

1 A BILL

2 _____
3 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
4 _____

5
6 To amend, on an emergency basis, the Tenant Opportunity to Purchase Act of 1980 to clarify
7 that under certain limited circumstances, low-income housing tax credit (LIHTC)
8 redevelopment projects do not fall under the requirements of TOPA, and to require that a
9 notice of transfer include certain material facts.

10 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
11 act may be cited as the “Low Income Housing Tax Credit TOPA Exemption for Transfers of
12 Interest Emergency Amendment Act of 2020”.

13 Sec. 2. Section 402(c)(2) of the Tenant Opportunity to Purchase Act of 1980, effective
14 September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)), is amended as
15 follows:

16 (a) Subsection (c)(2) is amended by adding new subparagraphs (O), (P), and (Q) to read
17 as follows:

18 “(O) A transfer of interest in an entity that owns a housing accommodation
19 or a transfer of title to a housing accommodation, if each of the following conditions is satisfied:

20 “(i) The credit period, as defined in section 42 of the United States
21 Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), for
22 the housing accommodation has ended;

23 “(ii) Immediately prior to the transfer the housing accommodation
24 is subject to:

48 Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), for purposes of the
49 rehabilitation of the housing accommodation; provided that, before and after the transfer, the
50 owner of the housing accommodation shall be controlled, directly or indirectly, by the same
51 person or entity;”.

52 (b) Subsection (d)(3)(A) is amended to read as follows:

53 “(d)(3)(A) The Notice of Transfer shall be substantially in the form prescribed by the
54 Mayor and shall provide at a minimum:

55 “(i) A statement of the rights of the tenant or the tenant
56 organization under this chapter;

57 “(ii) An accurate description of the transfer containing all material
58 facts, including whether the transfer will result in any changes in management, current rents, or
59 any applicable affordability requirements for the housing accommodation;

60 “(iii) The date of the proposed transfer; and

61 “(iv) The reason, if any, why the owner asserts the transfer may not
62 constitute a sale.”.

63 Sec. 4 Fiscal impact statement.

64 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
65 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
66 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

67 Sec. 5 Effective date.

68 This act shall take effect following approval by the Mayor (or in the event of veto by the
69 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
70 90 days, as provided for emergency acts of the Council of the District of Columbia in section

- 71 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
- 72 D.C. Official Code § 1-204.12(a)).