEE PRINT**
2 **COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**
3 **FEBRUARY 23, 2018**
4 **B22-0315**
5

6 A BILL
7 _____

8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
9 _____

10 To amend the Rental Housing Conversion and Sale Act of 1980 to exempt single-family
11 accommodations from TOPA, except where a tenant in the single-family home is
12 an elderly tenant or a tenant with a disability, and to specify the rights and
13 obligations of elderly tenants and tenants with a disability under TOPA; and to
14 clarify that provisions of TOPA applicable to housing accommodations with 2
15 through 4 units do not apply to 2-unit single-family accommodations.

16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF
17 COLUMBIA, That this act may be cited as the “TOPA Single-Family Home Exemption
18 Amendment Act of 2018”.

19 Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10,
20 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended as follows:

21 (a) Section 103 (D.C. Official Code § 42-3401.03) is amended as follows:

22 (1) Paragraph (1) is redesignated as paragraph “(1A)”.

23 (2) A new paragraph (1) is added to read as follows:

24 “(1) “Accessory dwelling unit” means a rental unit that is secondary to the principal
25 single-family dwelling in terms of gross floor area, intensity of use, and physical character, but
26 which has kitchen and bath facilities separate from the principal dwelling, and may have a
27 separate entrance.”.

28 “(3) New paragraphs (16A) and (16B) are added to read as follows:

29 “(16A) “Single-family accommodation” means:

30 “(A) A housing accommodation, whether freestanding or attached, and the
31 appurtenant land that contains:

32 “(i) A single-family dwelling only; or

33 “(ii) A single-family dwelling with an accessory dwelling unit; or

34 “(B) A rental unit in a condominium, cooperative, or homeowners association, as
35 that term is defined in section 2 of the Condominium and Cooperative Trash Collection Tax
36 Credit Act of 1990, effective October 2, 1990 (D.C. Law 8-180; D.C. Official Code § 47-871).”.

37 “(16B) “Single-family dwelling” means a structure, whether freestanding or attached, that
38 contains a room or group of rooms forming a single unit that is used or intended to be used for
39 living, sleeping, and the preparation and eating of meals, and the structure’s appurtenant land.”.

40 (b) Section 409 (D.C. Official Code § 42-3404.09) is amended to read as follows:

41 “Sec. 409. Single-family accommodations.

42 “(a) The provisions of this title shall not apply to single-family accommodations except
43 as provided in this section.

44 “(b) Elderly tenants and tenants with disabilities. – If a tenant is an elderly tenant or is a
45 tenant with a disability, and the tenant signed a rental agreement to occupy a single-family
46 accommodation or a unit in a single-family accommodation by December 31, 2017, and took
47 occupancy by January 15, 2018, the provisions of this title shall apply, as modified by this
48 section.

49 “(1) Written statement of interest. – (A) Upon receipt of a written offer of sale

50 from the owner, the tenant shall have 20 days to provide a written statement of interest to the
51 owner.

52 “(B) The tenant’s statement of interest shall be a clear expression of
53 interest on the part of the tenant to exercise the right to purchase the housing accommodation as
54 specified in this title.

55 “(C) A written offer of sale shall comply with the requirements of section
56 403, and, in addition, shall include a description of the tenant’s rights and obligations under this
57 section, and a list of organizations from which the tenant may seek help to exercise the right to
58 purchase.

59 “(D) A tenant’s failure to deliver a written statement of interest to the
60 owner in a timely manner shall be deemed a waiver of the tenant’s rights under this section.

61 “(E) A written offer of sale sent to an elderly tenant or tenant with a
62 disability shall also be sent by the owner to the District of Columbia’s Office of Tenant Advocate
63 within 2 days after the offer is sent to the tenant. The notice shall be sent via certified mail, hand
64 delivery, fax, or electronic mail. An owner who fails to comply with this subparagraph shall not
65 be entitled to recover possession of the housing unit in any proceeding. Within 4 days of receipt
66 of an offer of sale pursuant to this subparagraph, the Office of the Tenant Advocate shall contact
67 all affected tenants and provide them with the contact information of organizations that provide
68 advice concerning tenant rights under TOPA.

69 “(2) Negotiation period. – If a tenant has provided a written statement of interest
70 in accordance with paragraph (1) of this subsection, the owner shall afford the tenant at least 25
71 days to negotiate a contract of sale, not including the 20 days provided by paragraph (1) of this

72 subsection. For every day of delay in providing information by the owner as required by this
73 title, the negotiation period is extended by one day.

74 “(3) Time before settlement. – (A) The owner shall afford the tenant at least 45
75 days after the date of contracting to go to settlement to secure financing and financial assistance.

76 “(B) If, within 45 days after the date of contracting, the tenant presents the
77 owner with the written decision of a lending institution or agency that states that the institution or
78 agency estimates that a decision with respect to financing or financial assistance will be made
79 within 75 days after the date of contracting, the owner shall afford an extension of time
80 consistent with the written estimate.

81 “(4) Assignment of rights. – (A) The only consideration an elderly tenant or
82 tenant with a disability may receive for the sale or assignment of the tenant’s rights under this
83 title is the right to immediately use and occupy the tenant’s unit for a period of 12 months
84 following the sale of the single-family housing accommodation at the rate of rent charged to the
85 tenant as of the date of the offer of sale.

86 “(B)(i) If a tenant assigns or sells the tenant’s rights under this title, the
87 recipient may only further reassign the rights to a private or non-profit corporation or a
88 partnership of which the assignee or buyer is an owner, managing member, or officer who can
89 legally bind the entity.

90 “(ii) No consideration shall be allowed in exchange for a secondary
91 assignment.

92 “(C) A bargain in which the tenant receives consideration to vacate the
93 tenant’s unit before the 12-month period ends so that the owner may use or occupy the unit shall

94 constitute a willful violation of this paragraph.

95 “(c) Determining status of an elderly tenant or tenant with a disability. – (1)(A) An owner
96 of a single-family accommodation may determine whether the owner is obligated to comply with
97 subsection (b) of this section by providing a tenant notice of intent to sell, demolish, or
98 discontinue the housing use of the single-family accommodation prior to the offer of sale.

99 “(B) The notice shall include a description of the tenant’s rights and
100 obligations under this section, and a list of organizations from which the tenant may seek help to
101 exercise those rights.

102 “(2) The tenant shall have 20 days from the date of receipt of the notice to notify
103 the owner, in writing, of the tenant’s status as an elderly tenant or a tenant with a disability.

104 “(3) An owner may not serve a tenant with notice of intent to sell, demolish, or
105 discontinue the housing use of a single-family accommodation pursuant to this subsection more
106 than 45 days before issuing an offer of sale.

107 “(4) Failure of the tenant to respond to the notice in a timely manner shall be
108 deemed a waiver of rights under this section.

109 “(d) Proof of status as an elderly tenant or tenant with disability. – (1) A tenant who
110 asserts rights under this title shall deliver proof of status as an elderly tenant or a tenant with a
111 disability to the Mayor with a copy of the tenant’s written statement of interest.

112 “(2) The Mayor shall require the minimum documentation necessary to establish
113 status as an elderly tenant or tenant with a disability. Such proof may include:

114 “(A) For elderly status, a passport, birth certificate, District-issued driver’s
115 license or identification card, or other such documentation the Rental Conversion and Sale

116 Administrator deems sufficient to establish proof of age.

117 “(B) For disability status, an award letter for disability benefits from the
118 U.S. Social Security Administration, a letter from a physician stating that the tenant is a tenant
119 with a disability, or other such documentation the Rental Conversion and Sale Administrator
120 deems sufficient to establish proof of disability.

121 “(3) In determining whether a tenant qualifies as a tenant with a disability, the
122 Mayor:

123 “(A) Shall limit the inquiry to the minimum information and
124 documentation necessary to establish that the tenant meets the definition of a tenant with a
125 disability and shall not inquire further into the nature or severity of the disability; and

126 “(B) Shall not require the tenant to provide a description of the disability;
127 provided, that the Mayor may require that a physician or other licensed healthcare professional
128 verify that the tenant meets the definition of a tenant with a disability.

129 “(C) The Mayor shall maintain records of the information compiled under
130 this subsection and shall not disclose information about the disability of a tenant unless the
131 disclosure is required by law.

132 “(4)(A) The Mayor shall issue to the owner and tenant a determination as to
133 whether a tenant qualifies as an elderly tenant or tenant with a disability under this title within 30
134 days of receiving proof of such status.

135 “(B) The Mayor’s time period for determining a tenant’s status
136 pursuant to this subsection shall run concurrently with other time periods in this section.

137 “(e) Documentation. – (1) Copies of all documents delivered to a tenant or owner

138 pursuant to this section shall be delivered to the Mayor on the same date the original document is
139 delivered to the tenant or owner, and shall include written evidence of the date of delivery to the
140 respective recipient.

141 “(2)(A) The Mayor shall date stamp copies of all documents received pursuant to
142 this section.

143 “(B) Upon request of the owner or tenant, the Mayor shall provide written
144 confirmation of receipt or non-receipt of any document required to be delivered to the Mayor
145 pursuant to paragraph (1) of this subsection.

146 “(3) A document required to be delivered pursuant to this section shall be
147 delivered by:

148 “(A) First-Class Mail;

149 “(B) A delivery service providing delivery tracking confirmation;

150 “(C) Certified Mail; or

151 “(D) Hand.

152 “(f) No tenant who occupies a rental unit pursuant to subsection (b)(4) of this section may
153 be evicted pursuant to section 501(d), (e), (g), (h), (i), or (j) during the 12-month period of
154 occupancy following the sale of the single-family housing accommodation.

155 “(g) Definitions. – For the purposes of this section, the term “elderly tenant” means a
156 tenant who is 62 years of age or older.”.

157 (c) Section 410 (D.C. Official Code § 42-3404.10) is amended by striking the phrase
158 “with 2 through 4 units” and inserting the phrase “with 2 through 4 units, other than 2-unit
159 single-family accommodations” in its place.

160 Sec. 3. Fiscal impact statement.

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

164 Sec. 4. Effective date.

165 This act shall take effect following approval by the Mayor (or in the event of veto by the
166 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
167 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
168 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
169 Columbia Register.