

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to exempt from the Tenant Opportunity to Purchase Act of 1980 the transfer of the real property located at 2001 15th Street, NW also known as Paul Laurence Dunbar Apartments from PNC Multifamily Capital Institutional Fund XLI, Inc., and Columbia Housing SLP Corporation to Paul Laurence Dunbar Partners, LLC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Paul Laurence Dunbar Apartments TOPA Emergency Declaration of 2023”.

Sec. 2. (a) The Paul Laurence Dunbar Apartments (the “Property”) is a 171-unit senior rental housing community. The building is currently owned by PNC Multifamily Capital Institutional Fund XLI Limited Partnership (“PNC”) and Columbia Housing SLP Corp Special Limited Partner (“Columbia”) as Limited Partners and Paul Laurence Dunbar Partners, LLC as the General Partner.

(b) The general partnership consists of two entities, Jair Lynch and Residents Tenant Association, who together own a 0.01% ownership interest in the Property. The Residents Tenant Association was formed by tenants of the Property who previously exercised their Tenant Opportunity to Purchase Act of 1980 rights when the Property was sold to the current General Partner. PNC and Columbia collectively have a 99.1% ownership stake in the Property.

34 (c) PNC and Columbia seek to transfer their shares to Paul Laurence Dunbar Partners so
35 that they may exit the partnership.

36 (d) This transfer would enable ownership to remain with the current General Partners and
37 would allow for the rehabilitation of the Property.

38 (e) Generally, the purchase of a property for sale would trigger tenants' rights under
39 TOPA, but this is considered a transfer, not a sale, and pursuant to The Low Income Housing
40 Tax Credit TOPA Exemption for Transfers of Interest Amendment Act of 2020, Effective
41 December 23, 2020 (D.C. Law 23-155, D.C. Official Code § 42.3404.02) is permissible so long
42 as the transfer of interest is made within a partnership or limited liability company that owns the
43 accommodation as its sole or principal asset.

44 (f) A different entity of residents from the Property attempted to assert TOPA rights;
45 however, the District of Columbia Office of Administrative Hearings determined that the group
46 did not have standing to pursue said rights and found in favor of Paul Laurence Dunbar Partners.

47 (f) In order to ensure that the transfer of ownership occurs without jeopardizing the
48 rehabilitation of the property, the Council desires to reaffirm OAH's determination by exempting
49 the transfer of shares from TOPA in order to facilitate the efficient transfer of the Property from
50 PNC and Columbia to Paul Laurence Dunbar Partners for continued use as a senior citizen rental
51 housing community.

52 Sec. 3. The Council of the District of Columbia determines that the circumstances
53 enumerated in section 2 constitute emergency circumstances making it necessary that the Paul
54 Laurence Dunbar Apartments TOPA Emergency Act of 2023 be adopted after a single reading.

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