



Councilmember Anita Bonds

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Rental Housing Conversion and Sale Act of 1980 to allow certain transfers to not be subject to tolling requirements established during the public health emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “TOPA COVID-19 Tolling Exemption for Low Income Housing Tax Credit Transfers Emergency Declaration of 2021.”

Sec. 2. (a) On March 17, 2020 the Council of the District of Columbia passed the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247; 67 DCR 3093) to address the effects of the coronavirus pandemic.

(b) On April 7, 2020 the Council of the District of Columbia passed the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (D.C. Act 23-286; 67 DCR 4178), which amended and built upon the original COVID-19 Response Emergency Amendment Act of 2020 to further address the effects of the coronavirus pandemic.

(c) Section 203b of the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (D.C. Act 23-286; 67 DCR 4178) amended the Rental Housing Conversion and Sale Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 42-3401.01 *et seq.*) to establish tolling for all tenant deadlines during a public health emergency, plus an additional 30 days thereafter.

(d) Included in these tolling requirements are the 90-day Notice of Transfer requirements provided by the Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Act

32 of 2020, which was enacted by the Council and signed into law by the Mayor last year.

33 (e) The tolling requirements have delayed transfers that are not subject to TOPA and
34 would otherwise have moved forward, with the delays resulting in increased costs of the
35 transfers as time goes on and delayed capital improvements and renovations that would result
36 from these transfers.

37 (f) These transfers would still be subject to the 90-day Notice of Transfer requirements,
38 but the transfers would be allowed to move forward during the public health emergency and
39 would pose little to no threat to tenants' rights.

40 (g) Specifically, this emergency looks to exempt subsections (O), (P), and (Q) of D.C.
41 Official Code § 42-3404.02 from the public health emergency tolling requirements. All three of
42 these subsections pertain to transfers of interest in a housing accommodation for the purpose of
43 securing federal funding to maintain, increase, or improve affordable housing, or maintaining the
44 long-term affordability of the building, and are not subject to TOPA.

45 Sec. 3. The Council of the District of Columbia determines that the circumstances
46 enumerated in section 2 constitute emergency circumstances making it necessary that the TOPA
47 COVID-19 Tolling Exemption for Low Income Housing Tax Credit Transfers Emergency
48 Amendment Act of 2021 be adopted after a single reading.

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