

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 34.
RENTAL HOUSING CONVERSION AND SALE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 34. RENTAL HOUSING CONVERSION AND
SALE.

TABLE OF CONTENTS

Subchapter I. Findings; Purposes; Definitions.

- § 42-3401.01. Findings.
- § 42-3401.02. Purposes.
- § 42-3401.03. Definitions.
- § 42-3401.04. Applicability of Rental Housing Act of 1985.

Subchapter II. Conversion Procedures.

- § 42-3402.01. Short title.
- § 42-3402.02. Conversions.
- § 42-3402.03. Tenant election.
- § 42-3402.04. Conversion fee.
- § 42-3402.05. Certification fee.
- § 42-3402.05a. Application fees.
- § 42-3402.06. Cooperative conversion.
- § 42-3402.07. [Reserved]
- § 42-3402.08. Elderly or disabled tenancy.
- § 42-3402.09. Property tax abatement.
- § 42-3402.10. Exceptions to coverage of subchapter: expiration provisions.
- § 42-3402.11. Retroactive conversion.

Subchapter III. Relocation Assistance.

- § 42-3403.01. Short title.
- § 42-3403.02. Relocation payment.
- § 42-3403.03. Relocation services.
- § 42-3403.04. Housing assistance payments.
- § 42-3403.05. Payments not subject to District tax.
- § 42-3403.06. Tenant rights.
- § 42-3403.07. Housing assistance fund.[Repealed]
- § 42-3403.08. Information and technical assistance.
- § 42-3403.09. Expiration provisions.

Subchapter IV. Opportunity to Purchase.

- § 42-3404.01. Short title.
- § 42-3404.02. Tenant opportunity to purchase; "sale" defined.
- § 42-3404.02a. Registration of a tenant organization.
- § 42-3404.03. Offer of sale.
- § 42-3404.04. Third party rights.
- § 42-3404.05. Contract negotiation.
- § 42-3404.06. Exercise or assignment of rights.

- § 42-3404.07. Waiver of rights.
- § 42-3404.08. Right of first refusal.
- § 42-3404.09. Single-family accommodations.
- § 42-3404.10. Accommodations with 2 through 4 units.
- § 42-3404.11. Accommodations with 5 or more units.
- § 42-3404.12. Exceptions to coverage of subchapter; expiration provisions.
- § 42-3404.13. Notice to convert; offer to sell.

Subchapter IV-A. District's Opportunity to Purchase.

- § 42-3404.31. District's opportunity to purchase certain housing accommodations.
- § 42-3404.32. Limitations on the District's opportunity to purchase.
- § 42-3404.33. Limitations on the District as purchaser of a housing accommodation.
- § 42-3404.34. Procedure for District to effectuate purchase.
- § 42-3404.35. Rights of tenants not abrogated.
- § 42-3404.36. Assignment of District rights.
- § 42-3404.37. Rules.

Subchapter V. Implementation and Enforcement.

- § 42-3405.01. Rule making; publication requirements.
- § 42-3405.02. Time periods.
- § 42-3405.03. Civil cause of action.
- § 42-3405.03a. Declaratory relief.
- § 42-3405.03b. Choice of forum; standard of review.
- § 42-3405.04. Notice of rejection.
- § 42-3405.05. Investigations.
- § 42-3405.06. Enforcement.
- § 42-3405.07. Revocation.
- § 42-3405.08. Administrative proceedings.
- § 42-3405.09. Judicial review.
- § 42-3405.10. Penalties.
- § 42-3405.10a. Rental Housing Conversion and Sale Act Task Force.
- § 42-3405.11. Statutory construction.
- § 42-3405.12. Declaration of continuing housing crisis.
- § 42-3405.13. Severability.

CHAPTER 34. RENTAL HOUSING CONVERSION AND SALE.

SUBCHAPTER I. FINDINGS; PURPOSES; DEFINITIONS.

§ 42-3401.01. FINDINGS.

(a) The Council of the District of Columbia finds that:

(1) There is a continuing housing crisis in the District of Columbia.

(2) There is a severe shortage of rental housing available to the citizens of the District of Columbia. The percentage of all rental housing units within the District of Columbia which are vacant, habitable, and available for occupancy is less than 5% which is generally considered an indication of a serious shortage of rental housing units. The vacancy rate is substantially lower among units which can be afforded by lower income tenants as evidenced by serious overcrowding in private units and waiting lists for public housing in excess of 5,000 households.

(3) Conversion of rental units to condominiums or cooperatives depletes the rental housing stock. Since 1977, more than 8,000 rental units in the District of Columbia have been converted to condominiums or cooperatives, more than 9,000 additional units have not yet been converted but have been declared eligible to do so and applications for 6,000 more units are pending. The 8,000 units which have been converted represent 4.5% of the District of Columbia's 1977 rental stock, and the 15,000 units subject to conversion represent an additional 8.3%. These trends have been thoroughly investigated and documented by two legislative study commissions: The D.C. Legislative Commission on Housing and the Emergency Commission on Condominium and Cooperative Conversion. The latter Commission reported policy proposals, many of which are contained in this chapter.

(4) Lower income tenants, particularly elderly and disabled tenants, are the most adversely affected by conversions since the after conversion costs are usually beyond their ability to pay, which results in forced displacement, serious overcrowding, disproportionately high housing costs, and the loss of additional affordable rental housing stock. The threat of conversion has caused widespread fear and uncertainty among many tenants, particularly lower income, elderly, and disabled tenants.

(5) The District of Columbia housing assistance plan shows that 43,521 renter households and 14,215 homeowner households are in need of housing assistance in the District.

(6) Very few rental units are being constructed or vacant units being made available for rental occupancy. More units are being converted to other uses or demolished than are being made available for rent.

(7) Experience with conversions since passage of the Condominium Act of 1976 and the Condominium and Cooperative Stabilization Act of 1979 (D.C. Law 3-53) has demonstrated that the previous conversion controls have not been sufficiently effective in preserving rental housing, particularly for those who cannot afford homeownership. Based on that experience and the conclusions of the legislative study commissions, tenants who are most directly affected by the conversion should be provided with sufficient accurate information about the relative advantages and disadvantages to conversion of rental housing and should have a voice in the decision whether or not their rental housing should be converted. These controls are necessary to more effectively assure that housing will be preserved at a cost which can be afforded by current tenants who would otherwise be involuntarily displaced and forced into overcrowded or otherwise substandard housing conditions.

(8) These additional conversion controls are required to preserve the public peace, health, safety, and general welfare.

(b) In enacting the Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983, the Council of the District of Columbia finds that:

(1) A housing crisis continues in the District of Columbia that has not substantially improved since the

passage of this chapter.

(2) The chapter, as amended by the Rental Conversion and Sale Act of 1980 Amendment Act of 1982 (D.C. Law 4-196), the Rental Housing Conversion and Sale Act Amendment Act of 1981 (D.C. Law 4-27), the Rental Housing Act of 1980 (D.C. Law 3-131), and the Rental Housing Act of 1977 Extension Act of 1980 (D.C. Law 3-106), has generally been successful in meeting its stated purposes.

(3) The chapter, with additional amendments to address minor problems which have been identified since its passage, should be extended for 5 more years.

(4) This extension is required to preserve the public peace, health, safety, and general welfare.

(c) In enacting the Rental Housing Conversion and Sale Act of 1980 Extension Amendment Act of 1988, the Council of the District of Columbia finds that:

(1) A housing crisis continues in the District of Columbia that has not substantially improved since passage of this chapter.

(2) The chapter, as amended by the Rental Housing Act of 1985 (D.C. Law 6-10), the Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983 (D.C. Law 5-38), the Rental Conversion and Sale Act Amendment Act of 1982 (D.C. Law 4-196), the Rental Housing Act of 1980 (D.C. Law 3-131), and the Rental Housing Act of 1977 Extension Act of 1980 (D.C. Law 3-106), has generally been successful in meeting its stated purposes.

(3) The chapter should be extended until September 6, 1995, and thereafter by subsection (d)(4) of this section.

(4) This extension is required to preserve the public peace, health, safety, and general welfare.

(d) In enacting the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Act of 1995, the Council of the District of Columbia finds that:

(1) The District of Columbia continues to face an ongoing housing crisis and will continue to face such a crisis for the foreseeable future. The well publicized and well documented District budget crisis has meant that the limited ability of the District government to meaningfully address the housing crisis has been further eroded.

(2) The Rental Housing Conversion and Sale Act of 1980, as amended ("this chapter"), has generally been successful in meeting its stated purposes and needs to be continued in effect in light of the ongoing housing and budget crises.

(3) A number of assumptions upon which this chapter was based have changed in light of the almost 15 years of experience since this chapter first went into effect. In continuing this chapter, the Council intends the amendments reflected in this extension to address these changes.

(4) This chapter should be continued into the future so long as the underlying housing crisis continues as declared annually by the Mayor pursuant to § 42- 3405.12.

(5) This extension is required to preserve the public peace, health, safety, and general welfare.

(Sept. 10, 1980, D.C. Law 3-86, § 101, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(a), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(a), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(a), 42 DCR 3239; Nov. 16, 2006, D.C. Law 16-179, § 2(a), 53 DCR 6698.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1601.

Effect of Amendments

D.C. Law 16-179, in subsec. (a)(4), in the first sentence, substituted "elderly and disabled" for "elderly", and, in the second sentence, substituted "lower income, elderly, and disabled" for "lower income and elderly".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(a) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1988 (D.C. Law 7-140, September 21, 2008, law notification 35 DCR 7279).

For temporary (225 day) amendment of section, see § 2(a) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1993 (D.C. Law 10-13, September 11, 1993, law notification 40 DCR 6835).

For temporary (225 day) amendment of section, see § 2(a) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendments of section, see § 2(a) of the Rental Housing Conversion and Sale Act of 1980 Extension Emergency Amendment Act of 1993 (D.C. Act 10-29, May 19, 1993, 40 DCR 3418) and § 2(a) of the Rental Housing Conversion and Sale Act of 1980 Extension Congressional Recess Emergency Amendment Act of 1993 (D.C. Act 10-82, August 4, 1993, 40 DCR 6056).

For temporary amendment of section, see § 2(a) of the Rental Housing Conversion and Sale Act of 1980 Extension Emergency Amendment Act of 1994 (D.C. Act 10- 235, April 28, 1994, 41 DCR 2599).

For temporary amendment of section, see § 3(a) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(a) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(a) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837-8).

Legislative History of Laws

Law 3-86, the "Rental Housing Conversion and Sale Act of 1980," was introduced in Council and assigned Bill No. 3-222, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on June 3, 1980 and June 17, 1980, respectively. Signed by the Mayor on June 27, 1980, it was assigned Act No. 3-204 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

Law 7-154, the "Rental Housing Conversion and Sale Act of 1980 Extension Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-462, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 28, 1988 and July 12, 1988, respectively. Signed by the Mayor on July 15, 1988, it was assigned Act No. 7-209 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Law 16-179, the "Low-Income Disabled Tenant Rental Conversion Protection Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-724, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 21, 2006, it was assigned Act No. 16-457 and transmitted to both Houses of Congress for its review. D.C. Law 16-179 became effective on November 16, 2006.

References in Text

The "Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983," referred to in the introductory language of (b), is D.C. Law 5- 38.

The "Rental Housing Conversion and Sale Act of 1980 Extension Amendment Act of 1988," referred to in the introductory language of (c), is D.C. Law 7-154.

Miscellaneous Notes

Amendment of section by Law 10-144: Section 2(a) of D.C. Law 10-144 purported to amend this section by adding (d) to read as follows:

"(d) In enacting the Rental Housing Conversion and Sale Act of 1980 Extension and Amendment Act of 1994, the Council of the District of Columbia finds that:

(1) The District of Columbia continues to face an ongoing housing crisis and will continue to face such a crisis for the foreseeable future. The well publicized and well documented District budget crisis has meant that the limited ability of the District government to meaningfully address the housing crisis has been further eroded.

"(2) The Rental Housing Conversion and Sale Act of 1980, as amended ('chapter'), has generally been successful in meeting its stated purposes and needs to be continued in effect in light of the ongoing housing and budget crises.

(3) A number of assumptions upon which this chapter was based have changed in light of the almost 14 years of experience since this chapter first went into effect. In continuing this chapter, the Council intends the amendments reflected in this extension to address these changes.

(4) The chapter should be continued into the future so long as the underlying housing crisis continues as declared annually by the Mayor pursuant to § 45- 1662.

(5) This extension is required to preserve the public peace, health, safety, and general welfare."

The provisions of D.C. Law 10-144 cannot be given effect, however, as that act amends provisions of D.C. Law 3-86 which had expired pursuant to § 45- 1601(c)(3) [1981 Ed.] and D.C. Law 10-13, the Rental Housing Conversion and Sale Act of 1980 Extension Temporary Amendment Act of 1993.

Reenactment of Law 3-86: Section 2 of D.C. Law 10-176 temporarily reestablished the Rental Housing Conversion and Sale Act of 1980 as it existed on April 23, 1994.

Section 2 of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904) provides for the temporary reenactment into law of D.C. Law 3-86 as it existed on April 23, 1994.

For provisions reestablishing D.C. Law 3-86 as it existed on April 23, 1994, see § 2 of D.C. Law 11-31.

Reenactment of Law 3-86: Section 2 of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 2 of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837) provide for the temporary reestablishment as law of D.C. Law 3-86 as it existed on April 23, 1994.

§ 42-3401.02. PURPOSES.

In enacting this chapter, the Council of the District of Columbia supports the following statutory purposes:

- (1) To discourage the displacement of tenants through conversion or sale of rental property, and to strengthen the bargaining position of tenants toward that end without unduly interfering with the rights of property owners to the due process of law;
- (2) To preserve rental housing which can be afforded by lower income tenants in the District;
- (3) To prevent lower income elderly and disabled tenants from being involuntarily displaced when their rental housing is converted;
- (4) To provide incentives to owners, who convert their rental housing, to enable low income non-elderly and non-disabled tenants to continue living in their current units at costs they can afford;
- (5) To provide relocation housing assistance for lower income tenants who are displaced by conversions;
- (6) To encourage the formation of tenant organizations;
- (6a) To balance and, to the maximum extent possible, meet the sometimes conflicting goals of creating homeownership for lower income tenants, preserving affordable rental housing, and minimizing displacement; and
- (7) To authorize necessary actions consistent with the findings and purposes of this chapter.

(Sept. 10, 1980, D.C. Law 3-86, § 102, 27 DCR 2975; Sept. 6, 1995, D.C. Law 11-31, § 3(b), 42 DCR 3239; Nov. 16, 2006, D.C. Law 16-179, § 2(b), 53 DCR 6698.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1602.

Effect of Amendments

D.C. Law 16-179, in par. (3), substituted "elderly and disabled" for "elderly"; and, in par. (4), substituted "non-elderly and non-disabled" for "non-elderly".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 3(b) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(b) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(b) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

For Law 16-179, see notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2 (b) of D.C. Law 10-144 purported to amend this section by inserting (6A) to read as follows:

"In enacting this chapter, the Council of the District of Columbia supports the following statutory purposes:

(6A) To balance and, to the maximum extent possible, meet the sometimes conflicting goals of creating homeownership for lower income tenants, preserving affordable rental housing, and minimizing displacement; and".

§ 42-3401.03. DEFINITIONS.

As used in this chapter, the term:

- (1) "Condominium" has the same meaning as in § 42-1901.02(4).
- (2) "Condominium Act" means the Condominium Act of 1976 (§ 42-1901.01 et seq.).
- (3) "Condominium conversion" is the issuance of notice of filing pursuant to § 42-1904.06(a).
- (4) "Conversion" shall include cooperative conversions and condominium conversions as defined in this chapter.
- (5) "Cooperative" means a cooperative legally incorporated pursuant to the District of Columbia Cooperative Association Act (§ 29-901 et seq.) or a cooperative corporation incorporated in another jurisdiction for the primary purpose of owning and operating real property in which its members reside.
- (6) "Cooperative Act" means the District of Columbia Cooperative Association Act (§ 29-901 et seq.).
- (7) "Cooperative conversion" is the filing of articles of incorporation pursuant to the Cooperative Act, or the comparable act of another jurisdiction and compliance with the requirements of this chapter, in either order.
- (8) "District" means the District of Columbia government.
- (9) "Head of household" means a tenant who maintains the affected rental unit as the tenant's principal place of residence, is a resident and domiciliary of the District of Columbia, and contributes more than one-half of the cost of maintaining the rental unit. If no member of a household contributes more than one-half of the cost of maintaining the rental unit, the members of the household who maintain the affected rental unit as their principal place of residence are residents and domiciliaries of the District of Columbia, and contribute to the cost of maintaining the rental unit, may designate one of themselves as the head of household. An individual may be considered a head of household for the purposes of this chapter without regard to whether the individual would qualify as a head of household for the purpose of any other law.
- (10) "Division" means the Rental Accommodations Division established by § 42-3502.03 or the Rental Conversion and Sale Division established by § 42- 3502.04a.
- (11) "Housing accommodation" or "accommodation" means a structure in the District of Columbia containing 1 or more rental units and the appurtenant land. The term does not include a hotel, motel, or other structure used primarily for transient occupancy and in which at least 60 percent of the rooms devoted to living quarters for tenants or guests are used for transient occupancy if the owner or other person or entity entitled to receive rents is subject to the sales tax imposed by § 47-2001(n)(1)(C) and the occupant of the rental unit has been in occupancy for less than 15 days.
- (12) "Low-income" means a household with a combined annual income, in a manner to be determined by the Mayor, which may include federal income tax returns where applicable, totaling less than the following percentages of the lower income guidelines established pursuant to § 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f) for a family of 4 for the Washington Standard Metropolitan Statistical Area (SMSA), as the median is determined by the United States Department of Housing and Urban Development and adjusted yearly by historic trends of that median, and as may be further adjusted by an interim census of District of Columbia incomes by local or regional government agencies:

one-person household	50%
two-person household	60%
three-person household or a 1 or 2 person household containing a person who is 62 years of age or older or who has a disability	90%
four-person household	100%
five-person household	110%
more than 5 person household	120%

(13) "Mayor" means the Mayor of the District of Columbia or the designated representative of the Mayor.

(14) "Owner" means an individual, corporation, association, joint venture, business entity and its respective agents, who hold title to the housing accommodation unit or cooperative share.

(15) "Rental Housing Act" means the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; § 42-3501.01 et seq.), or any successor rent control act.

(16) "Rental unit" or "unit" means only that part of a housing accommodation which is rented or offered for rent for residential occupancy and includes an apartment, efficiency apartment, room, suite of rooms, and single-family home or duplex, and the appurtenant land to such rental unit.

(17) "Tenant" means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy or benefits of a rental unit within a housing accommodation. If the names of 2 or more persons appear on a rental agreement, those persons shall determine which person may exercise a vote under this chapter. The singular term "tenant" includes the plural.

(18) "Tenant organization" means an organization that represents at least a majority of the heads of household in the housing accommodation excluding those households in which no member has resided in the housing accommodation for at least 90 days and those households in which any member has been an employee of the owner during the preceding 120 days.

(Sept. 10, 1980, D.C. Law 3-86, § 103, 27 DCR 2975; Mar. 4, 1981, D.C. Law 3-131, § 801(a), 28 DCR 326; Sept. 6, 1995, D.C. Law 11-31, § 3(c), 42 DCR 3239; July 22, 2005, D.C. Law 16-15, § 2(a), 52 DCR 6885; Apr. 24, 2007, D.C. Law 16-305, § 65, 53 DCR 6198; Mar. 25, 2009, D.C. Law 17-366, § 2(a), 56 DCR 1332.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1603.

Effect of Amendments

D.C. Law 16-15, in par. (17), added the second sentence.

D.C. Law 16-305, in par. (12), substituted "has a disability" for "is handicapped".

D.C. Law 17-366 rewrote par. (10), which had read as follows:

"(10)'Household' means all of the persons living in a rental unit."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(c) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

For temporary (225 day) amendment of section, see § 3 of Tenant Protection Temporary Amendment Act of 2000 (D.C. Law 13-158, September 16, 2000, law notification 47 DCR 8064).

Emergency Act Amendments

For temporary amendment of section, see § 3(c) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(c) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(c) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

For temporary (90-day) addition of § 45-1604 [1981 Ed.], see § 3 of the Tenant Protection Emergency Amendment Act of 2000 (D.C. Act 13-328, May 9, 2000, 47 DCR 4347).

For temporary (90-day) addition of § 45-1604 [1981 Ed.], see § 3 of the Tenant Protection Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13- 411, August 14, 2000, 47 DCR 7285).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Law 3-131, the "Rental Housing Act of 1980," was introduced in Council and assigned Bill No. 3-321, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first, amended first and second readings on November 12, 1980, November 25, 1980, and December 9, 1980, respectively. Signed by the Mayor on January 7, 1981, it was assigned Act No. 3-340 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Law 16-15, the "Rental Housing Conversion and Sales Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-50, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on April 5, 2005, and May 3, 2005, respectively. Signed by the Mayor on May 26, 2005, it was assigned Act No. 16-89 and transmitted to both Houses of Congress for its review. D.C. Law 16-15 became effective on July 22, 2005.

For Law 16-305, see notes following § 42-820.

Law 17-366, the "Housing Regulation Administration Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-979 which was referred to the Committee on Housing and Public Affairs. The Bill was adopted on first and second readings on November 18, 2008, and December 16, 2008, respectively. Approved without the signature of the Mayor on January 23, 2009, it was assigned Act No. 17-701 and transmitted to both Houses of Congress for its review. D.C. Law 17-366 became effective on March 25, 2009.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(c) of D.C. Law 10-144 purported to amend (7) and (15) to read as follows:

"As used in this chapter, the term:

* * * *

"(7) 'Cooperative conversion' is the filing of articles of incorporation pursuant to the Cooperative Act, or the comparable act of another jurisdiction and compliance with the requirements of this chapter, in either order."

* * * *

"(15) 'Rental Housing Act' means the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 45-2501 et seq.), or any successor rent control act."

§ 42-3401.04. APPLICABILITY OF RENTAL HOUSING ACT OF 1985.

For purposes of this chapter, the provisions of § 42-3505.01(n) shall apply.

(Sept. 10, 1980, D.C. Law 3-86, § 104, as added Apr. 27, 2001, D.C. Law 13-281, § 302, 48 DCR 1888; Oct. 19, 2002, D.C. Law 14-213, § 30, 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-213 validated a previously made technical correction.

Legislative History of Laws

For Law 13-281, see notes following § 42-3131.05.

For Law 14-213, see notes following § 42-1102.

Miscellaneous Notes

Section 601 of D.C. Law 13-281 provides:

"The Mayor may issue rules to implement the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 in accordance with the District of Columbia Administrative Procedure Act."

SUBCHAPTER II. CONVERSION PROCEDURES.

§ 42-3402.01. SHORT TITLE.

This subchapter may be cited as the "Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980".

(Sept. 10, 1980, D.C. Law 3-86, § 201, 27 DCR 2975.)

§ 42-3402.02. CONVERSIONS.

(a) *Prerequisite.* -- (1) An owner shall not convert a housing accommodation into a condominium or a cooperative until the Mayor certifies compliance with the provisions of this chapter.

(2) Only an owner may request a tenant election to convert, send notice of intent to convert, or convert an accommodation. Certification of a conversion by the Mayor is not transferable to a subsequent owner. An owner who has issued a notice to vacate for the immediate purpose of discontinuing the housing use and occupancy of a rental unit pursuant to § 42- 3505.01(i)(1)(A), or a purchaser from such owner or successor in interest to such owner, may not request a tenant election to convert the housing accommodation in which the rental units are located.

(3) Certification by the Mayor is effective for 180 days; provided, that the Mayor shall extend the certification if a majority of the qualified voters consent. If the owner receives certification by the Mayor and does not convert within this period, the owner may not request another tenant election or certification by the Mayor for that accommodation for 1 year from the date of expiration of the prior certification.

(4) Once converted or established as a condominium or cooperative in a newly constructed building, the owner need not comply anew with the requirements of this chapter even if the condominium units or cooperative units have been occupied by tenants partially or exclusively, provided that each tenant has been given written notice, prior to occupying the unit, of the fact that the unit being rented is part of a condominium or cooperative or each tenant who was not given notice waives the right in writing before or after occupancy or vacating the unit.

(b) *Exemption.* -- With the Mayor's approval, owners who certify their intent to convert a housing accommodation to a nonprofit cooperative, with an appreciation of share value limited to a maximum of the annual rate of inflation, for low and moderate income persons as defined from time to time by the United States Department of Housing and Urban Development for the Washington Standard Metropolitan Statistical Area (SMSA) may be exempt from this subchapter. "Share value", for the purposes of this subsection, means the actual initial membership price plus the actual cost of any improvement to the unit paid by the member after board approval. Upon application, the Mayor may exempt owners described in this subsection prior to their taking title to the accommodations, provided that they have a valid contract to purchase the accommodation. The Mayor may exempt the owner from some or all the provisions of this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 202, 27 DCR 2975; Mar. 4, 1981, D.C. Law 3-131, § 801(b), 28 DCR 326; Nov. 5, 1983, D.C. Law 5-38, § 2(b), 30 DCR 4866; Sept. 6, 1995, D.C. Law 11-31, § 3(d), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1611.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(d) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 3(d) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(d) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(d) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 3-131, see Historical and Statutory Notes following § 42-3401.03.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Declaration of continuing housing crisis: See Mayor's Order 83-239, October 7, 1983.

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(d) of D.C. Law 10-144 purported to amend this section by adding (a)(4) to read as follows:

"(a) Prerequisite.

(4) Once converted or established as a condominium or cooperative in a newly constructed building, the owner need not comply anew with the requirements of this chapter even if the condominium units or cooperative units have been occupied by tenants partially or exclusively, provided that each tenant has been given written notice, prior to occupying the unit, of the fact that the unit being rented is part of a condominium or cooperative or each tenant who was not given notice waives the right in writing before or after occupancy or vacating the unit."

§ 42-3402.03. TENANT ELECTION.

(a) *Notice by owner.* -- An owner who seeks to convert shall provide each tenant and the Mayor a written request for a tenant election by first class mail and post the request for an election in conspicuous places in common areas of the housing accommodation. The written request shall include, at a minimum, a summary of tenant rights and obligations, a list of tenant voter qualifications and disqualifications, and sources of technical assistance as published in the D.C. Register by the Mayor. If Spanish is the primary language of a head of household, the owner shall provide a Spanish translation of the request to the head of household. An owner shall also provide the Mayor with a list of tenants residing in the housing accommodation.

(b) *Notice by tenant organization.* -- Within 30 days of receipt of the owner's request for an election, the tenants may establish a single tenant organization, if one does not exist, and if a tenant organization exists or is established, it shall provide each tenant, the owner, and the Mayor with written notice of the election by first class mail and by conspicuous posting in common areas of the housing accommodation. Notice includes, at a minimum, the date, time and place of the election, and a summary of tenant rights, obligations, a list of tenant voter qualifications and disqualifications, and sources of technical assistance as published in the D.C. Register by the Mayor, if published.

(c) *Conduct of election.* -- Within 60 days of receipt of an owner's request for an election, a tenant organization, if one exists or is established, shall conduct an election. If notice of an election is not provided as required by this section, upon the request of a tenant or an owner, the Mayor shall provide notice and conduct an election within 60 days of receipt of an owner's original request for an election.

(d) *Qualified voter.* -- (1) Except as provided in paragraph (2) of this subsection, a head of household residing in each rental unit of the housing accommodation is qualified to vote unless:

(A) No member of the household has resided in the accommodation for at least 90 days before the election;

(B) A member of the household is or has been an owner or an employee of the owner within 120 days prior to the date of application for eligibility; or

(C) A member of the household's continued right to remain a tenant as guaranteed by this chapter is exercised.

(2) A tenant who otherwise meets the requirements of this section and becomes an owner only after the exercise of his or her rights under subchapter IV of this chapter shall be qualified to vote.

(3) The Mayor shall determine the eligibility of voters prior to the election and shall devise such forms and procedures as may be necessary to verify eligibility under this subsection.

(4) An elderly or disabled tenant who delivers a waiver under § 42- 3402.08(a)(2)(D) to the Mayor shall be qualified to vote in an election under this section.

(e) *Absentee ballot.* -- A head of household unable to attend the election may submit to the Mayor or tenant organization, prior to the election, a signed absentee ballot or sworn statement of agreement or disagreement with the conversion.

(f) *Notification of election results.* -- The tenant organization shall notify the owner and the Mayor of the results of the election within 3 days. If the Mayor conducts the election, the Mayor shall notify the owner of the results of the election within 3 days.

(g) *Election audit.* -- The Mayor may monitor an election and take measures to preserve the integrity of the election process and result.

(h) *Coercion prohibited.* -- An owner, tenant organization, or third party purchaser shall not coerce a household in order to influence the head of household's vote. Coercion includes, but is not limited to, the knowing circulation of inaccurate information; frequent visits or calls over the objection of that household; threat of retaliatory action; an act or threat not otherwise permitted by law which seeks to recover possession of a rental unit, increase rent, decrease services, increase the obligation of a tenant or cause undue or unavoidable inconvenience, harass or violate the privacy of the household; refusal to honor a lease provision; refusal to renew a lease or rental agreement; or other form of threat or coercion.

(i) *Compliance approved.* -- If over 50 percent of the qualified voters vote in approval of conversion, or if an election is not held within 60 days of receipt of an owner's request pursuant to subsection (a) of this section or within such reasonable extension of time as the Mayor may consider necessary to hold an

election in accordance with the procedural requirements of this chapter, the Mayor shall certify compliance with this section for purposes of conversion.

(j) *Compliance not approved.* -- If 50 percent or less of the qualified voters vote in approval of conversion, or if an election is invalidated by the Mayor because of fraud or coercion in favor of conversion on the part of the owner, the Mayor shall not certify compliance with this section for purposes of conversion, and an owner may not request another tenant election for that accommodation for 1 year from the date of the election.

(k) *Newelection.* -- If an election is invalidated by the Mayor because of fraud or coercion on the part of the tenant organization, the Mayor shall conduct a new election within 30 days of the invalidation.

(Sept. 10, 1980, D.C. Law 3-86, § 203, 27 DCR 2975; Mar. 4, 1981, D.C. Law 3-131, § 801(c), 28 DCR 326; Aug. 1, 1981, D.C. Law 4-27, § 2(a), 28 DCR 2824; Nov. 16, 2006, D.C. Law 16-179, § 2(c), 53 DCR 6698; Oct. 22, 2008, D.C. Law 17-247, § 2, 55 DCR 9201; Mar. 25, 2009, D.C. Law 17-353, § 125, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1612.

Effect of Amendments

D.C. Law 16-179, designated the existing text of subsec. (d) as subsec. (d)(1); in subsec. (d)(1), substituted "a member of the household's continued right to remain a tenant as guaranteed by this chapter is exercised" for "he or she is a head of household whose continued right to remain a tenant is required by this chapter"; and added subsec. (d)(2).

D.C. Law 17-247 rewrote subsec. (d), which had read as follows:

"(d) *Qualified voter.* -- (1) A head of household residing in each rental unit of the housing accommodation is qualified to vote unless no member of the household has resided in the accommodation for at least 90 days before the election, or unless a member of the household is or has been an employee of the owner within 120 days prior to the date of application for eligibility, or unless a member of the household's continued right to remain a tenant as guaranteed by this chapter is exercised. The Mayor shall determine the eligibility of voters prior to the election and shall devise such forms and procedures as may be necessary to verify eligibility under this subsection. (2) An elderly or disabled tenant who delivers a waiver under § 42- 3402.08(a)(2)(D) to the Mayor shall be qualified to vote in an election under this section."

D.C. Law 17-353 validated a previously made technical correction in subsec. (d).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Tenant-Owner Voting in Conversion Election Clarification Temporary Amendment Act of 2006 (D.C. Law 16- 253, March 8, 2007, law notification 54 DCR 3038).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Tenant-Owner Voting in Conversion Election Clarification Emergency Amendment Act of 2006 (D.C. Act 16-565, December 19, 2006, 53 DCR 10269).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 3-131, see Historical and Statutory Notes following § 42-3401.03.

Law 4-27, the "Rental Housing Conversion and Sale Act Amendment Act of 1981," was introduced in Council and assigned Bill No. 4-162, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on May 5, 1981, and May 19, 1981, respectively. Signed by the Mayor on June 5, 1981, it was assigned Act No. 4-48 and transmitted to both Houses of Congress for its review.

For Law 16-179, see notes following § 42-3401.01.

Law 17-247, the "Tenant-Owned Voting in Conversion Election Clarification Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-267 which was referred to the Committee on Housing and Urban Affairs. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on August 4, 2008, it was assigned Act No. 17-494 and transmitted to both Houses of Congress for its review. D.C. Law 17- 247 became effective on October 22, 2008.

For Law 17-353, see notes following § 42-1103.

Effective Dates

Section 3 of D.C. Law 4-27 provided that the provisions of § 2(a) shall take effect retroactively as of August 10, 1980.

Declaration of continuing housing crisis: See Mayor's Order 83-239, October 7, 1983.

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3402.04. CONVERSION FEE.

(a) *Definitions.* -- For the purposes of this section, the term "low-income" means annual household income, as determined by the Mayor, no greater than 80% of the area median income, as defined in § 42-2801(1)).

(a-1) *Amount.* -- An owner who converts a housing accommodation, including vacant buildings, into a condominium or a cooperative shall pay the Mayor a conversion fee of 5% of the sales price for each condominium unit, or proportionate value of the cooperative residence, within the housing accommodation.

(b) *Fee exemption.* -- The Mayor shall not require a conversion fee for a condominium unit, or the proportionate share value of a cooperative residence, that:

(1) Is sold to a low-income household;

(2)(A) Is sold to a member of a household who, as determined by the Mayor:

(i) Has maintained a rental unit in the building complex as the principal place of residence for at least one year prior to the owner's application to the Mayor for conversion of the housing accommodation to a condominium or cooperative;

(ii) Is a domiciliary of the District of Columbia; and

(iii) Is entitled to the possession, occupancy, or benefits of the rental unit.

(B) If an owner seeks an exemption under this paragraph, the member of the household may elect to purchase any unit in the housing accommodation in lieu of her current unit;

(3)(A) Is sold to a person who:

(i) Is 62 years of age or older; or

(ii) Has a disability as defined in § 42-3402.08(c)(1)(B)(ii); and

(B) Does not have a total annual household income, as determined by the Mayor, greater than 100% of the area median income, as defined in § 42-2801(1); or

(4)(A) Is sold as part of a conversion of a property that has been registered as vacant for at least 12 months prior to conversion; and

(B) Is part of a building complex not exceeding 10 units.

(b-1)(1) *Payment.* -- The conversion fee required by subsection (a-1) of this section shall be paid in full into an escrow account at the time of settlement on the sale of the condominium unit or cooperative share.

(2)(A) The escrow agent shall submit the conversion fee to the Mayor within 30 business days of settlement, together with a copy of the recordation and transfer tax form reflecting the sale price of each condominium unit or cooperative share.

(B) The name, address, and telephone number of the escrow agent shall be stated on the deed or on a form attached to the deed.

(3) The Mayor may impose civil fines, penalties, and fees for failure to submit the conversion fee to the Mayor, any infraction of the provisions of this section, or any rules issued under the authority of this section pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(4) No portion of the conversion fee required under this section shall be included in the purchase price of units exempted from the conversion fee in subsection (b) of this section.

(c) Repealed.

(Sept. 10, 1980, D.C. Law 3-86, § 204, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(c), 30 DCR 4866; Sept. 6, 1995, D.C. Law 11-31, § 3(e), 42 DCR 3239; June 5, 2003, D.C. Law 14-307, § 1606, 49 DCR 11664; Mar. 2, 2007, D.C. Law 16-192, § 2162(a), 53 DCR 6899; Mar. 25, 2009, D.C. Law 17- 354, § 2(a), 56 DCR 1155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1613.

Effect of Amendments

D.C. Law 14-307, in subsec. (a), substituted "5%" for "4%".

D.C. Law 16-192 rewrote the section which had read as follows:

"(a) *Amount.* -- An owner who seeks to convert shall pay the Mayor a conversion fee of 5% of the declared sales price for each condominium unit or proportionate value of the cooperative residence within the housing accommodation. If a condominium unit or proportionate value of the cooperative residence is sold for less than the declared price, that proportionate share of the conversion fee shall be refunded to the owner. If a condominium unit or proportionate value of the cooperative residence is sold for more than the declared sales price, the conversion fee on that increment of value becomes a lien on the property which the Mayor may collect in the manner provided for collection of property taxes.

"(b) *Reduction.* -- The Mayor may reduce the conversion fee to as low as \$50 per condominium unit or proportionate value of the cooperative residence if the owner declares the intent to sell or provide a lease or option to lease for at least 5 years to tenants who, at the time of request for an election, are low income and whose continued right to remain a tenant is not required by statute ("qualifying tenants"). To qualify for this reduction, a sale or lease cannot require monthly payments greater than existing rents, as may be increased by the annual adjustment of general applicability provided in § 42-3502.06(b), or a similar annual adjustment in any successor rent control act, or 25% of gross household income, whichever is greater. The number of qualifying tenants is the number of tenants identified by the Mayor as residing in the accommodation as of the date of the owner's request for an election. The amount of the reduction shall be determined by the Mayor based on factors such as the Mayor may determine, which shall include the percentage of tenants in the accommodation who are qualifying tenants and the percentage of qualifying tenants who purchase or continue renting in accordance with the first sentence of this subsection. The Mayor shall also reduce the amount of the conversion fee of each unit or proportionate value for a cooperative residence that is sold or leased to a low-income purchaser or to a new low-income tenant who leases a unit in accordance with the requirements of this subsection, regardless of where that low-income purchaser or tenant previously lived. In doing so, the Mayor shall consider the lost conversion fee revenue in comparison to the cost of making available the number of low-income units purchased or leased. If the owner does not sell or lease to the percentage of qualifying tenants or outside purchasers or tenants as declared, the unpaid balance of the conversion fee as adjusted by the Mayor in accordance with the actual sales and leases shall be paid by the owner. The Mayor may assert a lien against any unsold units or proportionate value of the cooperative residence by filing a lien against the land. The Mayor shall not attempt to collect any conversion fee which would not have been due if the provisions of this section had been in effect at the time of the conversion.

"(b-1) *Payment.* -- The conversion fee required by subsection (a) of this section shall be paid no later than at the time of settlement on the individual units or shares.

"(c) *Waiver of lien.* -- The Mayor shall waive a conversion fee lien on a condominium unit or proportionate value of the cooperative residence purchased by a low-income tenant."

D.C. Law 17-354 rewrote subsecs. (a), (b), and (b-1) which read as follows:

"(a) *Definitions.* -- For purposes of this section, the term:

"(1) 'Low-income individual' means an individual with an annual household income, as determined by the Mayor, of less than 60% of the area median income for the Washington-Arlington-Alexandria Metropolitan area.

"(2) 'Qualifying tenant-purchasers' means the number of tenants or purchasers who qualify as low-income individuals at the time they enter a 5-year lease, acquire an option to lease, or purchase a unit in the housing accommodation, and whose continued right to remain a tenant is not required by law.

"(3) 'Declared conversion fee' means the conversion fee required by this section, based on a bona fide estimate of the sales price and number of qualifying tenant-purchasers, as declared by the property owner at the time of application for registration of the housing accommodation as a condominium or cooperative.

"(4) 'Final conversion fee' means the conversion fee required by this section, based on the number of qualifying tenant-purchasers and the sales price of all sold units and any unsold units that have been assessed a conversion fee by the Mayor, as required by subsection (b-1) of this section.

"(b) *Reduction.* -- The Mayor shall reduce the conversion fee of each unit of a condominium, or proportionate value of the cooperative residence, when the owner sells a unit in the housing accommodation, provides a lease, or provides an option to lease for at least 5 years, to current or new qualifying tenant-purchasers. To qualify for this reduction, a lease cannot require monthly payments greater than existing rents, as may be increased by the annual adjustment of general applicability provided in § 42-3502.06(b), or a similar annual adjustment in any successor rent control act, or 30% of gross household income, whichever is greater. The 5% conversion fee shall be reduced by dividing the total number of qualifying tenant-purchasers by the number of units in the building at settlement, and multiplying the quotient by 5%. The resulting percentage shall be subtracted from the 5% conversion fee coefficient and shall be used as the basis of the final conversion fee.

"(b-1) *Payment.* -- Upon registration of the housing accommodation as a condominium or a cooperative, the Mayor shall record a lien on the property in the amount of the declared conversion fee. The declared conversion fee shall be apportioned among the individual units or shares according to the percentage that

each unit represents of the total estimated sales price and shall be paid at the time of settlement on the individual units or shares. The Recorder of Deeds shall not record a deed for an individual unit or share until the declared conversion fee for that individual unit or share is paid in full. The Mayor shall require payment of the declared conversion fee for any unsold units or shares 2 years after the housing accommodation is registered as a condominium or a cooperative. After payment of the declared conversion fees for all of the units, if the declared conversion fee and the final conversion fees are not the same, any underpayment or overpayment of the conversion fee shall be collected from the owner or refunded to the owner by the Mayor, accordingly. If the final conversion fee is greater than the declared conversion fee, for each 1% that the final conversion fee is greater than the declared conversion fee, a .5% (one-half of one percent) surcharge shall be added to the conversion fee paid by the owner. The Mayor shall enforce a lien against any unsold unit of a condominium or proportionate value of a cooperative to collect any underpayment of the final conversion fee."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(e) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

For temporary (225 day) amendment of section, see § 2 of Vacancy Conversion Fee Exemption Reinstatement Temporary Act of 2006 (D.C. Law 16-250, March 8, 2007, law notification 54 DCR 250).

Section 3 of D.C. Law 16-250 repealed Subtitle M of Title II of the Fiscal year 2007 Budget Support Congressional Review Emergency Act of 2006, effective October 3, 2006 (D.C. Act 16-499; 53 DCR 8818), as of October 3, 2006.

Section 2 of D.C. Law 17-17 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Act 16-476; 53 DCR 6899), as of March 2, 2007.

Section 3 of D.C. Law 17-17 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007, effective January 16, 2007 (D.C. Act 17-1; 54 DCR 1165), as of January 16, 2007.

Section 2 of D.C. Law 17-162 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Act 16-476; 53 DCR 6899), as of March 2, 2007.

For temporary (225 day) amendment of section, see § 2 of Vacancy Exemption Repeal Temporary Amendment Act of 2008 (D.C. Law 17-191, July 18, 2008, law notification 55 DCR 9769).

For temporary (225 day) amendment of section, see § 2(a) of Vacancy Exemption Repeal Clarification Temporary Amendment Act of 2008 (D.C. Law 17-274, November 25, 2008, law notification 55 DCR 12594).

Emergency Act Amendments

For temporary amendment of section, see § 3(e) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(e) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(e) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

For temporary (90 day) amendment of section, see § 1606 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 1606 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 1606 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 2162(a) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of sections, see § 2162(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see §§ 2 and 3 of Vacancy Conversion Fee Exemption Reinstatement Emergency Act of 2006 (D.C. Act 16-533, December 4, 2006, 53 DCR 9844).

For temporary (90 day) amendment of section, see § 2162(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) repeal of Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), see § 2 of Conversion Fee Clarification Emergency Amendment Act of 2008 (D.C. Act 17-305, February 22, 2008, 55 DCR 2516).

For temporary (90 day) amendment of section, see § 2 of Vacancy Exemption Repeal Emergency Amendment Act of 2008 (D.C. Act 17-354, April 17, 2008, 55 DCR 5372).

For temporary (90 day) amendment, see § 2(a) of Vacancy Exemption Repeal Clarification Emergency Amendment Act of 2008 (D.C. Act 17-461, July 28, 2008, 55 DCR 8732).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

For Law 14-307, see notes following § 42-1103.

For Law 16-192, see notes following § 42-903.

Law 17-354, the "Conversion Fee Clarification and Technical Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-179 which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on November 18, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 16, 2009, it was assigned Act No. 17-688 and transmitted to both Houses of Congress for its review. D.C. Law 17-354 became effective on March 25, 2009.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

Amendment of section by Law 10-144: Section 2(e) of D.C. Law 10-144 purported to amend (b), (b-1) and (c) of this section to read as follows:

"(b) Reduction. The Mayor may reduce the conversion fee to as low as \$50 per condominium unit or proportionate value of the cooperative residence if the owner declares the intent to sell or provide a lease or option to lease for at least 5 years to tenants who, at the time of request for an election, are low income and whose continued right to remain a tenant is not required by statute ("qualifying tenants"). To qualify for this reduction, a sale or lease cannot require monthly payments greater than existing rents, as may be increased by the annual adjustment of general applicability provided in § 45-2516(b) or a similar annual adjustment in any successor rent control act, or 25% of gross household income, whichever is greater. The number of qualifying tenants is the number of tenants identified by the Mayor as residing in the accommodation as of the date of the owner's request for an election. The amount of the reduction shall be determined by the Mayor based on factors such as the Mayor may determine, which shall include the percentage of tenants in the accommodation who are qualifying tenants and the percentage of qualifying tenants who purchase or continue renting in accordance with the first sentence of this subsection. The Mayor shall also reduce the amount of the conversion fee of each unit or proportionate value for a cooperative residence that is sold or leased to a low-income purchaser or to a new low-income tenant who leases a unit in accordance with the requirements of this subsection, regardless of where that low-income purchaser or tenant previously lived. In doing so, the Mayor shall consider the lost conversion fee revenue in comparison to the cost of making available the number of low-income units purchased or leased. If the owner does not sell or lease to the percentage of qualifying tenants or outside purchasers or tenants as declared, the unpaid balance of the conversion fee as adjusted by the Mayor in accordance with the actual sales and leases shall be paid by the owner. The Mayor may assert a lien against any unsold units or proportionate value of the cooperative residence by filing a lien against the land. The Mayor shall not attempt to collect any conversion fee which would not have been due if the provisions of this section had been in effect at the time of the conversion.

(b-1) Payment. The conversion fee required by subsection (a) of this section shall be paid no later than at the time of settlement on the individual units or shares.

(c) Waiver of lien. The Mayor shall waive a conversion fee lien on a condominium unit or proportionate value of the cooperative residence purchased by a low-income tenant."

Short title: Section 2161 of D.C. Law 16-192 provided that subtitle M of title II of the act may be cited as the "Vacancy Conversion Fee Clarification Amendment Act of 2006".

§ 42-3402.05. CERTIFICATION FEE.

An owner who seeks to convert must pay the Mayor a certification fee. The Mayor is authorized to collect and establish the amount of the fee. The certification fee shall be sufficient to cover the cost of administering this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 205, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1614.

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3402.05A. APPLICATION FEES.

(a) The Mayor may impose and collect fees for the processing of an application for conversion and other services provided by the Mayor or the Department of Housing and Community Development to implement this chapter. The Mayor shall establish the fees by rulemaking pursuant to subchapter I of Chapter 5 of Title 2.

(b) Each application for approval of a conversion shall be accompanied by payment to cover the fees, if any, prescribed pursuant to this section.

(c) Fees collected by the Mayor pursuant to this section shall be deposited in the Department of Housing and Community Development Unified Fund, established pursuant to § 42-2857.01.

(Sept. 10, 1980, D.C. Law 3-86, § 205a, as added Sept. 24, 2010, D.C. Law 18-223, § 2103, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2103 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 18-223, see notes following § 42-1904.03.

§ 42-3402.06. COOPERATIVE CONVERSION.

(a) *Notice.* -- An owner shall provide each tenant with prior written notice of an intent to convert of at least 120 days by first class mail and by conspicuous posting in common areas of the housing accommodation. An owner shall not provide notice prior to the Mayor's certification of compliance for purposes of cooperative conversion.

(b) *Tenant opportunity to purchase unit.* -- An owner shall make to each tenant of the housing accommodation a bona fide offer to sell to each tenant a share or membership interest in the cooperative. An offer includes, at a minimum, the asking price for the share or membership interest and a summary of tenant rights and sources of technical assistance as published in the D.C. Register by the Mayor, if published. An owner shall afford the tenant at least 60 days in which to make a contract to purchase the share or membership interest at a mutually agreeable price and under mutually agreeable terms, which shall be at least as favorable as those offered to the general public. An owner shall not provide notice prior to the Mayor's certification of compliance for purposes of cooperative conversion.

(c) *Notice to vacate.* -- An owner shall not serve a notice to vacate until at least 90 days after the tenant received notice of intention to convert, or prior to expiration of the 60-day period of notice of opportunity to purchase.

(Sept. 10, 1980, D.C. Law 3-86, § 206, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(d), 30 DCR 4866.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1615.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3402.07. [RESERVED]

§ 42-3402.08. ELDERLY OR DISABLED TENANCY.

(a)(1) For the purposes of this subsection, the term "qualifying income" means a total annual household income, as determined by the Mayor, no greater than 95% of the area median income, as defined in § 42-2801(1).

(2) Notwithstanding any other provision of this subchapter, Chapter 19 of this title, or Chapter 35 of this title, an owner of a rental unit in a housing accommodation converted under the provisions of this subchapter shall not evict or send notice to vacate to an elderly or disabled tenant if the combined annual household income for his or her unit, as determined by the Mayor, does not exceed the qualifying income, unless:

(A) The tenant violates an obligation of the tenancy and fails to correct the violation within 30 days after receiving notice of the violation from the owner;

(B) A court of competent jurisdiction has determined that the tenant has performed an illegal act within the rental unit or housing accommodation;

(C) The tenant fails to pay rent; or

(D)(i) For the purposes of a single, scheduled tenant election under § 42-3402.03, the tenant waives, in writing, his or her right to remain a tenant.

(ii) The waiver shall state that it was made voluntarily, without coercion as set forth in § 42-3402.03(h), and with full knowledge of the ramifications of a waiver of the right to remain a tenant.

(iii) The waiver under sub-subparagraph (i) of this subparagraph shall apply only to the single, scheduled tenant election for which it was given.

(b) *Rent level.* -- Any owner of a converted unit shall not charge an elderly or disabled tenant rent in excess of the lawful rent at the time of request for a tenant election for purposes of conversion plus annual increases on that basis authorized under the Rental Housing Act.

(c) *Qualification.* -- (1) An elderly or disabled tenant shall qualify under this subchapter if, on the day a tenant election is held for the purposes of conversion, the elderly or disabled tenant:

(A) Is entitled to the possession, occupancy, or the benefits of his or her rental unit; and

(B)(i) Is 62 years of age or older; or

(ii)(I) Has a disability as defined in section 3(2)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(2)(A)), and 29 C.F.R. § 1630.2(g)(1).

(II) In making a determination that a tenant qualifies under this sub-subparagraph, the Mayor shall limit the inquiry to the minimum information and documentation necessary to establish that the tenant meets the definition of disabled provided in sub-sub-subparagraph (I) of this sub-subparagraph, and shall not inquire further into the nature or severity of the disability. The Mayor shall not require the tenant to provide a description of the disability when making an eligibility determination; provided, that the Mayor shall require that a physician or other licensed healthcare professional verify that a tenant meets the definition of disabled in sub-sub-subparagraph (I) of this sub-subparagraph. The Mayor shall not require the tenant to provide eligibility documentation in less than 30 days.

(III) The Mayor shall maintain records of the information compiled under this sub-subparagraph; provided, that the Mayor:

(aa) Shall not disclose information about a tenant's disability unless the disclosure is required by law;

(bb) May provide a list of eligible voters upon request; and

(cc) May make a list of eligible voters available at the site of the tenant election.

(IV) In requesting information under this sub-subparagraph, the Mayor shall inform tenants that their names will be absent from publicly available lists of eligible voters and the Mayor shall not disclose information provided about a tenant's disability unless the disclosure is required by law.

(2) The Mayor shall develop such forms and procedures as may be necessary to verify eligibility under this subsection.

(Sept. 10, 1980, D.C. Law 3-86, § 208, 27 DCR 2975; Mar. 4, 1981, D.C. Law 3-131, § 801(d), 28 DCR 326; Nov. 5, 1983, D.C. Law 5-38, § 2(e), 30 DCR 4866; Nov. 16, 2006, D.C. Law 16-179, § 2(d), 53 DCR 6698; Mar. 8, 2007, D.C. Law 16-240, § 2, 54 DCR 597; Mar. 25, 2009, D.C. Law 17-354, § 2(b), 56 DCR 1155.)

1981 Ed., § 45-1616.

Effect of Amendments

D.C. Law 16-179 rewrote subsec. (a); in subsec. (b), substituted "elderly or disabled" for "elderly"; and rewrote subsec. (c). Prior to amendment, subsecs. (a) and (c) read as follows:

"(a) *Eviction limited.* -- Notwithstanding any other provision of this subchapter, the Condominium Act, or the Rental Housing Act, an owner of a rental unit in a housing accommodation converted under the provisions of this chapter shall not evict or send notice to vacate to an elderly tenant with an annual household income, as determined by the Mayor, of less than \$40,000 per year unless:

"(1) The tenant violates an obligation of the tenancy and fails to correct the violation within 30 days after receiving notice of the violation from the owner;

"(2) A court of competent jurisdiction has determined that the tenant has performed an illegal act within the rental unit or housing accommodation; or

"(3) The tenant fails to pay rent."

"(c) *Definition.* -- For the purposes of this subchapter, the term 'elderly tenant' means a head of household who is 62 years of age or older. The number of elderly tenants qualifying under this section is that number on the day an owner requests a tenant election for purposes of conversion."

D.C. Law 16-240 rewrote subsec. (c)(1)(B)(ii), which had read as follows:

"(ii)(I) Has a medically determinable physical impairment, including blindness, which prohibits and incapacitates 75% of that person's ability to move about, to assist himself or herself, or to engage in an occupation.

"(II) In making a determination that a tenant qualifies under this sub-subparagraph, the Mayor shall limit the inquiry to the minimum information and documentation necessary to establish that the tenant meets the definition of disabled provided in sub-sub-subparagraph (I) of this sub-subparagraph, and shall not inquire further into the nature or severity of the disability. The Mayor shall not require the tenant to provide a description of the disability when making an eligibility determination; provided, that the Mayor may request that a physician or other licensed healthcare professional verify that a tenant meets the definition of disabled in sub-sub-subparagraph (I) of this sub-subparagraph. The Mayor shall not require the tenant to provide eligibility documentation in less than 30 days.

"(III) The Mayor shall not disclose information compiled under this sub-subparagraph unless the disclosure is required by law; provided, that the Mayor may provide a list of eligible voters upon request; provided further, that the Mayor may make a list of eligible voters available at the site of the tenant election."

D.C. Law 17-354 rewrote subsec.(a)(1), which had read as follows:

"(a) *Eviction limited.* -- (1)(A) For the purposes of this subsection, the term 'qualifying income' means the applicable percentage for the household size, as set forth in subparagraph (B) of this paragraph, of the area median income for a household of 4 persons for the Washington-Arlington-Alexandria Metropolitan area, as established by the U.S. Department of Housing and Urban Development."

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 3-131, see Historical and Statutory Notes following § 42-3401.03.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For Law 16-179, see notes following § 42-3401.01.

Law 16-240, the "Definition of Persons with Disabilities A.D.A. Conforming Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-875, which was referred to Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28 2006, it was assigned Act No. 16-596 and transmitted to both Houses of Congress for its review. D.C. Law 16-240 became effective on March 8, 2007.

For Law 17-354, see notes following § 42-3402.04

Miscellaneous Notes

Declaration of continuing housing crisis: See Mayor's Order 83-239, October 7, 1983.

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3402.09. PROPERTY TAX ABATEMENT.

The Mayor shall not require the owner of a converted condominium unit occupied by a low-income tenant

to pay real property tax for the unit. The proportionate value for a unit in a converted cooperative housing accommodation occupied by a low-income tenant shall be exempt from real property tax.

(Sept. 10, 1980, D.C. Law 3-86, § 209, 27 DCR 2975; Sept. 6, 1995, D.C. Law 11-31, § 3(f), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1617.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(f) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 3(f) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(f) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(f) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(f) of D.C. Law 10-144 purported to amend this section to read as follows:

"The Mayor shall not require the owner of a converted condominium unit occupied by a low-income tenant to pay real property tax for the unit. The proportionate value for a unit in a converted cooperative housing accommodation occupied by a low-income tenant shall be exempt from real property tax."

§ 42-3402.10. EXCEPTIONS TO COVERAGE OF SUBCHAPTER: EXPIRATION PROVISIONS.

(a) This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 42-3405.12.

(b) The rights granted under § 42-3402.08 to eligible elderly and disabled tenants shall not be abrogated or reduced notwithstanding such a declaration by the Mayor.

(c)(1) A housing provider shall not unreasonably interfere with the tenant's comfort, safety, or enjoyment of a rental unit, or engage in retaliatory action under § 42-3505.02, for the purpose of causing a housing accommodation to become vacant.

(2) For the purposes of this subsection, the terms "unreasonable interference" or "retaliatory action" may include:

(A) The knowing circulation of inaccurate information;

(B) Frequent visits or calls over the objection of the household;

(C) The threat of retaliatory action;

(D) An act or threat not otherwise permitted by law to recover possession of a rental unit, increase rent, decrease services, increase the obligation of a tenant or cause undue or avoidable inconvenience, harass or violate the privacy of the household, reduce the quality or quantity of service, refuse to honor a lease, rental agreement, or any provision of a lease or rental agreement, refuse to renew a lease or rental agreement, or terminate a tenancy without legal cause; or

(E) Any other form of threat or coercion.

(d)(1) The provisions of this subchapter shall not apply to the conversion of housing accommodations into condominium or cooperative status that are fully vacant as of the date of application to the Mayor for a vacancy exemption; provided, that this exemption shall not apply to:

(A) § 42-3402.04; or

(B) Any violation of subsection (c) of this section.

(2) The Mayor shall make such inquiries as the Mayor considers appropriate to determine whether the vacating of each unit was voluntary.

(3) If the Mayor determines that the vacating of any unit was not voluntary, the Mayor shall disapprove or rescind the approval of the application for exemption.

(4) All vacancy exemptions shall expire after 180 days; provided, that vacancy exemptions in effect on March 25, 2009, shall expire 180 days after March 25, 2009.

(e) The Mayor may impose civil fines, penalties, and fees for any infraction of the provisions of this section, or any rules issued under the authority of this section pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(Sept. 10, 1980, D.C. Law 3-86, § 210, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(f), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(b), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(g), 42 DCR 3239; Nov. 16, 2006, D.C. Law 16-179, § 2(e), 53 DCR 6698; Mar. 2, 2007, D.C. Law 16-192, § 2162(b), 53 DCR 6899; Mar. 25, 2009, D.C. Law 17-354, § 2(c), 56 DCR 1155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1618.

Effect of Amendments

D.C. Law 16-179 substituted "elderly and disabled" for "elderly".

D.C. Law 16-192 rewrote the section which had read as follows:

"This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 42-3405.12. The rights granted under § 42-3402.08 to eligible elderly and disabled tenants may not be abrogated or reduced notwithstanding such a declaration by the Mayor. The provisions of this subchapter shall not apply to the conversion of housing accommodations into condominium or cooperative status which are fully vacant as of the date of application to the Mayor for a vacancy exemption. Occupancy by 1 or more employees or other occupants for security or similar nontenancy purposes shall not prevent the accommodation from qualifying for a vacancy exemption. The owner shall submit to the Mayor an application for vacancy exemption in order to qualify for this vacancy exemption. The application shall require that the owner certify that the owner is not an owner or purchaser as described in the third sentence of the second paragraph of § 42-3402.02(a), and that the owner has affirmatively sought information from any applicable former owner in order to make a truthful certification. The Mayor shall accept the owner's certification unless the Mayor has received information which tends to challenge the truthfulness of the certification."

D.C. Law 17-354 rewrote the section, which had read as follows:

"This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 42-3405.12. The rights granted under § 42-3402.08 to eligible elderly and disabled tenants may not be abrogated or reduced notwithstanding such a declaration by the Mayor. The provisions of this subchapter shall not apply to the conversion of housing accommodations into condominium or cooperative status that are fully vacant as of the date of application to the Mayor for a vacancy exemption; provided, that this exemption shall not apply to § 42-3402.04. Occupancy by 1 or more employees or other occupants for security or similar nontenancy purposes shall not prevent the accommodation from qualifying for a vacancy exemption. The owner shall submit to the Mayor an application for vacancy exemption in order to qualify for this vacancy exemption. The application shall require that the owner certify that the owner is not an owner or purchaser as described in the third sentence of the second paragraph of § 42-3402.02(a), and that the owner has affirmatively sought information from any applicable former owner in order to make a truthful certification. The Mayor shall investigate all requests for vacancy exemptions under this section and photographically document the vacant status of at least 25% of the total number of randomly selected units in the housing accommodation. All vacancy exemptions shall expire 90 days after certification. Vacancy exemptions properly certified, and in effect, on March 2, 2007, shall expire 90 days after March 2, 2007."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1988 (D.C. Law 7-140, September 21, 2008, law notification 35 DCR 7279).

For temporary (225 day) amendment of section, see § 2(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1993 (D.C. Law 10-13, September 11, 1993, law notification 40 DCR 6835).

For temporary (225 day) amendment of section, see § 2(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification

41 DCR 6706).

Section 2 of D.C. Law 16-250 repealed Subtitle M of Title II of the Fiscal year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-477; 53 DCR 7068), as of August 8, 2006.

Section 3 of D.C. Law 16-250 repealed Subtitle M of Title II of the Fiscal year 2007 Budget Support Congressional Review Emergency Act of 2006, effective October 3, 2006 (D.C. Act 16-499; 53 DCR 8818), as of October 3, 2006.

Section 2 of D.C. Law 17-17 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Act 16-476; 53 DCR 6899), as of March 2, 2007.

Section 3 of D.C. Law 17-17 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007, effective January 16, 2007 (D.C. Act 17-1; 54 DCR 1165), as of January 16, 2007.

Section 2 of D.C. Law 17-162 repealed Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Act 16-476; 53 DCR 6899), as of March 2, 2007.

For temporary (225 day) amendment of section, see § 2(b) of Vacancy Exemption Repeal Clarification Temporary Amendment Act of 2008 (D.C. Law 17-274, November 25, 2008, law notification 55 DCR 12594).

Emergency Act Amendments

For temporary amendments of section, see § 2(b) of the Rental Housing Conversion and Sale Act of 1980 Extension Emergency Amendment Act of 1993 (D.C. Act 10-29, May 19, 1993, 40 DCR 3418) and § 2(b) of the Rental Housing Conversion and Sale Act of 1980 Extension Congressional Recess Emergency Amendment Act of 1993 (D.C. Act 10-82, August 4, 1993, 40 DCR 6056).

For temporary amendment of section, see § 2(b) of the Rental Housing Conversion and Sale Act of 1980 Extension Emergency Amendment Act of 1994 (D.C. Act 10-235, April 28, 1994, 41 DCR 2599).

For temporary amendment of section, see § 3(g) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(g) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(g) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

For temporary (90 day) amendment of section, see § 2162(b) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 2162(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see §§ 2 and 3 of Vacancy Conversion Fee Exemption Reinstatement Emergency Act of 2006 (D.C. Act 16-533, December 4, 2006, 53 DCR 9844).

For temporary (90 day) amendment of section, see § 2162(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see §§ 2 and 3 of Vacancy Conversion Fee Exemption Reinstatement Emergency Amendment Act of 2007 (D.C. Act 17-31, April 19, 2007, 54 DCR 4081).

For temporary (90 day) repeal of Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899), see § 2 of Conversion Fee Clarification Emergency Amendment Act of 2008 (D.C. Act 17-305, February 22, 2008, 55 DCR 2516).

For temporary (90 day) amendment, see § 2(b) of Vacancy Exemption Repeal Clarification Emergency Amendment Act of 2008 (D.C. Act 17-461, July 28, 2008, 55 DCR 8732).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

For Law 16-179, see notes following § 42-3401.01.

For Law 16-192, see notes following § 42-903.

For Law 17-354, see notes following § 42-3402.04

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

Amendment of section by Law 10-144: Section 2(g) of D.C. Law 10-144 purported to amend this section to read as follows:

"This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 45-1662. The rights granted under § 45-1616 to eligible elderly tenants may not be abrogated or reduced notwithstanding such a declaration by the Mayor. The provisions of this subchapter shall not apply to the conversion of housing accommodations into condominium or cooperative status which are fully vacant as of the date of application to the Mayor for a vacancy exemption. Occupancy by 1 or more employees or other occupants for security or similar nontenancy purposes shall not prevent the accommodation from qualifying for a vacancy exemption. The owner shall submit to the Mayor an application for vacancy exemption in order to qualify for this vacancy exemption. The application shall require that the owner certify that the owner is not an owner or purchaser as described in the third sentence of § 45-1611(a)(2) and that the owner has affirmatively sought information from any applicable former owner in order to make a truthful certification. The Mayor shall accept the owner's certification unless the Mayor has received information which tends to challenge the truthfulness of the certification."

§ 42-3402.11. RETROACTIVE CONVERSION.

With respect to conversions of housing accommodations by owners or contract purchasers who received a notice of filing or filed articles of incorporation as a housing cooperative prior to August 10, 1980 (the effective date of the Rental Housing Conversion and Sale Emergency Act of 1980 (D.C. Act 3-248)), or prior to the effective date of this chapter [September 10, 1980], the following provisions shall apply:

(1) *Definitions.* -- For the purposes of this section, unless the subject matter requires otherwise, the term:

(A) "Association" means a group enterprise legally incorporated under the District of Columbia Cooperative Association Act, or a cooperative corporation incorporated pursuant to the laws of another jurisdiction.

(B) "Comparable rental units" means rental units of corresponding facilities with the same or similar benefits or services included in the price of the rent.

(C) "Declarant" shall mean a person(s), association(s), or group(s) who:

(i) In the case of a housing cooperative, obtained an exemption pursuant to § 4 of the Cooperative Regulation Act of 1979 and filed articles of incorporation prior to August 10, 1980; or

(ii) In the case of a condominium conversion, received a notice of filing pursuant to § 42-1904.06.

(D) "Eligible recipient" means the head of household in which the household has a combined annual income totaling less than the following percentages of the median annual family income (for a household of 4 persons) for the District of Columbia, as such median is determined by the United States Bureau of Census and adjusted yearly by historic trends of that median, and as may be further adjusted by an interim census of District of Columbia incomes collected under contract by local or regional government agencies:

one-person household	50%
two-person household	60%
three-person household or a 1- or 2-person household containing any person who is 60 years of age or older or who has a disability as defined by the Mayor	90%
four-person household	100%
five-person household	110%
more than 5-person household	120%

(E) "Family" means a group of persons related by blood or marriage.

(F) "Head of household" means an individual who maintains the affected rental unit as his or her principal place of abode, is a bona fide resident and domiciliary of the District of Columbia, and contributes more than one-half the cost of maintaining such rental unit. An individual may be considered a head of household without regard as to whether such individual would qualify as a head of household for the purposes of any other law.

(G) "High rent housing accommodation" means any housing accommodation in the District of Columbia for which the total monthly rent exceeds an amount computed for such housing accommodation as follows:

(i) Multiply the number of rental units in the following categories by the corresponding rents

established by the United States Department of Housing and Urban Development for the District of Columbia as the current fair market rents for existing housing under § 8 Housing Assistance Payments Program for Elevator or Non-Elevator (as appropriate) Buildings: (1) efficiency rental units; (2) 1 bedroom rental units; (3) 2 bedroom rental units; (4) 3 bedroom rental units; (5) 4 or more bedroom rental units; so that the rates are not lower than \$267 for 1 bedroom, \$314 for 2 bedroom, \$408 for a 3 or more bedroom, and \$221 for efficiency rental units;

(ii) Total the results obtained in sub-subparagraph (i) of this subparagraph; and

(iii) Increase the result obtained in sub-subparagraph (ii) of this subparagraph by the maximum percentage of any upward rent adjustments found to be warranted by the District of Columbia Rental Accommodations Commission pursuant to § 206 of the Rental Housing Act of 1977.

(H) "Housing accommodation" means any structure or building in the District of Columbia containing 1 or more rental units, and the land appurtenant thereto. Such term shall not include any hotel, motel, or other structure, including any room therein, used primarily for transient occupancy, and in which at least 60% of the rooms devoted to living quarters for tenants or guests are used for transient occupancy; any rental unit in an establishment which has as its primary purpose the providing of diagnostic care and treatment of diseases, including, but not limited to, hospitals, convalescent homes, nursing homes, and personal care homes; or any dormitory of an institute of higher education, or a private boarding school, in which rooms are provided for students.

(I) "Housing expense" means the amount of rent attributable to a rental unit plus the cost of gas, electricity, water, and sewer services if not included in the rent and if paid by the occupant of such rental unit, but shall exclude any security deposit.

(J) "Housing project" means a group of housing accommodations which are managed as a single business entity.

(K) "Suitable size" means for a 1 person family, an efficiency rental unit; for a 2 person family, a 1 bedroom rental unit; for a family of 3 or 4 persons, a 2 bedroom rental unit; for a family of 5 or 6 persons, a 3 bedroom rental unit; and for a family of 7 or more persons, a 4 bedroom rental unit; except, that adjustments shall be made to allow children and unmarried adults of the opposite sex, to have separate sleeping rooms. In determining suitable size for a comparable rental unit, 1 person living in a 1 bedroom rental unit before relocation as a result of cooperative conversion shall be eligible for assistance at the level of a 1 bedroom comparable rental unit.

(L) "Total monthly rent" shall include the rents asked for vacant units.

(2) *Eligibility for housing assistance and relocation compensation.* -- (A) In addition to all other requirements of this section, and to all other applicable provisions of law, each declarant of a conversion cooperative shall pay housing assistance, in an amount calculated according to paragraph (3) of this section, to any eligible recipient who:

(i) Makes application for such assistance;

(ii) Has been living, for at least 1 year immediately prior to the first day of the month in which the application for registration relating to such conversion is filed, in the rental unit from which he or she is being displaced;

(iii) Is displaced from a rental unit because such rental unit is being converted to a cooperative by the declarant; and

(iv) Relocates in the District of Columbia. Such housing assistance shall be paid in 1 lump sum payment, within 30 days after the date the declarant receives notification pursuant to subparagraph (C) of paragraph (5) of this section, to the eligible recipient or the Mayor, as appropriate. Beginning with the 25th month occurring immediately after the month in which such eligible recipient relocated, and for the immediately succeeding 35 months thereafter, housing assistance payments to such recipient shall be made by the Mayor if, as of the first day of the 25th month occurring after his or her relocation, the recipient is eligible for such payment. In lieu of monthly payments, the Mayor may make a lump sum payment to an eligible recipient equal to the amount to which the recipient is entitled to receive under this section.

(B) In addition to all other requirements of this section, and to all other applicable provisions of law, each declarant shall pay relocation compensation to an eligible recipient in each rental unit in the building converted if such rental unit is occupied primarily for residential purposes on the date the occupant received the 120-day notice of declarant's intention to convert as required by § 603 of the Rental Housing Act of 1977. Such relocation compensation shall be calculated according to the provisions of subparagraph (D) of paragraph (4) of this section.

(C) No part of any housing assistance payment or any relocation compensation made under this section shall be considered income to the eligible recipient for the purposes of Chapter 18 of Title 47. Any such housing assistance payment or any relocation compensation made to any person or family entitled to receive any other payment from the District of Columbia government related to

paying the costs of housing or shelter shall be in addition to and shall not affect the amount of or entitlement to such other payment.

(3) *Calculation of housing assistance.* -- (A) The amount of each housing assistance payment to be made under this section shall be calculated as follows:

(i) If the amount of an eligible recipient's average monthly housing expense, during the 12 consecutive month period ending with the month preceding the month during which he or she relocated as a result of the rental unit being converted to a cooperative, is an amount which is less than 25% of the average net monthly family income computed for such period, then the amount of the monthly housing assistance payment to such eligible recipient shall be in an amount equal to the difference between an amount equal to 25% of such average net monthly family income and the amount of the monthly housing expense to be paid by the eligible recipient for the first full month after such relocation (excluding security deposit, if any).

(ii) If the amount of an eligible recipient's average monthly housing expense, during such period, is an amount which is more than 25% of such average net monthly family income, then the amount of the monthly housing assistance payment shall be in an amount equal to the difference between such average monthly housing expense during such period and the amount of the monthly housing expense to be paid by the eligible recipient for the first full month after such relocation (excluding security deposit, if any).

(iii) To obtain the total housing assistance payment to be made by a declarant to any eligible recipient, multiply the figure obtained under either sub-subparagraph (i) or (ii) of this subparagraph, as appropriate, by 24. To obtain the total housing assistance payment to be made by the Mayor to any eligible recipient, multiply such appropriate figure by 36.

(B) The Mayor shall determine, from time to time and at least once every 12 months, the range of rents being charged in the District of Columbia by landlords of privately-owned housing accommodations for available 1 bedroom, 2 bedroom, 3 bedroom or more, and efficiency rental units. The Mayor shall publish his or her preliminary range of rents in the District of Columbia Register and, within 30 days after publication shall hold hearings on that preliminary range. Based on the record of those hearings, the Mayor shall certify a final range of rents to be used for the purposes of this section. The figure obtained under either sub-subparagraph (i) or (ii) of subparagraph (A) of this paragraph, as appropriate, shall not exceed the difference between the highest rent in the range of rents of comparable rental units of suitable size, as determined by the Mayor at the time the housing assistance payment is made to such eligible recipient, and the amount of the eligible recipient's average monthly housing expense for the 12-month period referred to in sub-subparagraph (i) of subparagraph (A) of this paragraph.

(4) *Calculation of relocation compensation.* -- (A) The amount of relocation compensation payable shall be calculated as follows:

(i) Relocation compensation in the amount of \$125 for each room in the apartment unit shall be payable to the tenants if the tenants are occupying the apartment unit, or, if the tenants are not occupying the apartment unit, to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purpose of the preceding sentence, a "room" in an apartment unit shall mean any space 60 square feet or larger which has a fixed ceiling and floor and is subdivided with fixed partitions on all sides, but shall not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

(ii) The Mayor shall adjust the amounts to be paid as relocation compensation from time to time solely to reflect changes in the cost of moving within the Washington metropolitan area. Such adjustments shall be made no more than once in any calendar year and shall be made only after prior notice and hearing.

(B) After notification of the Mayor's determination pursuant to paragraph (5) (B) of this section, the declarant shall pay relocation compensation as follows:

(i) If the declarant has received at least 10 days advance written notice of the date upon which the apartment unit is to be vacated, the payment shall be paid no later than 24 hours prior to the date the apartment unit is to be vacated; or

(ii) If no such notice has been received, then payment shall be made within 30 days after the apartment unit is vacated.

(C) If there is more than 1 person entitled to relocation compensation with respect to an apartment unit, each such person shall be entitled to share equally in the amount of relocation compensation.

(D) In any case in which there is a question as to whether relocation compensation shall be paid for an apartment unit, or to whom, or the proper amount of such compensation, the declarant shall pay to the Mayor the amount indicated in the notice issued pursuant to paragraph (5) (B) of this section for such apartment unit and shall thereby be relieved of any further obligation under this section with respect to such apartment unit. The Mayor shall hold such payment and shall determine, after investigation, whether relocation compensation is payable with respect to the apartment unit, the

amount of relocation compensation payable, if any, and the person or persons, if any, entitled thereto. The Mayor shall refund any remainder of such payment to the declarant.

(E) Payment or relocation compensation shall not be required with respect to any apartment unit which is the subject of an outstanding judgment for possession obtained by the declarant or declarant's predecessor in interest against the tenants or subtenants for a cause of action whether such cause of action arises before or after the service of the notice of conversion. If, however, the judgment for possession is based on nonpayment and arises after the notice of conversion has been given, then relocation compensation shall be required in an amount reduced by the amount determined to be due and owing to the declarant by the court rendering the judgment for possession.

(5) *Application for housing assistance and relocation compensation.* -- (A) Each declarant, at the same time he or she sends tenants the 120-day notice required under § 603 of the Rental Housing Act of 1977, shall send to each tenant the application forms (with instructions) provided by the Mayor for making application for housing assistance and relocation compensation payable under the provisions of this section. Each applicant for such housing assistance or relocation compensation shall give to the Mayor reasonable information as may be required in order to determine an applicant's eligibility. All information provided to the Mayor under this paragraph shall be confidential and shall not be disclosed to any person except to parties and their attorneys, officials, and employees conducting proceedings under this section.

(B) If the information provided by an applicant on the form filed with the Mayor indicates on its face that such applicant is eligible for relocation compensation payable under paragraph (2) (B) of this section, then such applicant shall be presumed to be an eligible recipient. Within 15 working days from receipt of the completed application, the Mayor shall notify the appropriate declarant of the amount of payment due, to whom it shall be paid, and the address at which such payment should be delivered. Each declarant shall make each relocation compensation payment in a lump sum payment equal to the total amount of the payment for which he or she is liable to that eligible recipient. The payment of relocation compensation is subject to review pursuant to paragraph (4) (D) of this section.

(C)(i) If the information provided by an applicant on the form filed with the Mayor indicates on its face that such applicant is eligible for housing assistance payable under paragraph (2) (A) of this section, then such applicant shall be presumed to be an eligible recipient. The Mayor shall notify the appropriate declarant of the amount of housing assistance payment due, to whom it shall be paid, and the address at which such payment should be delivered.

(ii) In the event that a declarant believes either that the recipient is not an eligible recipient, or has not met the requirements of paragraph (2) (A) of this section, or that the payment to that recipient should be lower than the amount indicated by the Mayor for housing assistance payments, the declarant may seek review of the eligibility of the recipient, the recipient's eligibility under paragraph (2) (A) of this section, and the amount of such payment by: (1) Making the payment indicated to the Mayor; and (2) filing a notice of appeal and request for a hearing with the Mayor within 10 days after making such payment. The Mayor shall conduct such requested hearing as soon as possible after such request is made. Based on the record of the hearing, the Mayor shall determine whether the recipient is actually eligible for the payment as indicated in the Mayor's notice, or whether the amount of the payment is correct, as appropriate. In the event the Mayor determines that the recipient is not eligible, or that the amount of the payment made should be reduced, the Mayor shall issue an order to that effect, and shall refund to the declarant such excess monies, as is appropriate.

(D) The Mayor may review bi-annually, or earlier upon request by a declarant, both the continued eligibility of a recipient for housing assistance and the amount of such payments.

(6) *Payments of housing assistance.* -- The Mayor may enter into contracts with any bank or other financial institution in the District of Columbia providing that such bank or other financial institution shall make the monthly payments of housing assistance for which the District of Columbia is liable (if the Mayor elects not to make a lump sum payment) from sums of money deposited in such bank or financial institution by the Mayor for that purpose.

(7) *Tax exemption.* -- (A) In addition to all other requirements of this section, and to all other applicable provisions of law, each declarant of a conversion condominium shall pay housing assistance, in an amount calculated according to paragraph (3) of this section, to any eligible recipient who:

(i) Makes application for such assistance;

(ii) Has been living, for at least 1 year immediately prior to the first day of the month in which the application for registration relating to such conversion is filed, in the rental unit from which he or she is being displaced;

(iii) Is displaced from a rental unit because such rental unit is being converted to a condominium by the declarant; and

(iv) Relocates in the District of Columbia.

Such housing assistance shall be paid in 1 lump sum payment within 30 days after the date such recipient relocates. Beginning with the 25th month occurring immediately after the month in which such recipient relocated, and for the immediately succeeding 35 months thereafter, housing assistance payments to such recipient shall be made by the Mayor if, as of the first day of the 25th month occurring after his or her relocation, the recipient is eligible for such payment. In lieu of monthly payments, the Mayor may make a lump sum payment to an eligible recipient equal to the amount to which he or she is entitled to receive under this section.

(B) In addition to all other requirements of this section, and to all other applicable provisions of law, each declarant of a conversion condominium shall pay relocation compensation to any eligible recipient in each rental unit in the building converted if such rental unit is occupied primarily for residential purposes on the date the notice required by § 42-1904.03 is given. Such relocation assistance shall be calculated according to the provisions of paragraph (9) of this section.

(C) No part of any housing assistance payment or any relocation compensation made under this section shall be considered income to the recipient for the purposes of Chapter 18 of Title 47. Any such housing assistance payment or any relocation compensation made to any person or family entitled to receive any other payment from the District of Columbia government related to paying the costs of housing or shelter shall be in addition to and shall not affect the amount of or entitlement to such other payment.

(8) *Computation of housing assistance.* -- (A) The amount of each housing assistance payment to be made under this section shall be calculated as follows:

(i) If the amount of an applicant's average monthly housing expense, during the 12 consecutive month period ending with the month preceding the month during which he or she relocated as a result of his or her rental unit being converted to a condominium, is an amount which is less than 25% of the average net monthly family income, computed for such period, then the amount of the monthly housing assistance payment to such applicant shall be in an amount equal to the difference between an amount equal to 25% of such average net monthly family income and the amount of the monthly housing expense to be paid by the applicant for the first full month after such relocation (excluding security deposit, if any).

(ii) If the amount of a recipient's average monthly housing expense, during such period, is an amount which is more than 25% of such average net monthly family income, then the amount of the monthly housing assistance payment payable to such applicant shall be an amount equal to the difference between such average monthly housing expense during such period and the amount of the monthly housing expense to be paid by the applicant for the first full month after such relocation (excluding security deposit, if any).

(iii) To obtain the total housing assistance payment to be made by a declarant to any eligible recipient, multiply the figure obtained under either sub-subparagraph (i) or (ii) of this subparagraph, as appropriate, by 24. To obtain the total housing assistance payment to be made by the Mayor to any eligible recipient, multiply such appropriate figure by 36.

(B) The Mayor shall determine, from time to time and at least once every 12 months, the range of rents being charged in the District of Columbia by landlords of privately owned housing accommodations for generally available 1 bedroom, 2 bedroom, 3 bedroom or more, and efficiency rental units. The Mayor shall publish his or her preliminary range of rents in the District of Columbia Register and during the next immediately occurring 30 days hold hearings on that preliminary range. Based on the record of those hearings, the Mayor shall certify a final range of rents to be used for the purposes of this section. The figure obtained under either sub-subparagraph (i) or (ii) of subparagraph (A) of this paragraph, as appropriate, shall not exceed the difference between the highest rent in the range of rents of comparable rental units of suitable size, as determined by the Mayor at the time of the housing assistance payment is made to such recipient, and the amount of the recipient's average monthly housing expense for the 12-month period referred to in sub-subparagraph (i) of subparagraph (A) of this paragraph.

(9) *Computation of relocation compensation.* -- (A) The amount of relocation compensation payable shall be calculated as follows:

(i) Relocation compensation in the amount of \$125 for each room in the apartment unit shall be payable to the tenants if the tenants are occupying the apartment unit or if the tenants are not occupying the apartment unit, to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purposes of the preceding sentence, a "room" in an apartment unit shall mean any space 60 square feet or larger which has a fixed ceiling and floor and is subdivided with partitions on all sides, but shall not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

(ii) The Mayor shall adjust the amounts to be paid as relocation compensation from time to time solely to reflect changes in the cost of moving within the Washington metropolitan area. Such adjustment shall be made no more than once in any calendar year and shall be made only after

prior notice and hearing.

(B) Relocation compensation shall be paid no later than 24 hours prior to the date the apartment unit is to be vacated by the tenants or subtenants if the declarant has received at least 10 days advance written notice of the date upon which the apartment unit is to be vacated. If no such notice has been received, then relocation compensation shall be paid within 30 days after the apartment unit is vacated.

(C) If there is more than 1 person entitled to relocation compensation with respect to an apartment unit, each such person entitled to relocation compensation shall be entitled to share equally in the amount of relocation compensation. In any case in which there is a dispute as to whether relocation compensation shall be paid for an apartment unit, or the proper amount of such compensation or the persons entitled to such compensation, the declarant may pay to the Mayor the maximum possible relocation compensation allowable for such apartment unit and shall thereby be relieved of any further obligation under this subparagraph with respect to such apartment unit. The Mayor shall hold such payment and shall determine whether relocation compensation is payable with respect to the apartment unit, the amount of relocation compensation payable, if any, and the person or persons entitled thereto. The Mayor shall refund any remainder of such payment to the declarant.

(D) Payment of relocation compensation shall not be required with respect to any apartment unit which is the subject of an outstanding judgment for possession obtained by the declarant or declarant's predecessor in interest against the tenants or subtenants for a cause of action, whether such cause of action arises before or after the service of the notice of conversion. If, however, the judgment for possession is based on nonpayment and arises after the notice of conversion has been given, then relocation compensation shall be required in an amount reduced by the amount determined to be due and owing to declarant by the court rendering the judgment for possession.

(10) *Notification of eligibility; review of eligibility determinations.* -- (A) Each declarant of a conversion condominium, in addition to and at the same time that he or she sends tenants in the building to be converted the notices required under § 42-1904.08(b), shall send to each such tenant the necessary application forms (with instructions), provided by the Mayor, for making application for the housing assistance payments and relocation compensation payable under the provisions of this section. Each applicant for such assistance or compensation shall give to the Mayor such reasonable information as he or she may require in order to determine whether such applicant is eligible for the payments for which he or she applied. All information provided to the Mayor under this section shall be confidential and shall not be disclosed to any person or governmental or private entity in such a manner as to identify the applicant to whom the information relates.

(B) If the information provided by an applicant on the form filed with the Mayor indicates that such applicant is eligible for the relocation compensation payable under paragraph (7)(B) of this section, then such applicant shall be presumed to be an eligible recipient and the Mayor shall notify the appropriate declarant of the amount of payment due, to whom it shall be paid, and the address at which such payment should be delivered. Each declarant shall make each relocation compensation payment in a lump sum payment equal to the total amount of the payment for which he or she is liable to that recipient.

(C) In the event that a declarant believes that either the recipient is not an eligible recipient, or that the payment to that recipient should be lower than the amount indicated by the Mayor, for either housing assistance payments or for relocation compensation, he or she may seek review of both the eligibility and amount of payment by: (i) Making the payment as indicated by the Mayor; and (ii) filing a notice of appeal and request for a hearing with the Mayor within 10 days after making such payment. The Mayor shall conduct such requested hearing as soon as possible after such request is made. Based on the record of the hearing held as requested by a declarant, the Mayor shall determine whether the recipient is actually eligible for the payment received, or whether the amount of such payment is correct, as appropriate. In the event the Mayor determines that the recipient is not eligible, or that the amount of the payment made should be reduced, he or she shall issue an order to that effect, requiring the recipient to return to the declarant any payment received to which he or she was not entitled.

(D) The eligibility of a recipient for housing assistance payments shall be reviewed by the Mayor bi-annually.

(11) *Deposit in and payment of banks of District of Columbia housing assistance payments.* -- The Mayor may enter into contracts with any bank or other financial institution in the District of Columbia providing that such bank or other financial institution shall make the monthly payments of housing assistance for which the District of Columbia is liable (if the Mayor elects not to make a lump sum payment) from sums of money deposited in such bank or financial institution by the Mayor for that purpose.

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1619.

Effect of Amendments

D.C. Law 16-305, in par. (1)(D), substituted "has a disability" for "is handicapped".

Legislative History of Laws

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For Law 16-305, see notes following § 42-820.

References in Text

The "Cooperative Regulation Act of 1979," referred to in paragraph (1)(C)(i), is D.C. Law 3-19.

The "Rental Housing Act of 1977," referred to in paragraphs (1)(G)(iii) and (5)(A), is D.C. Law 2-54, which had formerly been codified as Chapter 16 of this title, and which was subsequently superseded by the Rental Housing Act of 1980, D.C. Law 3-131. See also § 42-3401.03(15).

The phrase "the effective date of this chapter" which appears in the introductory language of this section, probably refers to the effective date of D.C. Law 3-86, which was September 10, 1980.

SUBCHAPTER III. RELOCATION ASSISTANCE.

§ 42-3403.01. SHORT TITLE.

This subchapter may be cited as the "Relocation and Housing Assistance Act of 1980".

(Sept. 10, 1980, D.C. Law 3-86, § 301, 27 DCR 2975.)

§ 42-3403.02. RELOCATION PAYMENT.

(a) *Required.* -- If an owner converts a housing accommodation into a condominium or cooperative pursuant to this chapter, the owner shall provide a relocation payment to each tenant who does not purchase a unit or share or enter into a lease or lease option of at least 5 years' duration.

(b) *Amount.* -- An owner shall pay the tenant only if the tenant provides a relocation expense receipt or a written estimate from a moving company or other relocation service provider. Regardless of the amount on the receipt or written estimates, the owner shall pay no less than \$125, but is not required to pay more than \$1,000 to the tenant.

(c) *Method.* -- An owner may pay by check or cash to the tenant or person designated by the tenant, and shall pay within 7 days of receipt of the written estimate or receipt, the amount indicated or an amount required by subsection (b) of this section.

(d) *Entitlement to receive.* -- (1) The tenant who bears the cost of relocation is entitled to the payment. If there is more than 1 tenant who bears the cost of relocation from a unit, the owner shall pay the tenants proportionally.

(2) The owner is not required to make a relocation payment to a tenant against whom the owner has obtained a judgment for possession of the unit.

(3) If an owner does not make a relocation payment as required, the tenant has a private right of action to collect the payment and is entitled to costs and reasonable attorney fees for bringing the action.

(Sept. 10, 1980, D.C. Law 3-86, § 302, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(c), 28 DCR 2824; Mar. 21, 2009, D.C. Law 17-319, § 3(a), 56 DCR 214.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1621.

Effect of Amendments

D.C. Law 17-319, in subsec. (b), substituted "is not required to pay more than \$1,000 to the tenant" for "is not required to pay more than \$500 to the tenant".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(a) of Abatement of Nuisance Properties and Tenant

Receivership Temporary amendment Act of 2008 (D.C. Law 17-237, October 21, 2008, law notification 55 DCR 11700).

Emergency Act Amendments

For temporary (90 day) amendment, see § 3(a) of Abatement of Nuisance Properties and Tenant Receivership Emergency Amendment Act of 2008 (D.C. Act 17-420, July 8, 2008, 55 DCR 7703).

For temporary (90 day) amendment of section, see § 3(a) of Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-563, October 27, 2008, 55 DCR 12019).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For Law 17-319, see notes following § 42-3131.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3403.03. RELOCATION SERVICES.

The Mayor shall provide relocation assistance to low-income tenants who move from a housing accommodation which is converted into a condominium or cooperative. The Mayor shall provide service in the manner required by § 6- 333.01.

(Sept. 10, 1980, D.C. Law 3-86, § 303(a), 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1622.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3403.04. HOUSING ASSISTANCE PAYMENTS.

(a) *Required.* -- If an owner converts a housing accommodation into a condominium or cooperative pursuant to this chapter, the Mayor shall provide housing assistance payment for 3 years to each low-income tenant who does not purchase a unit or share.

(a-1) *Administration.* -- Housing assistance payments shall be administered by the Department of Housing and Community Development.

(b) *Eligibility.* -- In order to receive housing assistance payments, the tenant must:

- (1) Be low-income;
- (2) Apply for the assistance;
- (3) Have been living in a rental unit within the converted housing accommodation for at least 180 days prior to receipt of an owner's request for a tenant election for purposes of conversion; and
- (4) Reside within the District of Columbia after conversion of the housing accommodation.

(c) *Amount.* -- The amount of a housing assistance payment is calculated as follows:

- (1) If a household's average monthly housing expenses during the 12 consecutive months prior to conversion are less than 25 percent of net monthly household income, the amount of a monthly housing assistance payment is the difference between 25 percent of net monthly household income and the projected average monthly housing expenses after conversion;
- (2) If a household's average monthly housing expenses during the 12 consecutive months prior to conversion are more than 25 percent of net monthly household income, the amount of a monthly housing assistance payment is the difference between the prior average monthly housing expenses and the projected average monthly housing expenses after conversion;
- (3) The Mayor may review the eligibility of a household and the amount of payments and change the

household's status accordingly;

(4) For purposes of this subsection, the term "housing expenses" includes rent or monthly payment for a unit plus the cost of all utilities if not included in the rent or monthly payment. The term "housing expense" shall not include a security deposit. The Mayor is not required to consider housing expenses which exceed the level of fair market rents established by the federal Department of Housing and Urban Development for the District of Columbia.

(d) *Method.* -- (1) The Mayor may make housing assistance payments on a monthly basis or an aggregate basis for any portion of the period of eligibility. An aggregate payment is calculated by multiplying the monthly payment amount by the number of months desired.

(2) The Mayor may contract with a financial institution in the District of Columbia for provision of housing assistance payments with District funds.

(3) The Mayor may provide housing assistance payments to the tenant, or to the tenant's landlord directly.

(Sept. 10, 1980, D.C. Law 3-86, § 304, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(d), 28 DCR 2824; Mar. 3, 2010, D.C. Law 18-111, § 2111(a), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1623.

Effect of Amendments

D.C. Law 18-111 added subsec. (a-1).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2111(a) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2111(a) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For Law 18-111, see notes following § 42-1102.02.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Short title: Section 2110 of D.C. Law 18-111 provided that subtitle L of title II of the act may be cited as the "Housing Assistance Payment Clarification Amendment Act of 2009".

§ 42-3403.05. PAYMENTS NOT SUBJECT TO DISTRICT TAX.

Relocation and housing assistance payments are not income to the recipient for purposes of the District of Columbia Income and Franchise Tax Act of 1947 (§ 47-1801.01 et seq.).

(Sept. 10, 1980, D.C. Law 3-86, § 305, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1624.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3403.06. TENANT RIGHTS.

The Mayor shall include tenant rights to relocation payments, relocation services, and housing assistance payments in the summary of tenant rights required for publication in the D.C. Register. When an owner

sends notice of intent to convert a housing accommodation into a condominium or cooperative, the owner shall attach to that notice a summary of tenant rights under this subchapter and an application for relocation services and housing assistance payments as published in the D.C. Register by the Mayor.

(Sept. 10, 1980, D.C. Law 3-86, § 306, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1625.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3403.07. HOUSING ASSISTANCE FUND.[REPEALED]

(Sept. 10, 1980, D.C. Law 3-86, § 307, 27 DCR 2975; Mar. 10, 1983, D.C. Law 4-196, § 2, 30 DCR 57; Nov. 5, 1983, D.C. Law 5-38, § 2(g), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(c), 35 DCR 5715; Dec. 7, 2004, D.C. Law 15-205, § 2082, 51 DCR 8441; Oct. 20, 2005, D.C. Law 16-33, § 2070, 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-191, § 5(l), 53 DCR 6794; Oct. 1, 2007, D.C. Law 16-181, § 3, 53 DCR 6703; Sept. 18, 2007, D.C. Law 17-20, § 2002, 54 DCR 7052; Mar. 21, 2009, D.C. Law 17-319, § 3(b), 56 DCR 214; Mar. 3, 2010, D.C. Law 18-111, § 2111(b), 57 DCR 181; Sept. 14, 2011, D.C. Law 19-21, § 9032, 58 DCR 6226.; Sept. 26, 2012, D.C. Law 19-171, § 104, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1626.

Effect of Amendments

D.C. Law 19-171 made a technical correction to D.C. Law 18-111, § 2111(b)(1) that did not change the repeal of this section

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(c) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1988 (D.C. Law 7-140, September 21, 2008, law notification 35 DCR 7279).

For temporary (225 day) amendment of section, see § 3(b) of Abatement of Nuisance Properties and Tenant Receivership Temporary amendment Act of 2008 (D.C. Law 17-237, October 21, 2008, law notification 55 DCR 11700).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2082 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 2082 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 2070 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 2002, of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment, see § 3(b) of Abatement of Nuisance Properties and Tenant Receivership Emergency Amendment Act of 2008 (D.C. Act 17-420, July 8, 2008, 55 DCR 7703).

For temporary (90 day) amendment of section, see § 3(b) of Abatement of Nuisance Properties and Tenant Receivership Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-563, October 27, 2008, 55 DCR 12019).

For temporary (90 day) amendment of section, see § 2111(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2111(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Law 4-196, the "Rental Housing Conversion and Sale Act of 1980 Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-442, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-280 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For Law 15-205, see notes following § 42-1103.

For Law 16-33, see notes following § 42-1102.

For Law 16-191, see notes following § 42-1102.

For Law 16-181, see notes following § 42-3531.01.

For Law 17-20, see notes following § 42-2802.

For Law 17-319, see notes following § 42-3131.01.

For Law 18-111, see notes following § 42-1102.02.

For history of Law 19-21, see notes under § 42-2802.

For history of Law 19-171, see notes under § 42-815.02.

Effective Dates

Section 5 of D.C. Law 16-181 provides: "Section 2 through 4 shall apply as of October 1, 2007."

Miscellaneous Notes

Short title of subtitle G of title II of Law 15-205: Section 2081 of D.C. Law 15-205 provided that subtitle G of title II of the act may be cited as the Housing Assistance Fund Amendment Act of 2004.

Short title: Section 2001 of D.C. Law 17-20 provided that subtitle A of title II of the act may be cited as the "Rental Housing Operations Transfer Amendment Act of 2007".

§ 42-3403.08. INFORMATION AND TECHNICAL ASSISTANCE.

The Mayor shall establish an office to coordinate programs of technical assistance and serve as a central clearinghouse for information needed by tenants regarding the conversion and sale of rental housing. Program areas for this office include, but are not limited to, counseling, subsidy programs, relocation services, housing purchase and rehabilitation finance, tax relief programs, and technical assistance for the formation of tenant organizations, purchase of housing accommodations, rehabilitation, and conversion to cooperative or condominium.

(Sept. 10, 1980, D.C. Law 3-86, § 308, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1627.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3403.09. EXPIRATION PROVISIONS.

This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 42-3405.12.

(Sept. 10, 1980, D.C. Law 3-86, § 309, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(h), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(d), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(h), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1628.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1988 (D.C. Law 7-140, September 21, 2008, law notification 35 DCR 7279).

For temporary (225 day) amendment of section, see § 2(b) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1993 (D.C. Law 10-13, September 11, 1993, law notification 40 DCR 6835).

For temporary (225 day) amendment of section, see § 3(h) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 2(c) of the Rental Housing Conversion and Sale Act of 1980 Extension Emergency Amendment Act of 1994 (D.C. Act 10- 235, April 28, 1994, 41 DCR 2599).

For temporary amendment of section, see § 3(h) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(h) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(h) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(h) of D.C. Law 10-144 purported to amend this section to read as follows:

"This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 45-1662."

Expiration of subchapter: For provisions regarding the expiration of this subchapter, see § 42-3404.12.

SUBCHAPTER IV. OPPORTUNITY TO PURCHASE.

§ 42-3404.01. SHORT TITLE.

This subchapter may be cited as the "Tenant Opportunity to Purchase Act of 1980".

(Sept. 10, 1980, D.C. Law 3-86, § 401, 27 DCR 2975.)

§ 42-3404.02. TENANT OPPORTUNITY TO PURCHASE; "SALE" DEFINED.

(a) Before an owner of a housing accommodation may sell the accommodation, or issue a notice of intent to recover possession, or notice to vacate, for purposes of demolition or discontinuance of housing use, the owner shall give the tenant an opportunity to purchase the accommodation at a price and terms which represent a bona fide offer of sale.

(b) For the purposes of subchapters IV and V of this chapter, the terms "sell" or "sale" include, but are not limited to, the execution of any agreement pursuant to which the owner of the housing accommodation agrees to some, but not all, of the following:

(1) Relinquishes possession of the property;

(2) Extends an option to purchase the property for a sum certain at the end of the assignment, lease, or encumbrance and provides that a portion of the payments received pursuant to the agreement is to be

applied to the purchase price;

(3) Assigns all rights and interests in all contracts that relate to the property;

(4) Requires that the costs of all taxes and other government charges assessed and levied against the property during the term of the agreement are to be paid by the lessee either directly or through a surcharge paid to the owner;

(5) Extends an option to purchase an ownership interest in the property, which may be exercised at any time after execution of the agreement but shall be exercised before the expiration of the agreement; and

(6) Requires the assignee or lessee to maintain personal injury and property damage liability insurance on the property that names the owner as the additional insured.

(c)(1) For the purposes of subchapters IV and V of this chapter, the term "sell" or "sale" shall include:

(A) A master lease which meets some, but not all, of the factors described in subsection (b) of this section or which is similar in effect; and

(B)(i) The transfer of an ownership interest in a corporation, partnership, limited liability company, association, trust, or other entity which owns an accommodation as its sole or principal asset, which, in effect, results in the transfer of the accommodation pursuant to subsection (a) of this section.

(ii) For the purposes of sub-subparagraph (i) of this subparagraph, the term "principal asset" means the value of the accommodation relative to the entity's other holdings.

(2) For the purposes of subchapters IV and V of this chapter, and notwithstanding anything to the contrary herein, the term "sell" or "sale" shall not include:

(A)(i) A transfer, even though for consideration, by a decedent's estate to members of the decedent's family if the consideration arising from the transfer will pass from the decedent's estate to, or solely for the benefit of, charity.

(ii) For purposes of sub-subparagraph (i) of this subparagraph, the term "member's of the decedent's family" means:

(I) A surviving spouse, or domestic partner as defined in § 32-701(3), of the decedent, lineal descendants of the decedent, or spouses of lineal descendants of the decedent;

(II) A trust for the primary benefit of the persons referred to in sub-sub-subparagraph (I) of this sub-subparagraph; and

(III) A partnership, corporation, or other entity controlled by the individuals referred to in sub-sub-subparagraphs (I) and (II) of this sub-subparagraph;

(B) An inter-vivos transfer, even though for consideration, between spouses, parent and child, siblings, grandparent and grandchild, or domestic partners as defined in § 32-701(3);

(C) A transfer of legal title or an interest in an entity holding legal title to a housing accommodation pursuant to a bona fide deed of trust or mortgage, and thereafter any transfer by foreclosure sale or deed in lieu of foreclosure pursuant to a bona fide deed of trust or mortgage;

(D) A tax sale or transfer pursuant to tax foreclosure;

(E) A bankruptcy sale;

(F) Any transaction involving accommodations otherwise subject hereto expressly contemplated by a registration statement filed with the Securities and Exchange Commission prior to February 22, 1994;

(G) Any transfer of a property directly caused by a change in the form of the entity owning the property; provided, that the transfer is without consideration, including a transfer of interests in an entity to a limited liability company as contemplated by § 29-1013;

(H) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to admit one or more limited partners or investor members who will make capital contributions and receive tax benefits pursuant to section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or a comparable District program;

(H-i)(i) A conveyance or re-conveyance for a project that improves or renovates the real property located at 733 15th Street, N.W. (Lot 22, Square 222), commonly known as "The Woodward Building," if:

(I)(aa) It was operated as an office building until being vacated by commercial tenants to accommodate rehabilitation of the building;

(bb) It was or is being redesigned for residential tenants, having previously not been designed for such use; and

(cc) It was not occupied by residential tenants at the commencement of the project or as of October 18, 2007;

(II) Its zoning is appropriate for its proposed residential use;

(III) There is a conveyance by 15th and H Street Associates, LLP to the Master Tenant by entering into a master lease with the Master Tenant for the purpose of utilization of historic tax credits for the improvement or the renovation;

(IV) 15th and H Street Associates, LLP:

(aa) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;

(bb) Receives approval of part 1 and part 2 of the application; and

(cc) Pursues approval of part 3 of the application in good faith;

(V) There is a re-conveyance of the ownership interests within 120 months of the commencement of the project to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property;

(VI) 15th and H Street Associates, LLP does not sell the real property to the Investor Member except as permitted by this subparagraph;

(VII) A Notice of Transfer is issued in accordance with subsection (d)(1)(A) of this section; and

(VIII) Prior to the execution of a residential lease for the building, which execution occurs prior to the re-conveyance provided for in sub-sub-subparagraph (IV) of this sub-subparagraph, the proposed tenant receives a written notice, on a single page, in a minimum 14-point bold Times Roman font, that:

(aa) 15th and H Street Associates, LLP has entered into a master lease with the Master Tenant for the purpose of utilizing historic tax credits;

(bb) Within 120 months of the execution of the master lease, there may be a re-conveyance of the interest held by the Master Tenant to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property; and

(cc) The conveyances and re-conveyances, with respect to the real property only, are exempt from the provisions of this act if the requirements of this subparagraph are met, including the requirement that 15th and H Street Associates, LLP:

(1) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;

(2) Receives approval of part 1 and part 2 of the application; and

(3) Pursues approval of part 3 of the application in good faith.

(ii) For the purposes of this subparagraph, the term:

(I) "Conveyance" or "re-conveyance" means a transfer of interests in real property or an entity, including by sale, exchange, or execution or termination of a master lease, or a combination thereof.

(II) "Historic tax credits" means tax credits under section 47 of the Internal Revenue Code of 1986, approved October 16, 1962 (76 Stat. 966; 26 U.S.C. § 47).

(III) "Investor Member" means an investor in the Master Tenant.

(IV) "Master Tenant" means a limited partnership or limited liability company that will:

(aa) Be primarily owned by Investor Members who will have a noncontrolling interest; and

(bb) Own a noncontrolling interest in 15th and H Street Associates, LLP.

(V) "Noncontrolling interest" means an equity interest under which the Investor Member shall not, notwithstanding the Investor Member's customary consent rights, and absent a default or breach by the managing partner:

(aa) Exercise management or control over any aspect of the project, including acting as directors, officers, managers, or decision-makers in the project; or

(bb) Play a role in selecting, recommending, or choosing directors, officers, managers,

or decision-makers in the project.

(iii) For the purposes of this subparagraph, failure to comply with the requirements of sub-subparagraph (I) through (VIII) of this subparagraph shall require 15th and H Street Associates, LLP to comply anew with the requirements of this chapter as though this subparagraph had not been enacted.

(I) A transfer of title to the housing accommodation to a limited liability company pursuant to § 29-1013;

(J) A transfer of bare legal title into a revocable trust, without actual consideration for the transfer, where the transferor is the current beneficiary of the trust pursuant to § 42-1102(17);

(K) A transfer of the housing accommodation to a named beneficiary of a revocable trust by reason of the death of the grantor of the revocable trust, pursuant to § 42-1102;

(L) A transfer of the housing accommodation by the trustee of a revocable trust if the transfer would otherwise be excluded under this act if made by the grantor of the revocable trust, pursuant to § 42-1102(19);

(M) A transfer pursuant to court order or court-approved settlement; and

(N) A transfer by eminent domain or under threat of eminent domain.

(3) An owner who is uncertain as to the applicability of this chapter shall be deemed to be an aggrieved party for the purposes of seeking declaratory relief under §§ 42-3405.03 and 42-3405.03a. The tenant or tenant organization in such an accommodation shall be deemed to be an aggrieved party, for these purposes.

(d)(1)(A) In addition to any other notice required by subchapters IV and V of this chapter, if an opportunity to purchase is not provided under this section, the owner shall provide each tenant and the Mayor written notice ("Notice of Transfer") of the transfer of an interest in a housing accommodation or of any ownership interest in a corporation, partnership, limited liability company, association, trust, or other entity which owns a housing accommodation.

(B) Notwithstanding any other provision in this chapter, an owner shall not be required to file a Notice of Transfer for a transfer exempt under subsection (c)(2)(A), (D), (E), (F), (I), (J), (K), (L), (M), or (N) of this section; provided, that a notice of the transfer shall be filed with the Mayor in a form prescribed by the Mayor.

(C) Notwithstanding any other provision in this chapter, a owner shall not be required to a Notice of Transfer for a transfer exempt under subsection(c)(2)(C) of this section.

(2) The Notice of Transfer shall be sent by registered or certified mail, return receipt requested, by commercial overnight delivery service that maintains proof of delivery, or by personal service, at least 90 days prior to the proposed date of transfer. Notice to tenants shall be sent to their address at the housing accommodation unless a tenant has supplied in writing to the owner a different address for notice.

(3)(A) The Notice of Transfer shall be substantially in the form prescribed by the Mayor and shall provide, at a minimum, a statement of the tenant or tenant organization's rights under this chapter, an accurate description of the transfer containing all material facts, the date of the proposed transfer, and the reason, if any, why the owner asserts the transfer may not constitute a sale.

(B) In addition to any other requirements for the form of the Notice of Transfer prescribed pursuant to subparagraph (A) of this paragraph, a Notice of Transfer for a housing accommodation to be transferred for the purposes of receiving tax benefits pursuant to section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or a comparable District program, shall include a description of the applicable federal or District subsidy, and a description of the steps in the transaction employed by the developer to avail itself of the subsidy.

(4) The owner's failure to provide the Notice of Transfer, or the provision of a notice that is fraudulent or contains material misrepresentations or material omissions, shall create a rebuttable presumption that the transfer constitutes a sale for purposes of subchapters IV and V of this chapter.

(5)(A) An aggrieved tenant or tenant organization duly organized under § 42- 3404.11 and meeting pursuant to its by laws, whichever shall be applicable, may, within 45 days of the Mayor's receipt of the Notice of Transfer, file a notice indicating an intent to file a petition for relief pursuant to § 42- 3405.03 or § 42-3405.03a.

(B) A Notice of Intent to File Petition shall be delivered by registered or certified mail, return receipt requested, by commercial overnight delivery service that maintains proof of delivery, or by personal service to the Mayor and simultaneously to the owner. The owner's address shall be that set forth in the Notice of Transfer.

(C) Failure of an aggrieved tenant or tenant organization to file timely the Notice of Intent to File Petition shall preclude the tenant or tenant organization from asserting any rights under

subchapters IV and V of this chapter relating to the transfer identified in the Notice of Transfer.

(6) Within 30 days of the receipt by the Mayor of the Notice of Intent to File, a tenant or tenant organization shall have 30 days to file a petition for relief under § 42-3405.03 or § 42-3405.03a. A copy of the petition shall be delivered to owner by registered or certified mail, return receipt requested, or by personal service. Failure of a tenant or tenant organization to file timely the petition for relief shall preclude the tenant or tenant organization from asserting any rights under subchapters IV and V of this section relating to the transfer identified in the Notice of Transfer.

(7)(A) Notwithstanding the time requirements for notice in subsection (e)(5)(A) of this section, an aggrieved tenant or tenants, whichever shall be applicable, may, within 30 days of the Mayor's receipt of the notice of transfer of an accommodation pursuant to an exemption in subsection (b)(3) of this section ("Notice of Transfer Pursuant to an Exemption"), file a Notice of Intent to File Petition.

(B)(i) Failure of a tenant or tenants, pursuant to paragraph (7)(A) of this subsection, or a tenant or tenant organization pursuant to paragraph (7)(B) of this subsection, to file timely the Notice of Intent to File Petition shall preclude the tenant or tenant organization from asserting any rights under subchapters IV and V of this chapter relating to the transfer identified in the Notice of Transfer Pursuant to an Exemption of an accommodation pursuant to an exemption.

(ii) A tenant or tenant organization shall be precluded from asserting any rights under subchapters IV and V of this chapter for a transfer exempt under subsection(c)(2)(C) of this section.

(C) Any change in the transfer agreement that would invalidate a claim of exemption shall be reported in writing to the Mayor and proper notice shall be provided to the tenant or tenant organization.

(8) For the purposes of providing notice under this subsection, the term "tenant" shall mean the person or persons who, under the terms of the lease or any amendment or consent executed pursuant thereto, are entitled to occupy the rental unit.

(9)(A) Upon 5 days of request by any person, the Mayor shall provide:

(i) Written certifications, including date of receipt or non-receipt, of any notices received under subchapters IV and V of this chapter; and

(ii) Copies of the notices.

(B) The certifications may be recorded among the records of the Recorder of Deeds and shall be exempt from filing fees.

(10) Notice of Transfer, Notice of Transfer Pursuant to an Exemption, Notice of Intent to File, and the petition for relief pursuant to § 42-3405.03 or § 42-3405.03a shall be referred to as "Time Certain Notices".

(Sept. 10, 1980, D.C. Law 3-86, § 402, 27 DCR 2975; Oct. 19, 1989, D.C. Law 8-49, § 2, 36 DCR 5790; Feb. 5, 1994, D.C. Law 10-68, § 37, 40 DCR 6311; Sept. 6, 1995, D.C. Law 11-31, § 3(i), 42 DCR 3239; Sept. 8, 2004, D.C. Law 15-176, § 3, 51 DCR 5707; July 22, 2005, D.C. Law 16-15, § 2(b), 52 DCR 6885; Mar. 2, 2007, D.C. Law 16-191, § 101(a), 53 DCR 6794; Oct. 18, 2007, D.C. Law 17-40, § 2, 54 DCR 8050; Sept. 12, 2008, D.C. Law 17-231, § 37, 55 DCR 6758.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1631.

Effect of Amendments

D.C. Law 15-176, in subsec. (c), substituted "spouse, or domestic partner as defined in § 32-701(3)," for "spouse".

D.C. Law 16-15, in subsec. (b), substituted "subchapters IV and V of this chapter, the terms 'sell' or 'sale' include, but are not limited to, the execution of any agreement pursuant to which the owner of the housing accommodation agrees to some, but not all, of the following:" for "this subchapter, the terms 'sell' or 'sale' include the execution of any agreement that assigns, leases, or encumbers property, pursuant to which the owner"; rewrote subsec. (c); and added subsec. (d). Prior to amendment, subsec. (c) read as follows:

"(c) For the purposes of this subchapter, the term "sell" or "sale" includes the transfer of 100% of all partnership interests in a partnership which owns the accommodation as its sole asset to 1 transferee or of 100% of all stock of a corporation which owns the accommodation as its sole asset to 1 transferee in 1 or more transactions occurring during a period of 1 year from the date of the first such transfer, and a master lease which meets some, but not all, of the factors described in subsection (b) of this section or which is similar in effect. For the purposes of this subchapter, the term "sell" or "sale" does not include a transfer, even though for consideration, by a decedent's estate to members of the decedent's family if the consideration arising from such transfer will pass from the decedent's estate to, or solely for the benefit of, charity. For purposes of the preceding sentence, the term "member's of the decedent's family" means (i) a surviving

spouse, or domestic partner as defined in § 32-701(3), of the decedent, lineal descendants of the decedent, or spouses of lineal descendants of the decedent, (ii) a trust for the primary benefit of the persons referred to in clause (i), and (iii) a partnership, corporation, or other entity controlled by the individuals referred to in clauses (i) and (ii). The term "sell" or "sale" does not include a foreclosure sale, a tax sale, or a bankruptcy sale. An owner who is uncertain as to the applicability of this subchapter is deemed to be an aggrieved owner for the purposes of seeking declaratory relief under §§ 42-3405.03 and 42-3405.03a. The tenant or tenant organization in such an accommodation is deemed to be an aggrieved tenant or tenant organization, as applicable, for these purposes. This subsection shall not apply to any transaction involving accommodations otherwise subject hereto expressly contemplated by a registration statement filed with the Securities and Exchange Commission prior to February 22, 1994."

D.C. Law 16-191, in subsecs. (b), (c)(3), and (d)(5)(A), validated previously made technical corrections.

D.C. Law 17-40, in subsec. (c)(2), added subpar. (H-i).

D.C. Law 17-231, in subsec. (c)(2)(B), substituted "spouses" for "husband and wife".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(i) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 3(i) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(i) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(i) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

For temporary (90 day) amendment of section, see § 2 of Historic Preservation Tax Credit Partnership and Limited Liability Company Clarification Emergency Act of 2007 (D.C. Act 17-111, July 27, 2007, 54 DCR 8227).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Law 8-49, the "Tenant Opportunity to Purchase Clarification Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-188, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 27, 1989 and July 11, 1989, respectively. Signed by the Mayor on August 1, 1989, it was assigned Act No. 8-82 and transmitted to both Houses of Congress for its review.

D.C. Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

For Law 15-176, see notes following § 42-1102.

For Law 16-15, see notes following § 42-3401.03.

For Law 16-191, see notes following § 42-1102.

Law 17-40, the "Historic Preservation Tax Credit Partnership and Limited Liability Company Clarification Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-182 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 21, 2007, and July 10, 2007, respectively. Signed by the Mayor on July 27, 2007, it was assigned Act No. 17-102 and transmitted to both Houses of Congress for its review. D.C. Law 17-40 became effective on October 18, 2007.

For Law 17-231, see notes following § 42-516.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 45- 1601.

Application of Law 8-49: Section 3 of D.C. Law 8-49 provided that the act shall apply to any sale of a rental housing accommodation that occurs after June 23, 1988.

Amendment of section by Law 10-144: Section 2(i) of D.C. Law 10-144 purported to amend this section by

adding (c) to read as follows:

"(c) For the purposes of this subchapter, the term 'sell' or 'sale' includes the transfer of 100% of all partnership interests in a partnership which owns the accommodation as its sole asset to 1 transferee or of 100% of all stock of a corporation which owns the accommodation as its sole asset to 1 transferee in 1 or more transactions occurring during a period of 1 year from the date of the first such transfer, and a master lease which meets some, but not all, of the factors described in subsection (b) of this section or which is similar in effect. For the purposes of this subchapter, the term 'sell' or 'sale' does not include a transfer, even though for consideration, by a decedent's estate to members of the decedent's family if the consideration arising from such transfer will pass from the decedent's estate to, or solely for the benefit of, charity. For purposes of the preceding sentence, the term 'member's of the decedent's family' means: (1) a surviving spouse of the decedent, lineal descendants of the decedent, or spouses of lineal descendants of the decedent, (2) a trust for the primary benefit of the persons referred to in clause (1), and (3) a partnership, corporation, or other entity controlled by the individuals referred to in clauses (1) and (2). The term 'sell' or 'sale' does not include a foreclosure sale, a tax sale, or a bankruptcy sale. An owner who is uncertain as to the applicability of this subchapter is deemed to be an aggrieved owner for the purposes of seeking declaratory relief under §§ 45-1653 and 45-1653.1. The tenant or tenant organization in such an accommodation is deemed to be an aggrieved tenant or tenant organization, as applicable, for these purposes. This subsection shall not apply to any transaction involving accommodations otherwise subject hereto expressly contemplated by a registration statement filed with the Securities and Exchange Commission prior to February 22, 1994."

Applicability of D.C. Law 15-176: Section 7 of D.C. Law 15-176 provides:

"Sections 2 through 6 shall apply as of October 1, 2003."

Expiration of Law 17-40: Section 3 of D.C. Law 17-40 provides: "This act shall expire 120 months after its effective date."

§ 42-3404.02A. REGISTRATION OF A TENANT ORGANIZATION.

In a housing accommodation of 5 or more units, the tenants may form and register the tenant organization with the Mayor, pursuant to § 42-3404.11, at any time; provided, that this section shall not be construed to alter the time periods within which a tenant organization may exercise the rights afforded by this chapter. A tenant organization may file a petition for relief pursuant to § 42-3405.03 or § 42-3405.03a.

(Sept. 10, 1980, D.C. Law 3-86, § 402a, formerly § 402b, as added July 22, 2005, D.C. Law 16-15, § 2(c), 52 DCR 6885; renumbered Mar. 2, 2007, D.C. Law 16-191, § 101(b), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-191 renumbered the section.

Legislative History of Laws

For Law 16-15, see notes following § 42-3401.03.

For Law 16-191, see notes following § 42-1102.

§ 42-3404.03. OFFER OF SALE.

The owner shall provide each tenant a written copy of the offer of sale by certified mail and post a copy of the offer of sale in a conspicuous place in common areas of the housing accommodation if it consists of more than one unit. The owner shall provide the Mayor with a written copy of the offer of sale by certified mail or by filing it with the Conversion and Sale Administrator within the Department of Housing and Community Development. The owner shall certify to the Mayor that the Mayor and each tenant were provided copies of the offer of sale on the same day. An offer includes, at a minimum:

- (1) The asking price and material terms of the sale;
- (2) A statement that the tenant has the right to purchase the accommodation under this chapter and a summary of tenant rights and sources of technical assistance as published in the D.C. Register by the Mayor; Provided, however, that if no such statement and summary have been published, the owner will be deemed in compliance with this paragraph;
- (3) A statement as to whether a contract with a third party exists for sale of the accommodation and that the owner shall make a copy available to the tenant within 7 days after receiving a request; and
- (4) A statement that the owner shall make available to the tenant a floor plan of the building and an itemized list of monthly operating expenses, utility consumption rates, and capital expenditures for each of the 2 preceding calendar years within 7 days after receiving a request. The statement shall also indicate that the owner shall, at the same time, make available the most recent rent roll, list of

tenants, and list of vacant apartments. If the owner does not have a floor plan, the owner may meet the requirement to provide a floor plan by stating in writing to the tenant that the owner does not have a floor plan.

(Sept. 10, 1980, D.C. Law 3-86, § 403, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(i), 30 DCR 4866; Sept. 6, 1995, D.C. Law 11-31, § 3(j), 42 DCR 3239; Oct. 21, 2008, D.C. Law 17-234, § 2(a), 55 DCR 9014.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1632.

Effect of Amendments

D.C. Law 17-234 rewrote the lead-in language, which had read as follows:

"The owner shall provide each tenant and the Mayor a written copy of the offer of sale by first class mail and post a copy of the offer of sale in a conspicuous place in common areas of the housing accommodation if it consists of more than 1 unit. An offer includes, at a minimum:".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(j) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(j) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(j) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(j) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Law 17-234, the "Tenant Opportunity to Purchase Notification Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-640 which was referred to the Committee on Housing and Urban Affairs. The Bill was adopted on first and second readings on July 1, 2008, and July 15, 2008, respectively. Signed by the Mayor on July 28, 2008, it was assigned Act No. 17-475 and transmitted to both Houses of Congress for its review. D.C. Law 17-234 became effective on October 21, 2008.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(j) of D.C. Law 10-144 purported to amend (4) of this section to read as follows:

"The owner shall provide each tenant and the Mayor a written copy of the offer of sale by first class mail and post a copy of the offer of sale in a conspicuous place in common areas of the housing accommodation if it consists of more than 1 unit. An offer includes, at a minimum:

"(4) A statement that the owner shall make available to the tenant a floor plan of the building and an itemized list of monthly operating expenses, utility consumption rates, and capital expenditures for each of the 2 preceding calendar years within 7 days after receiving a request. The statement shall also indicate that the owner shall, at the same time, make available the most recent rent roll, list of tenants, and list of vacant apartments. If the new owner does not have a floor plan, the owner may meet the requirement to provide a floor plan by stating in writing to the tenant that the owner does not have a floor plan."

§ 42-3404.04. THIRD PARTY RIGHTS.

The right of a third party to purchase an accommodation is conditional upon exercise of tenant rights under this subchapter. The time periods for negotiation of a contract of sale and for settlement under this subchapter are minimum periods, and the owner may afford the tenants a reasonable extension of such period, without liability under a third party contract. Third party purchasers are presumed to act with full knowledge of tenant rights and public policy under this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 404, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1633.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

§ 42-3404.05. CONTRACT NEGOTIATION.

(a) *Bargaining in good faith.* -- The tenant and owner shall bargain in good faith. The following constitute prima facie evidence of bargaining without good faith:

(1) The failure of an owner to offer the tenant a price or term at least as favorable as that offered to a third party, within the periods specified in §§ 42-3404.09(4), 42-3404.10(4), and 42-3404.11(4), respectively, without a reasonable justification for so doing;

(2) The failure of an owner to make a contract with the tenant which substantially conforms with the price and terms of a third party contract within the time periods specified in §§ 42-3404.09(4), 42-3404.10(4), and 42-3404.11(4), respectively, without a reasonable justification for so doing; or

(3) The intentional failure of a tenant or an owner to comply with the provisions of this subchapter.

(a-1) *Reduced price.* -- If the owner sells or contracts to sell the accommodation to a third party for a price more than 10% less than the price offered to the tenant or for other terms which would constitute bargaining without good faith, the owner shall comply anew with all requirements of §§ 42-3404.09, 42-3404.10, and 42-3404.11, as applicable.

(a-2) *Financial assurances.* -- The owner may not require the tenant to prove financial ability to perform as a prerequisite to entering into a contract. The owner may not require the tenant to pay the purchase price in installments unless the owner provides deferred purchase money financing on terms reasonably acceptable to the tenant. The owner may require the tenant to prove that the tenant, either alone or in conjunction with a third party, has comparable financial ability to the third-party contractor before the owner will be required to grant deferred purchase money financing to the tenant on the same terms and conditions agreed between the owner and the third-party contractor. If the tenant can prove comparable financial ability alone, the owner may not require the tenant to secure a third-party guarantor. This proof cannot be required as a prerequisite to contracting. It may be required only as a prerequisite to the owner granting deferred purchase money financing at settlement.

(a-3) *Transfers of interest in a partnership or corporation and master leases.* -- In the event of a transfer of interest in a partnership or corporation or in the event of a master lease or agreement that is considered a sale within the meaning of § 42-3404.02, but which does not involve a transfer of record title to the real property, the owner shall be bargaining in good faith if the owner offers the tenant the opportunity to acquire record title to the real property or offers the tenant the opportunity to match the type of transfer or agreement entered into with the third party. With respect to either type of offer, all provisions of this subchapter apply.

(b) *Deposit.* -- The owner shall not require the tenant to pay a deposit of more than 5% of the contract sales price in order to make a contract. The deposit is refundable in the event of a good faith failure of the tenant to perform under the contract.

(Sept. 10, 1980, D.C. Law 3-86, § 405, 27 DCR 2975; Sept. 26, 1980, D.C. Law 3-106, § 3(a), 27 DCR 3758; Sept. 29, 1988, D.C. Law 7-154, § 2(e), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(k), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1634.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(k) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(k) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(k) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(k) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Law 3-106, the "Rental Housing Act of 1977 Extension Act of 1980," was introduced in Council and assigned Bill No. 3-326, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on July 15, 1980, and July 29, 1980, respectively. Signed by the Mayor on July 31, 1980, it was assigned Act No. 3-231 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

Amendment of section by Law 10-144: Section 2(k) of D.C. Law 10-144 purported to insert new (a-1), (a-2) and (a-3) of this section to read as follows:

"(a-1) Reduced price. If the owner sells or contracts to sell the accommodation to a third party for a price more than 10% less than the price offered to the tenant or for other terms which would constitute bargaining without good faith, the owner shall comply anew with all requirements of §§ 45-1638, 45-1639, or 45-1640 as applicable.

"(a-2) Financial assurances. The owner may not require the tenant to prove financial ability to perform as a prerequisite to entering into a contract. The owner may not require the tenant to pay the purchase price in installments unless the owner provides deferred purchase money financing on terms reasonably acceptable to the tenant. The owner may require the tenant to prove that the tenant, either alone or in conjunction with a third party, has comparable financial ability to the third party contractor before the owner will be required to grant deferred purchase money financing to the tenant on the same terms and conditions agreed between the owner and the third party contractor. If the tenant can prove comparable financial ability alone, the owner may not require the tenant to secure a third party guarantor. This proof cannot be required as a prerequisite to contracting. It may be required only as a prerequisite to the owner granting deferred purchase money financing at settlement.

"(a-3) Transfers of interest in a partnership or corporation and master leases. In the event of a transfer of interest in a partnership or corporation or in the event of a master lease or agreement that is considered a sale within the meaning of § 45-1631(c) but which does not involve a transfer of record title to the real property, the owner shall be bargaining in good faith if the owner offers the tenant the opportunity to acquire record title to the real property or offers the tenant the opportunity to match the type of transfer or agreement entered into with the third party. With respect to either type of offer, all provisions of this subchapter apply."

§ 42-3404.06. EXERCISE OR ASSIGNMENT OF RIGHTS.

The tenant may exercise rights under this subchapter in conjunction with a third party or by assigning or selling those rights to any party, whether private or governmental. The exercise, assignment, or sale of tenant rights may be for any consideration which the tenant, in the tenant's sole discretion, finds acceptable. Such an exercise, assignment, or sale may occur at any time in the process provided in this subchapter and may be structured in any way the tenant, in the tenant's sole discretion, finds acceptable.

(Sept. 10, 1980, D.C. Law 3-86, § 406, 27 DCR 2975; Sept. 6, 1995, D.C. Law 11-31, § 3(l), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1635.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(l) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(l) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(l) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(l) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(l) of D.C. Law 10-144 purported to amend this section to read as follows:

"The tenant may exercise rights under this subchapter in conjunction with a third party or by assigning or selling those rights to any party, whether private or governmental. The exercise, assignment, or sale of tenant rights may be for any consideration which the tenant, in the tenant's sole discretion, finds acceptable. Such an exercise, assignment, or sale may occur at any time in the process provided in this subchapter and may be structured in any way the tenant, in the tenant's sole discretion, finds acceptable."

§ 42-3404.07. WAIVER OF RIGHTS.

An owner shall not request, and a tenant may not grant, a waiver of the right to receive an offer of sale under this subchapter. An owner shall not require waiver of any other right under this subchapter except in exchange for consideration which the tenant, in the tenant's sole discretion, finds acceptable.

(Sept. 10, 1980, D.C. Law 3-86, § 407, 27 DCR 2975; Sept. 6, 1995, D.C. Law 11-31, § 3(m), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1636.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(m) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(m) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(m) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(m) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(m) of D.C. Law 10-144 purported to amend this section to read as follows:

"An owner shall not request, and a tenant may not grant, a waiver of the right to receive an offer of sale under this subchapter. An owner shall not require waiver of any other right under this subchapter except in exchange for consideration which the tenant, in the tenant's sole discretion, finds acceptable."

§ 42-3404.08. RIGHT OF FIRST REFUSAL.

In addition to any and all other rights specified in this subchapter, a tenant or tenant organization shall also have the right of first refusal during the 15 days after the tenant or tenant organization has received from the owner a valid sales contract to purchase by a third party. If the contract is received during the negotiation period pursuant to § 42-3404.09(2), § 42-3404.10(2), or § 42-3404.11(2), the 15-day period will begin to run at the end of the negotiation period. In exercising rights pursuant to this section, all rights specified in this subchapter shall apply except the minimum negotiation periods specified in §§ 42-3404.09(2), 42-3404.10(2), and 42-3404.11(2).

(Sept. 10, 1980, D.C. Law 3-86, § 408, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(j), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(f), 35 DCR 5715.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1637.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

§ 42-3404.09. SINGLE-FAMILY ACCOMMODATIONS.

The following provisions apply to single-family accommodations:

(1) *Written statement of interest.* -- Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, or upon the Mayor's receipt of a copy of the written offer of sale, whichever is later, the tenant shall have 30 days to provide the owner and the Mayor, by hand or by sending by certified mail, with a written statement of interest. The statement of interest shall be a clear expression of interest on the part of the tenant to exercise the right to purchase as specified in this subchapter;

(2) *Negotiation period.* -- If a tenant has provided a written statement of interest in accordance with paragraph (1) of this section, the owner shall afford the tenant a reasonable period to negotiate a contract of sale, and shall not require less than 60 days, not including the 30 days provided by paragraph (1) of this section. For every day of delay in providing information by the owner as required by this subchapter, the negotiation period is extended by 1 day;

(3) *Time before settlement.* -- The owner shall afford the tenant a reasonable period prior to settlement in order to secure financing and financial assistance, and shall not require less than 60 days after the date of contracting. If a lending institution or agency estimates in writing that a decision with respect to financing or financial assistance will be made within 90 days after the date of contracting, the owner shall afford an extension of time consistent with that written estimate;

(4) *Lapse of time.* -- If 180 days elapse from the date of a valid offer under this subchapter and the owner has not sold or contracted for the sale of the accommodation, the owner shall comply anew with the terms of this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 409, 27 DCR 2975; Sept. 29, 1988, D.C. Law 7-154, § 2(g), 35 DCR 5715; Oct. 21, 2008, D.C. Law 17-234, § 2(b), 55 DCR 9014; July 23, 2010, D.C. Law 18-193, § 2(a), 57 DCR 4510.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1638.

Effect of Amendments

D.C. Law 17-234, in par. (1), rewrote the first sentence, which had read as follows: "Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, the tenant shall have 30 days to provide the owner and the Mayor with a written statement of interest."

D.C. Law 18-193, in par. (1), substituted "and the Mayor, by hand or by sending by certified mail," for "and the Mayor".

For temporary (225 day) amendment of section, see § 2(a) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009 (D.C. Law 18-23, July 7, 2009, law notification 56 DCR 6125).

For temporary (225 day) amendment of section, see § 2(a) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2010 (D.C. Law 18-177, May 27, 2010, law notification 57 DCR 6039).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(a) of Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2009 (D.C. Act 18-38, March 21, 2009, 56 DCR 2668).

For temporary (90 day) amendment of section, see § 2(a) of Tenant Opportunity to Purchase Preservation Clarification Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-109, June 18, 2009, 56 DCR 4934).

For temporary (90 day) amendment of section, see § 2(a) of Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2010 (D.C. Act 18-327, March 18, 2010, 57 DCR 2544).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For Law 17-234, see notes following § 42-3404.03.

Law 18-193, the "Tenant Opportunity to Purchase Preservation Clarification Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-179, which was referred to the Committee on Housing Safety and Workforce Development. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 19, 2010, it was assigned Act No. 18-404 and transmitted to both Houses of Congress for its review. D.C. Law 18-193 became effective on July 23, 2010.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3404.10. ACCOMMODATIONS WITH 2 THROUGH 4 UNITS.

The following provisions apply to accommodations with 2 through 4 units:

(1) *Joint and several response.* -- The tenants may respond to an owner's offer first jointly, then severally. Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, or upon the Mayor's receipt of a copy of the written offer of sale, whichever is later, a group of tenants acting jointly shall have 15 days to provide the owner and the Mayor, by hand or by sending by certified mail, with a written statement of interest. Following that time period, if the tenants acting jointly have failed to submit a written statement of interest, an individual tenant shall have 7 days to provide a statement of interest to the owner and the Mayor, by hand or by sending by certified mail,. Each statement of interest must be clear expression of interest on the part of the tenant or tenant group to exercise the right to purchase as specified in this subchapter;

(2) *Negotiation period.* -- (A) Upon receipt of a letter of intent from a tenant or a tenant group, the owner shall afford the tenants a reasonable period to negotiate a contract of sale, and shall not require less than 90 days. For every day of delay in providing information by the owner as required by this subchapter, the negotiation period is extended by 1 day. If more than 1 individual tenant submits a written statement of interest, the owner shall negotiate with each tenant separately, or jointly if the tenants agree to negotiate jointly;

(B) If, at the end of the 90-day period or any extensions thereof, the tenants jointly have not contracted with the owner, the owner shall provide an additional 30-day period, during which any 1 of the current tenants may contract with the owner for the purchase of the accommodation;

(C) If the owner is required to negotiate with more than one tenant pursuant to this section, the owner may decide which contract is more favorable without liability to the other tenants.

(3) *Time before settlement.* -- The owner shall afford the tenant a reasonable period prior to settlement in order to secure financing and financial assistance, and shall not require less than 90 days after the date of contracting. If a lending institution or agency estimates in writing that a decision with respect to financing or financial assistance will be made within 120 days after the date of contracting, the owner shall afford an extension of time consistent with that written estimate;

(4) *Lapse of time.* -- If 240 days elapse from the date of a valid offer under this subchapter and the

owner has not sold or contracted for the sale of the accommodation, the owner shall comply anew with the terms of this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 410, 27 DCR 2975; Nov. 5, 1983, D.C. Law 5-38, § 2(k), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(h), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(n), 42 DCR 3239; Oct. 21, 2008, D.C. Law 17-234, § 2(c), 55 DCR 9014; July 23, 2010, D.C. Law 18-193, § 2(b), 57 DCR 4510.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1639.

Effect of Amendments

D.C. Law 17-234, in par. (1), rewrote the second sentence, which had read as follows: "Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, a group of tenants acting jointly shall have 15 days to provide the owner and the Mayor with a written statement of interest."

D.C. Law 18-193, in par. (1), substituted "and the Mayor, by hand or by sending by certified mail," for "and the Mayor".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(n) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

For temporary (225 day) amendment of section, see § 2(b) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009 (D.C. Law 18-23, July 7, 2009, law notification 56 DCR 6125).

For temporary (225 day) amendment of section, see § 2(b) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2010 (D.C. Law 18-177, May 27, 2010, law notification 57 DCR 6039).

Emergency Act Amendments

For temporary amendment of section, see § 3(n) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(n) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(n) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

For temporary (90 day) amendment of section, see § 2(b) of Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2009 (D.C. Act 18-38, March 21, 2009, 56 DCR 2668).

For temporary (90 day) amendment of section, see § 2(b) of Tenant Opportunity to Purchase Preservation Clarification Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-109, June 18, 2009, 56 DCR 4934).

For temporary (90 day) amendment of section, see § 2(b) of Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2010 (D.C. Act 18-327, March 18, 2010, 57 DCR 2544).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

For Law 17-234, see notes following § 42-3404.03.

For Law 18-193, see notes following § 42-3404.09.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(n) of D.C. Law 10-144 purported to amend (1) and (2) of this section to read as follows:

"The following provisions apply to accommodations with 2 through 4 units:

"(1) Joint and several response. The tenants may respond to an owner's offer first jointly, then severally. Upon receipt of a written offer of sale from the owner that includes a description of the tenant's rights and obligations under this section, a group of tenants acting jointly shall have 15 days to provide the owner and the Mayor with a written statement of interest. Following that time period, if the tenants acting jointly have failed to submit a written statement of interest, an individual tenant shall have 7 days to provide a statement of interest to the owner and the Mayor. Each statement of interest must be clear expression of interest on the part of the tenant or tenant group to exercise the right to purchase as specified in this subchapter;

"(2) Negotiation period. (A) Upon receipt of a letter of intent from a tenant or a tenant group, the owner shall afford the tenants a reasonable period to negotiate a contract of sale, and shall not require less than 90 days. For every day of delay in providing information by the owner as required by this subchapter, the negotiation period is extended by 1 day. If more than 1 individual tenant submits a written statement of interest, the owner shall negotiate with each tenant separately, or jointly if the tenants agree to negotiate jointly.

"(B) If, at the end of the 90-day period or any extensions thereof, the tenants jointly have not contracted with the owner, the owner shall provide an additional 30-day period, during which any 1 of the current tenants may contract with the owner for the purchase of the accommodation;

"(C) If the owner is required to negotiate with more than 1 tenant pursuant to this section, the owner may decide which contract is more favorable without liability to the other tenants."

§ 42-3404.11. ACCOMMODATIONS WITH 5 OR MORE UNITS.

The following provisions apply to accommodations with 5 or more units:

(1) *Tenant organization.* -- In order to make a contract of sale with an owner, the tenants shall: (A) form a tenant organization with the legal capacity to hold real property, elect officers, and adopt bylaws, unless such a tenant organization exists in a form desired by the tenants; (B) file articles of incorporation; and (C) deliver an application for registration to the Mayor and the owner by hand or by certified mail within 45 days of receipt of a valid offer or the Mayor's receipt of a copy of a valid offer, whichever is later. If, at the time of receipt of the valid offer, a tenant organization exists in a form desired by the tenants, the delivery of the application for registration to the Mayor and the owner by hand or by certified mail shall be within 30 days of receipt of a valid offer or the Mayor's receipt of a copy of a valid offer, whichever is later. The application shall include the name, address, and phone number of tenant officers and legal counsel (if any); a copy of the articles of incorporation, as filed; a copy of the bylaws; documentation that the organization represents at least a majority of the occupied rental units as of the time of registration and such other information as the Mayor may require. Upon registration, the organization constitutes the sole representative of the tenants, and the prior offer of sale is deemed an offer to the organization;

(2) *Negotiation period.* -- The owner shall afford the tenant organization a reasonable period to negotiate a contract of sale, and shall not require less than 120 days from the date of receipt of the statement of registration. For every day of delay in providing information by the owner as required by this subchapter, the negotiation period is extended by 1 day;

(3) *Time before settlement.* -- (A) The owner shall afford the tenant organization a reasonable period prior to settlement in order to secure financing and financial assistance, and shall not require less than 120 days after the date of contracting. If a lending institution or agency estimates in writing that a decision with respect to financing or financial assistance will be made within 240 days after the date of contracting, the owner shall afford an extension of time consistent with that written estimate;

(B) If the tenant organization articles of incorporation provide, by the date of contracting, that the purpose of the tenant organization is to convert the accommodation to a nonprofit housing cooperative with appreciation of share value limited to a maximum of the annual rate of inflation, the owner shall require not less than 180 days after the date of contracting or such additional time as required by this section;

(4) *Lapse of time.* -- If 360 days elapse from the date of a valid offer under this subchapter and the owner has not sold or contracted for the sale of the accommodation, an owner shall comply anew with the terms of this subchapter. In such a case, the tenant organization shall also comply anew with respect to delivery of a registration statement; the original tenant articles of incorporation, officers and bylaws remain effective unless defective under their own terms or other provisions of law.

(Sept. 10, 1980, D.C. Law 3-86, § 411, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(e), 28 DCR 2824; Oct. 21, 2008, D.C. Law 17-234, § 2(d), 55 DCR 9014; July 23, 2010, D.C. Law 18-193, § 2(c), 57 DCR 4510.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1640.

Effect of Amendments

D.C. Law 17-234, in par. (1), inserted "or the Mayor's receipt of a copy of a valid offer, whichever is later" in the first sentence, and inserted "or the Mayor's receipt of a valid offer, whichever is later" in the second sentence.

D.C. Law 18-193, in par. (1), substituted "certified" for "first class".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(c) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009 (D.C. Law 18-23, July 7, 2009, law notification 56 DCR 6125).

For temporary (225 day) amendment of section, see § 2(c) of Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2010 (D.C. Law 18-177, May 27, 2010, law notification 57 DCR 6039).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2(c) of Tenant Opportunity to Purchase Preservation Clarification Emergency Amendment Act of 2010 (D.C. Act 18-327, March 18, 2010, 57 DCR 2544).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For Law 17-234, see notes following § 42-3404.03.

For Law 18-193, see notes following § 42-3404.09.

Miscellaneous Notes

Reenactment of law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3404.12. EXCEPTIONS TO COVERAGE OF SUBCHAPTER; EXPIRATION PROVISIONS.

Sections 42-3404.02, 42-3404.04, 42-3404.05, 42-3404.06, 42- 3404.07, 42-3404.09(3) and (4), 42-3404.10(3) and (4) and 42- 3404.11(3) and (4) apply to any sale of a housing accommodation for which a contract is not fully ratified prior to June 3, 1980, and the period for contracting pursuant to § 601 or § 602 of the Rental Housing Act is not expired prior to the effective date of this subchapter. This subchapter applies in its entirety to any sale of a housing accommodation for which a notice pursuant to § 601 or § 602 of the Rental Housing Act is not received by the tenants in at least 50% of the occupied rental units in the housing accommodation prior to June 3, 1980. This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 42-3405.12. This subchapter does not apply to accommodations for which a vacancy exemption is approved, as provided in § 42-3402.10.

(Sept. 10, 1980, D.C. Law 3-86, § 412, 27 DCR 2975; Sept. 26, 1980, D.C. Law 3-106, § 3(b), 27 DCR 3758; Mar. 4, 1981, D.C. Law 3-131, § 801(e), 28 DCR 326; Nov. 5, 1983, D.C. Law 5-38, § 2(l), 30 DCR 4866; Sept. 29, 1988, D.C. Law 7-154, § 2(i), 35 DCR 5715; Sept. 6, 1995, D.C. Law 11-31, § 3(o), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1641.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2(d) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1988 (D.C. Law 7-140, September 21, 2008, law notification 35 DCR 7279).

For temporary (225 day) amendment of section, see § 2(d) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1993 (D.C. Law 10-13, September 11, 1993, law notification 40 DCR 6835).

For temporary (225 day) amendment of section, see § 2(d) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6706).

Emergency Act Amendments

For temporary amendment of section, see § 2(d) of the Rental Housing Conversion and Sale Act of 1980

Extension Emergency Amendment Act of 1994 (D.C. Act 10- 235, April 28, 1994, 41 DCR 2599).

For temporary amendment of section, see § 3(o) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(o) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(596) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 3-106, see Historical and Statutory Notes following § 42-3404.05.

For legislative history of D.C. Law 3-131, see Historical and Statutory Notes following § 42-3401.03.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 7-154, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

References in Text

The "Rental Housing Act", referred to in the second sentence, is the Rental Housing Act of 1977, D.C. Law 2-54, which had formerly been codified as Chapter 16 of this title, and which was subsequently superseded by the Rental Housing Act of 1980, D.C. Law 3-131. See also § 42-3401.03(15).

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(o) of D.C. Law 10-144 purported to amend this section to read as follows:

"Sections 45-1631, 45-1633, 45-1634, 45-1635, 45-1636, 45-1638 (3) and (4), 45- 1639 (3) and (4) and 45-1640 (3) and (4) apply to any sale of a housing accommodation for which a contract is not fully ratified prior to June 3, 1980, and the period for contracting pursuant to § 601 or § 602 of the Rental Housing Act is not expired prior to the effective date of this subchapter. This subchapter applies in its entirety to any sale of a housing accommodation for which a notice pursuant to § 601 or § 602 of the Rental Housing Act is not received by the tenants in at least 50% of the occupied rental units in the housing accommodation prior to June 3, 1980. This subchapter shall remain in effect until the Mayor declares that a housing crisis no longer exists pursuant to § 45-1662 [§ 42-3405.12, 2001 Ed.]. This subchapter does not apply to accommodations for which a vacancy exemption is approved, as provided in § 45- 1639 [§ 42-3404.10, 2001 Ed.]."

§ 42-3404.13. NOTICE TO CONVERT; OFFER TO SELL.

(a) Every tenant of a housing accommodation which the declarant seeks to convert from a rental basis to a cooperative shall be notified in writing of the declarant's intent to convert the housing accommodation to a cooperative not less than 120 days before the conversion thereof. The declarant shall also make to each tenant of the housing accommodation a bona fide offer to sell such tenant such shares or membership interest in the cooperative as will enable the tenant to continue to reside in his or her unit after conversion. The offer shall include, but not be limited to, the asking price for the shares or membership interest and a statement of the tenant's rights to provide such shares or membership interest under the provisions of this section. The tenant shall be afforded not less than 60 days in which to contract with the landlord for the purchase of the shares or membership interest at a mutually agreeable price and under mutually agreeable terms, which shall be at least as favorable as those offered to the general public.

(b) Repealed.

(Sept. 10, 1980, D.C. Law 3-86, § 413(b), as added Aug. 1, 1981, D.C. Law 4-27, § 2(f), 28 DCR 2824; Nov. 5, 1983, D.C. Law 5-38, § 3, 30 DCR 4866.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1642.

Legislative History of Laws

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For legislative history of D.C. Law 5-38, see Historical and Statutory Notes following § 42-3405.03a.

SUBCHAPTER IV-A. DISTRICT'S OPPORTUNITY TO PURCHASE.

§ 42-3404.31. DISTRICT'S OPPORTUNITY TO PURCHASE CERTAIN HOUSING ACCOMMODATIONS.

(a) Before an owner of a housing accommodation may sell a housing accommodation comprised of 5 or more units, the owner shall provide to the Mayor, on behalf of the District, and the Mayor shall have, an opportunity to purchase the housing accommodation in the same manner, except as otherwise provided by this subchapter, as the opportunity to purchase is provided to a tenant under subchapter IV of this chapter.

(b) The Mayor may assign the opportunity to purchase pursuant to § 42- 3404.36.

(c) The Mayor shall have the same remedies and rights to enforce owner compliance with this chapter as a tenant or tenant organization would have against an owner for violation of this chapter.

(Sept. 10, 1980, D.C. Law 3-86, § 431, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 17-286, the "District's Opportunity to Purchase Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-631 which was referred to the Committee on Housing and Urban Affairs. The Bill was adopted on first and second readings on July 1, 2008, and October 7, 2008, respectively. Signed by the Mayor on October 27, 2008, it was assigned Act No. 17-552 and transmitted to both Houses of Congress for its review. D.C. Law 17-286 became effective on December 24, 2008.

Delegation of Authority

Delegation of Rulemaking Authority under the District's Opportunity to Purchase Amendment Act of 2008, see Mayor's Order 2010-157, October 8, 2010 (57 DCR 9556).

§ 42-3404.32. LIMITATIONS ON THE DISTRICT'S OPPORTUNITY TO PURCHASE.

(a) The District's opportunity to purchase shall be subordinate to the right of a tenant.

(b) To exercise its right under this subchapter, the Mayor shall provide a written statement of interest to the owner and tenant within 30 days of the Mayor's receipt of the copy of offer of sale required by § 42-3404.03.

(c)(1) The Mayor shall not exercise the opportunity to purchase provided by this subchapter unless at least 25% of the rental units in the housing accommodation are affordable units.

(2) For the purposes of this subsection, the term "affordable unit" means a rental unit in a housing accommodation for which the existing monthly rent, including utilities, paid by the tenant is equal to or less than 30% of the monthly income of a household with an income of 50% of the area median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size.

(Sept. 10, 1980, D.C. Law 3-86, § 432, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-286, see notes following § 42-3404.31.

§ 42-3404.33. LIMITATIONS ON THE DISTRICT AS PURCHASER OF A HOUSING ACCOMMODATION.

(a) If the District, or an assignee, purchases a housing accommodation pursuant to this subchapter, the District shall remain subject to all provisions of this chapter as owner of the housing accommodation.

(b)(1) The Mayor, or an assignee of the Mayor, shall maintain affordable rents in the housing accommodation so that unit rents for tenants living in the housing accommodation on the date that the offer of sale was issued will not be greater than the unit rent on the date of the offer of sale or 30% of an existing tenant's household income, whichever is less.

(2) For the purposes of this subsection, household income shall be calculated pursuant to 24 C.F.R. § 5.609.

(3) Tenants shall be notified in writing as to the manner in which the Mayor, or an assignee of the Mayor, calculates household income and rent.

(4) The Rent Administrator shall consider a challenge to a rent amount or income calculation upon a petition filed by a tenant. The petition shall be heard and determined according to the procedures in the Rent Stabilization Program established pursuant to subchapter II of Chapter 35 of this title.

(5) Notwithstanding the rent amounts established pursuant to this section, nor any other law, no tenant in an affordable unit shall be required to pay a rent increase of more than 10% per year.

(6) Income restrictions may be imposed upon the housing accommodation by the Mayor, or an assignee of the Mayor; provided, that an existing tenant shall be exempt from any income restrictions.

(c)(1) The Mayor, or an assignee of the Mayor, shall maintain any unit in the housing accommodation that was an affordable unit, as defined in § 42-3404.32(c)(2), on the date that the offer of sale was issued as affordable for as long as the housing accommodation remains a housing accommodation owned by the District.

(2) For any rental unit that becomes vacant:

(A) If the monthly rent, including utilities, paid by the tenant was equal to or less than 30% of the monthly income of a household with an income of 60% of the area median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size, that unit shall remain affordable for a tenant with an income at or below 60% of the area median income; or

(B) If the monthly rent, including utilities, paid by the tenant was equal to or less than 30% of the monthly income of a household with an income of 30% of the area median income, as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for the household size, that unit shall remain affordable for a tenant with an income at or below 30% of the area median income.

(3) Vacancies in affordable units shall be filled and maintained so that the division of affordable units in the housing accommodation is no less than one-third affordable for households at 30% of area median income, one-third affordable for households at 60% of area median income, and one-third affordable for households at 80% of area median income.

(d) If any unit in the housing accommodation was not an affordable unit as defined in § 42-3404.32(c)(2), on the date the offer of sale was issued, the Mayor, or an assignee of the Mayor, shall develop an affordability plan to explore all means whereby the number of affordable units in the housing accommodation may be increased. The Mayor, or an assignee of the Mayor, shall take all practicable steps to increase the number of affordable units in the housing accommodation.

(Sept. 10, 1980, D.C. Law 3-86, § 433, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-286, see notes following § 42-3404.31.

§ 42-3404.34. PROCEDURE FOR DISTRICT TO EFFECTUATE PURCHASE.

(a) The Mayor shall have not less than 150 days from the date of the owner's receipt of the Mayor's written statement of interest, issued pursuant to § 42-3404.32(b), to negotiate a contract for sale.

(b) For every day of delay in providing information by the owner as required by this chapter, the negotiation period shall be extended by one day.

(c) If a tenant organization is formed and delivers an application for registration to the Mayor pursuant to § 42-3404.11, the Mayor shall have 15 days, in addition to the time provided for in subsection (a) of this section, to negotiate a contract of sale.

(d) The Mayor shall have up to 60 days after the date of execution of a contract of sale to complete settlement.

(e) If the owner provides any extension of time to a tenant under this chapter, the Mayor shall automatically receive the same extension of time. The owner shall provide written notification to the Mayor of any extensions of time provided to the tenant.

(Sept. 10, 1980, D.C. Law 3-86, § 434, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

For Law 17-286, see notes following § 42-3404.31.

§ 42-3404.35. RIGHTS OF TENANTS NOT ABROGATED.

No provision of this subchapter shall abrogate the rights of tenants or tenant organizations under this chapter.

(Sept. 10, 1980, D.C. Law 3-86, § 435, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-286, see notes following § 42-3404.31.

§ 42-3404.36. ASSIGNMENT OF DISTRICT RIGHTS.

The Mayor may assign the opportunity to purchase provided under this subchapter to a person that:

(1) Demonstrates the capacity to own and manage, either by itself or through a management agent, the housing accommodation and related facilities for the remaining useful life of the housing accommodation; and

(2) Agrees to obligate itself and any successors in interest to maintain the affordability of the assisted housing development as required by § 42-3404.33.

(Sept. 10, 1980, D.C. Law 3-86, § 436, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-286, see notes following § 42-3404.31.

§ 42-3404.37. RULES.

Within 60 days of December 24, 2008, the Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this subchapter.

(Sept. 10, 1980, D.C. Law 3-86, § 437, as added Dec. 24, 2008, D.C. Law 17-286, § 2, 55 DCR 11989.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-286, see notes following § 42-3404.31.

SUBCHAPTER V. IMPLEMENTATION AND ENFORCEMENT.

§ 42-3405.01. RULE MAKING; PUBLICATION REQUIREMENTS.

(a) The Mayor shall issue rules for the implementation of this chapter. The Mayor shall issue rules for the holding of elections which shall include, but not be limited to, provisions for secret voting, and the right of any person including the owner to observe the counting of the ballots.

(b) By November 9, 1980, the Mayor shall publish in the D.C. Register a summary of tenant rights and obligations pursuant to this chapter, and sources of technical assistance, which shall include, but shall not be limited to, information regarding counseling, subsidy programs, relocation services, housing purchase and rehabilitation finance, tax relief programs, formation of tenant organizations, purchase of housing accommodations, rehabilitation, and conversion to cooperative or condominium.

(c) By March 5, 1996, the Mayor shall issue updated rules for comment, which shall reflect all changes made by the Rental Housing Conversion and Sale Act of 1980 Reenactment Extension and Amendment Act of 1995. Within 180 days after publication of the proposed rules, the Mayor shall adopt final rules. The failure to meet these deadlines shall not prevent the changes in the Rental Housing Conversion and Sale Act of 1980 Reenactment Extension and Amendment Act of 1995 from being effective immediately upon September 6, 1995.

(Sept. 10, 1980, D.C. Law 3-86, § 501, 27 DCR 2975; Sept. 6, 1995, D.C. Law 11-31, § 3(p), 42 DCR 3239; Apr. 9, 1997, D.C. Law 11-255, § 47, 44 DCR.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1651.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(p) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(p) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(p) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(p) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

References in Text

The Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Act of 1995, referred to in this section, is D.C. Law 11-31.

Delegation of Authority

Delegation of authority under Rental Housing Conversion and Sale Act of 1983, as amended, see Mayor's Order 84-8, January 12, 1984.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(p) of D.C. Law 10-144 purported to amend this section by adding (c) to read as follows:

"(c) Within 180 days after July 23, 1994, the Mayor shall issue updated rules for comment, which shall reflect all changes made by the Rental Housing Conversion and Sale Act of 1980 Extension and Amendment Act of 1994. Within 180 days after publication of the proposed rules, the Mayor shall adopt final rules. The failure to meet these deadlines shall not prevent the changes in the Rental Housing Conversion and Sale Act of 1980 Extension and Amendment Act of 1994 from being effective immediately upon July 23, 1994."

§ 42-3405.02. TIME PERIODS.

If a time period running under this chapter ends on a Saturday, Sunday, or legal holiday, it is extended until the next day which is not a Saturday, Sunday, or legal holiday.

(Sept. 10, 1980, D.C. Law 3-86, § 502, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1652.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.03. CIVIL CAUSE OF ACTION.

An aggrieved owner, tenant, or tenant organization may seek enforcement of any right or provision under this chapter through a civil action in law or equity, and, upon prevailing, may seek an award of costs and reasonable attorney fees. In an equitable action, the public policy of this chapter favors the waiver of bond requirements to the extent permissible under law or court rule.

(Sept. 10, 1980, D.C. Law 3-86, § 503, 27 DCR 2975.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1653.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.03A. DECLARATORY RELIEF.

(a) An aggrieved owner, tenant, or tenant organization may petition the Mayor for declaratory relief under provisions of this chapter. Upon a showing of reasonable grounds, the Mayor shall grant a hearing and may issue findings of fact, conclusions of law, and declaratory orders and take other enforcement actions provided by this subchapter.

(b) The Mayor shall consider a petition for relief and issue a declaratory order with regard to the petition within 30 days after receipt of the petition requesting relief. The Mayor shall promulgate regulations to afford all interested parties an opportunity to participate in any declaratory proceeding.

(c) A declaratory order issued pursuant to § 42-3405.03 or § 42-3405.03a shall be the sole means by which the Mayor shall issue an official, binding determination pursuant to the request of an aggrieved owner, tenant, or tenant organization to determine rights under subchapters IV and V of this chapter. Reliance upon any other form of determination shall not be afforded any weight.

(d) Notwithstanding the preceding subsection, the following, when taken together, shall constitute conclusive proof of the termination of a tenant's or a tenant organization's rights pursuant to subchapters IV and V of this chapter:

(1) Certifications provided by the Mayor setting forth the date of receipt of the Notice of Transfer and indicating that no Time Certain Notices from a tenant or tenant organization were received within the prescribed periods;

(2) An affidavit from the owner or the owner's authorized representative attesting to the date, content, and manner of issuance of the Notice of Transfer; and

(3) An affidavit from owner or owner's authorized representative in compliance with the Servicemembers Civil Relief Act, approved October 17, 1940 (54 Stat. 1178; 50 U.S.C. App. § 501 *et seq.*), as to any tenant whose rights are affected by this chapter.

(Sept. 10, 1980, D.C. Law 3-86, § 503a, as added Nov. 5, 1983, D.C. Law 5-38, § 2(m), 30 DCR 4866; July 22, 2005, D.C. Law 16-15, § 2(d), 52 DCR 6885.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1653.1.

Effect of Amendments

D.C. Law 16-15 designated the existing text as subsec. (a), and added subsecs. (b) to (d).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

Law 5-38, the "Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983," was introduced in Council and assigned Bill No. 5-162 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on July 5, 1983, and September 6, 1983, respectively. Signed by the Mayor on September 15, 1983, it was assigned Act No. 5-63 and transmitted to both Houses of Congress for its review.

For Law 16-15, see notes following § 42-3401.03.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.03B. CHOICE OF FORUM; STANDARD OF REVIEW.

(a) The rights provided under §§ 42-3405.03 and 42-3405.03a are in the alternative. The party bringing the action may choose the forum and need not exhaust administrative remedies in order to bring an action under § 42- 3405.03. Unless all parties to the action agree otherwise, once an action has been brought in one forum, an action based on the same or a substantially similar cause of action may not be brought in any other forum.

(b) The applicability of this chapter, and rights created hereunder, shall be determined by examining the substance of the transaction or series of transactions. A step transaction or other device entered into or employed for the purpose of avoiding the obligation to comply with the requirements of this chapter shall be construed in accordance with the substance of the transaction.

(Sept. 10, 1980, D.C. Law 3-86, § 503b, as added Sept. 6, 1995, D.C. Law 11-31, § 3(q), 42 DCR 3239; July 22, 2005, D.C. Law 16-15, § 2(e), 52 DCR 6885.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1653.2.

Effect of Amendments

D.C. Law 16-15, in the section name line, inserted "; standard of review"; designated the existing text as subsec. (a); and added subsec. (b).

Temporary Addition of Section

For temporary (225 day) addition, see § 3(p) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary addition of section, see § 3(q) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary addition of section, see § 3(q) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(q) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

Law 10-144, the "Rental Housing Conversion and Sale Act of 1980 Extension and Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-243, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on April 12, 1994, and May 3, 1994, respectively. Signed by the Mayor on May 18, 1994, it was assigned Act No. 10-251 and transmitted to both Houses of Congress for its review. D.C. Law 10-144 became effective on July 23, 1994.

Law 11-31, the "Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-53, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on May 2, 1995, and June 6, 1995, respectively. Signed by the Mayor on June 16, 1995, it was assigned Act No. 11-63 and transmitted to both Houses of Congress for its review. D.C. Law 11- 31 became effective on September 6, 1995.

For Law 16-15, see notes following § § 42-3401.03.

Miscellaneous Notes

Reenactment of D.C. Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

Addition of § 45-1653.2 by Law 10-144: Section 2(q) of D.C. Law 10-144 purported to add a § 503b to D.C. Law 3-86 to be codified as § 42-3405.03b which read:

"The rights provided under §§ 45-1653 and 45-1653.1 are in the alternative. The party bringing the action may choose the forum and need not exhaust administrative remedies in order to bring an action under § 45-1653. Unless all parties to the action agree otherwise, once an action has been brought in 1 forum, an action based on the same or a substantially similar cause of action may not be brought in any other forum."

§ 42-3405.04. NOTICE OF REJECTION.

If the Mayor determines to reject an application by a party pursuant to this chapter, he or she shall notify the applicant of the findings upon which the rejection is based, and that the rejection will be deemed final in 20 days. During the 20-day period, the applicant may petition for reconsideration, and, upon a proper showing of reasonable grounds, shall be entitled to a hearing to contest the particulars specified in the Mayor's rejection notice. Such notice of rejection shall not take effect during the pendency of a hearing, if requested.

(Sept. 10, 1980, D.C. Law 3-86, § 504, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(g), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1654.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.05. INVESTIGATIONS.

(a) The Mayor may make necessary public or private investigations in accordance with law within or without of the District of Columbia to determine compliance with the requirements of this chapter or to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder.

(b) For the purpose of any investigation under this chapter, the Mayor or any officer designated by rule may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge or relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(c) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the Mayor may apply to the Superior Court of the District of Columbia for an order compelling compliance.

(Sept. 10, 1980, D.C. Law 3-86, § 505, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1655.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.06. ENFORCEMENT.

(a) The Mayor shall have the power to enforce this chapter and rules and regulations made hereunder. If the Mayor determines after notice and hearing that a person has: (1) violated any provision of this chapter; (2) violated any condition imposed in writing in connection with the granting of any application or other request under this chapter; or (3) violated any lawful order or rule of the agency; the Mayor may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in his or her judgment will carry out the purposes of this chapter.

(b) If the Mayor makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, the Mayor may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Mayor shall give notice of the proposal to issue a temporary cease and desist order which shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not such order becomes permanent.

(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule, regulation, or order hereunder, the Mayor with or without prior administrative proceedings may bring an action in the Superior Court of the District of Columbia to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted. The Mayor is not required to post a bond in any court proceedings or prove that any other adequate remedy at law exists.

(d) The Mayor may intervene in any civil action involving the enforcement of any right or provision under this chapter. The Mayor may require an owner, tenant, or tenant organization to notify the Mayor of any suit instituted pursuant to § 42-3405.03.

(e) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(Sept. 10, 1980, D.C. Law 3-86, § 506, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824; Oct. 5, 1985, D.C. Law 6-42, § 410(a), 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1656.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-60 and transmitted to both Houses of Congress for its review.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42-3401.01.

§ 42-3405.07. REVOCATION.

(a) A certificate issued pursuant to § 42-3402.02(a), an exemption issued pursuant to § 42-3402.02(b) or § 42-3402.10, or registration required pursuant to § 42-3404.11 may be revoked after notice and hearing upon a written finding of fact that the holder of the certificate, the holder of the exemption, or the registrant has:

- (1) Failed to comply with the terms of a cease and desist order;
- (2) Failed faithfully to perform any stipulation or agreement made with the Mayor as an inducement to grant any certificate, exemption, or registration; or
- (3) Made intentional misrepresentations or concealed material facts in an application for a certificate, exemption, or registration.

(b) If the Mayor finds after notice and hearing that the holder of a certificate, the holder of an exemption, or the registrant has been guilty of a violation for which revocation could be ordered, the Mayor may issue a cease and desist order; or, upon adjudication for any infraction thereof, impose civil fines, penalties, and fees as alternative sanctions, pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(Sept. 10, 1980, D.C. Law 3-86, § 507, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824; Oct. 5, 1985, D.C. Law 6-42, § 410(b), 32 DCR 4450.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1657.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For legislative history of D.C. Law 6-42, see Historical and Statutory Notes following § 42-3405.06.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.08. ADMINISTRATIVE PROCEEDINGS.

(a) Any proceeding provided in § 42-3405.04, § 42-3405.06, or § 42- 3405.07 shall be conducted according to §§ 2-509 and 2-510 and any officer designated to conduct such a proceeding shall not immediately supervise or be subject to supervision by any employee who participates or has participated in the investigation or prosecution of such case.

(b) After any hearing pursuant to this section, and within 10 days after the parties have been notified of the initial decision of the officer who conducted the hearing, if no appeal is taken or no determination is made to review the decision, the Mayor shall adopt and render the initial decision as the final decision and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of § 42- 3405.04, § 42-3405.06, or § 42-3405.07, as appropriate.

(c) In the course of, or in connection with any such proceeding, the Mayor or any officer designated by rule may administer oaths or affirmations, take or cause depositions to be taken, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(d) Upon failure to obey a subpoena or to answer questions propounded by the presiding officer and upon reasonable notice to all persons affected thereby, the Mayor may apply to the Superior Court of the District of Columbia for an order compelling compliance.

(e) Any service required or authorized to be made under this section may be made by registered mail or in such other manner reasonably calculated to give actual notice as the Mayor may by regulation or otherwise require.

(Sept. 10, 1980, D.C. Law 3-86, § 508, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1658.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

Miscellaneous Notes

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

§ 42-3405.09. JUDICIAL REVIEW.

(a) After the issuance of a final decision and order pursuant to this chapter, and within 15 days after the Mayor has notified the parties of the final decision and order, any party to such proceeding may seek judicial review of such decision and order by filing a petition for review in the District of Columbia Court of Appeals.

(b) Proceedings for judicial review of Mayoral actions shall be subject to and be in accordance with § 2-510.

(Sept. 10, 1980, D.C. Law 3-86, § 509, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1659.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

§ 42-3405.10. PENALTIES.

Any person who wilfully violates any provision of this chapter or any rule adopted under or order issued pursuant to this chapter or any person who wilfully in an application makes any false statement of a material fact or omits to state a material fact shall be fined not less than \$1,000 or double the amount of gain from the transaction, whichever is larger, but not more than \$50,000; or such person may be imprisoned for no more than 6 months; or both, for each offense. Prosecution for violations of this chapter shall be brought in the name of the District of Columbia by the Office of the Corporation Counsel.

(Sept. 10, 1980, D.C. Law 3-86, § 510, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(i), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1660.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

§ 42-3405.10A. RENTAL HOUSING CONVERSION AND SALE ACT TASK FORCE.

(a) The Mayor shall establish a Rental Housing Conversion and Sale Act Task Force ("Task Force") within 30 days after July 22, 2005.

(b) The general mandate of the Task Force shall be to examine all aspects of subchapters IV and V of this chapter, including its implementation and compliance with its requirements, and to determine the best means for preserving rental housing, preventing the deterioration of the housing stock, and preventing the displacement of tenants.

(c) The Mayor shall establish the methodology for achieving the purposes of the Task Force in consultation with the members. The Task Force shall issue a report and recommendations proposing policy initiatives and revisions to the statute designed to improve subchapters IV and V of this chapter, which shall be distributed to all members of the Council and the Mayor and made available to the general public within 30 days after its issuance.

(d) As part of its review, the Task Force shall consider:

- (1) Whether the District is doing enough to help tenants avail themselves of the opportunity to purchase when an offer is presented, within the prescribed time periods;
- (2) Whether the time periods for tenants to avail themselves of the offer of sale are too long or not long enough;
- (3) Simplifying the procedures for Time Certain Notices by establishing a single notice procedure for all transactions that do not require a notice to tenants, shortening time periods for sending or filing notices, and eliminating the Notice of Intent to File Petition;
- (4) Allowing any tenant in a multi-unit housing accommodation to file a petition for a declaratory order without forming a tenant organization or extending the time period for a tenant organization to form and register;
- (5) Limiting this chapter to multi-unit housing accommodations;
- (6) Whether the third party rights afforded tenants are being employed to further the purposes of this chapter; and
- (7) Whether owners are evading the requirements of this chapter.

(e) The Task Force shall be composed of 7 members, 5 of whom shall be appointed by the Mayor and 2 of whom shall be appointed by the Chairman of the Council. Members of the Task Force shall represent the interests affected by this chapter, including tenants, owners, the District government, title insurers, and other industry representatives.

(f) The Task Force shall continue in existence for 6 months and shall issue its report and recommendations before disbanding.

(Sept. 10, 1980, D.C. Law 3-86, § 510a, as added July 22, 2005, D.C. Law 16-15, § 2(f), 52 DCR 6885; Apr. 7, 2006, D.C. Law 16-91, § 111, 52 DCR 10637; Mar. 2, 2007, D.C. Law 16-191, § 101(c), 53 DCR 6794.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-91, in subsecs. (e) and (f), validated previously made technical corrections.

D.C. Law 16-191, in subsecs. (e) and (f), validated previously made technical corrections.

Legislative History of Laws

For Law 16-15, see notes following § 42-3401.03.

Law 16-91, the "Technical Amendments Act of 2005", was introduced in Council and assigned Bill No. 16-477 which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on November 1, 2005, and November 15, 2005, respectively. Signed by the Mayor on November 30, 2005, it was assigned Act No. 16-212 and transmitted to both Houses of Congress for its review. D.C. Law 16-91 became effective on April 7, 2006.

For Law 16-191, see notes following § 42-1102.

§ 42-3405.11. STATUTORY CONSTRUCTION.

The purposes of this chapter favor resolution of ambiguity by the hearing officer or a court toward the end of strengthening the legal rights of tenants or tenant organizations to the maximum extent permissible under law. If this chapter conflicts with another provision of law of general applicability, the provisions of this chapter control.

(Sept. 10, 1980, D.C. Law 3-86, § 511, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(h), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1661.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

§ 42-3405.12. DECLARATION OF CONTINUING HOUSING CRISIS.

(a) Within 1 month of the first annual anniversary date of the effective date of this chapter, and during the same period of each successive year, the Mayor shall determine and then declare whether there is a continuing housing crisis in the District. If the Mayor determines that at least 1 of the factors listed in subsection (b) of this section continue to exist, the Mayor shall declare that there is a continuing housing crisis. If the Mayor determines that none of the factors listed in subsection (b) of this section continue to exist, the Mayor shall declare there is no longer a housing crisis. The Mayor's declaration shall include the reasons for such determination.

(b) The factors which the Mayor shall consider in determining whether there is a continuing housing crisis in the District include, but are not limited to, the following:

(1) That the percentage of all rental housing units in the District which are vacant, habitable, and available for occupancy is less than 5%;

(2) That the number of new rental units made available for occupancy with the District of Columbia in the previous year is less than the number of units demolished, discontinued in use or converted to condominiums, cooperatives or nonhousing use;

(3) That the number of new or substantially rehabilitated units subsidized under federal or local publicly funded programs and made available for occupancy within the District of Columbia in the past year was less than 10,000 units; and

(4) The Mayor shall consider any other significant factors which relate to the supply of housing available for low-income District of Columbia citizens.

(c) If the Mayor declares that there is no longer a housing crisis within the District of Columbia, the Mayor shall submit a proposed resolution containing the declaration to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution, in whole or in part, within the 45-day review period, the proposed resolution shall be deemed approved. Upon the effective date of Council approval of the Mayor's proposed resolution declaring that there is no longer a housing crisis in the District of Columbia, or upon a date specified in the resolution, whichever is later, the provisions of this chapter shall no longer be in effect.

(Sept. 10, 1980, D.C. Law 3-86, § 512, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(h), 28 DCR 2824; Sept. 6, 1995, D.C. Law 11-31, § 3(r), 42 DCR 3239.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1662.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3(r) of Rental Housing Conversion and Sale Act of 1980 Temporary Extension Amendment Act of 1994 (D.C. Law 10-176, September 22, 1994, law notification 41 DCR 6076).

Emergency Act Amendments

For temporary amendment of section, see § 3(r) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1994 (D.C. Act 10-285, July 8, 1994, 41 DCR 4904).

For temporary amendment of section, see § 3(r) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Emergency Act of 1995 (D.C. Act 11-47, May 4, 1995, 42 DCR 2410) and § 3(r) of the Rental Housing Conversion and Sale Act of 1980 Reenactment and Amendment Congressional Recess Emergency Act of 1995 (D.C. Act 11-96, July 19, 1995, 42 DCR 3837).

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.

For legislative history of D.C. Law 10-144, see Historical and Statutory Notes following § 42-3405.03a.

For legislative history of D.C. Law 11-31, see Historical and Statutory Notes following § 42-3405.03b.

Miscellaneous Notes

Declaration of continuing housing crisis: See Mayor's Order 85-170, October 10, 1985.

Reenactment of Law 3-86: See Historical and Statutory Notes following § 42- 3401.01.

Amendment of section by Law 10-144: Section 2(r) of D.C. Law 10-144 purported to amend (c) of this section to read as follows:

"(c) If the Mayor declares that there is longer a housing crisis within the District of Columbia, the Mayor shall submit a proposed resolution containing the declaration to the Council for a 45-day period or review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed resolution, in whole or in part, within the 45-day review period, the proposed resolution shall be deemed approved. Upon the effective date of Council approval of the Mayor's proposed resolution declaring that there is no longer a housing crisis in the District of Columbia, or upon a date specified in the resolution, whichever is later, the provisions of this chapter shall no longer be in effect."

§ 42-3405.13. SEVERABILITY.

If any provision of this chapter, or any section, clause, phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of the chapter and of the application of any other provision, section, sentence, clause, phrase, or word shall not be affected.

(Sept. 10, 1980, D.C. Law 3-86, § 513, 27 DCR 2975; Aug. 1, 1981, D.C. Law 4-27, § 2(h), 28 DCR 2824.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-1663.

Legislative History of Laws

For legislative history of D.C. Law 3-86, see Historical and Statutory Notes following § 42-3401.01.

For legislative history of D.C. Law 4-27, see Historical and Statutory Notes following § 42-3402.03.