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Councilmember Anita Bonds

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend, due to congressional review, the Tenant Opportunity to Purchase Act of 1980 (“TOPA”) to clarify that under certain limited circumstances, low-income housing tax credit redevelopment projects do not fall under the requirements of TOPA, and to require that a notice of transfer include certain material facts.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That

this resolution may be cited as the “Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On July 28, 2020, the Council passed the Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-0403; 67 DCR 10095) (“emergency act”), which will expire on November 16, 2020.

(b) On September 22, 2020, the Council passed the Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Temporary Amendment Act of 2020, enacted on November 2, 2020 (D.C. Act 230-0448) (“temporary act”), which is pending congressional review and projected to become law on December 2, 2020.

(c) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act.

1 It is identical to the temporary act with the exception that it contains language making it apply  
2 retroactively to November 16, 2020, the day the emergency act expires.

3           Sec. 3 The Council of the District of Columbia determines that the circumstances  
4 enumerated in section 2 constitute emergency circumstances making it necessary that the Low  
5 Income Housing Tax Credit TOPA Exemption for Transfers of Interest Congressional Review  
6 Emergency Declaration Resolution of 2020 be adopted after a single reading.

7           Sec. 4. This resolution shall take effect immediately.