

**Council of the District of Columbia**  
**OFFICE OF COUNCILMEMBER BRIANNE K. NADEAU**  
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

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**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Brienne K. Nadeau *Brianne K. Nadeau*  
**RE:** CM Nadeau Request to Agendize Emergency Measures for the December 5, 2023  
Legislative Meeting  
**DATE:** November 30, 2023

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I am requesting that the following measures be agendized for the December 5, 2023  
Legislative Meeting:

Emergency and Temporary Measures

- 1. Paul Laurence Dunbar Apartments TOPA Emergency Declaration Resolution of 2023**  
**Paul Laurence Dunbar Apartments TOPA Emergency Act of 2023**  
**Paul Laurence Dunbar Apartments TOPA Temporary Act of 2023**

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

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. PNC and Columbia seek to transfer their shares to Paul Laurence Dunbar Partners so that they may exit the partnership. This transfer would enable ownership to remain with the current General Partners and would allow for the rehabilitation of the Property.

Pursuant to The Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Amendment Act of 2020, Effective December 23, 2020 (D.C. Law 23-155, D.C. Official Code § 42.3404.02) a transfer of property without triggering TOPA is permissible so long as the transfer of interest is made within a partnership or limited liability company that owns the accommodation as its sole or principal asset.

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

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

### Emergency Contract Approval

#### **1. Emergency Contract No. CW97797 with ABC Towing, Inc. Approval and Payment Authorization Emergency Declaration Resolution of 2023**

##### **Emergency Contract No. CW97797 with ABC Towing, Inc. Approval and Payment Authorization Emergency Act of 2023**

There exists an immediate need to approve emergency Contract No. CW97797 with ABC Towing, Inc., and Modification Nos. 1, 2, 3, 4, 5, 6 and 7 thereto, to provide standby towing services to support the District's response to the 2022 Trucker's Convoy and to authorize payment for the goods and services received under the contract and modifications.

Modification No. 1 was an administrative modification. By Modification No. 2, dated March 13, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, exercised part of option period 1 of Contract No. CW97797 for the period March 14, 2022 through March 17, 2022 in the not-to-exceed amount of \$633,600. By Modification No. 3, dated March 17, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, exercised another part of option period 1 of Contract No. CW97797 for the period March 18, 2022 through March 24, 2022 in the not-to-exceed amount of \$1,108,800. By Modification No. 4, dated March 24, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, exercised another part of option period 1 of Contract No. CW97797 for the period March 25, 2022 through March 27, 2022 in the not-to-exceed amount of \$475,200. By Modification No. 5, dated March 25, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, exercised the remainder of option period 1 of Contract No. CW97797 for the period March 28, 2022 through April 1, 2022 in the not-to-exceed amount of \$396,000. By Modification No. 6, dated March 31, 2022, the Office of Contracting and Procurement, on behalf of the Department of Public Works, revised the period of performance of option period 1 of Contract No. CW97797, and revised the not-to-exceed amount awarded under Modification No. 5 to for option period 1 to \$237,600, bringing the total not-to-exceed amount for the period from March 14, 2022 through March 30, 2022 to \$2,455,200. By Modification No. 7, dated June 30, 2023, the Office of Contracting and Procurement, on behalf of the Department of Public Works, clarified that Modification No. 6 overstated the not-to-exceed amount awarded under Modification No. 5 for option period 1 by \$50,000 and administratively corrected the total not-to-exceed amount as \$5,674,096, inclusive of interest.

The Executive initially requested that the Public Works & Operations Committee agendize this Emergency Contract Approval in September of 2023. However, the Committee had questions

about the nature of the contract to inform Council oversight. Responses to those questions are attached alongside the measures.

Draft copies of all measures are attached. Please contact David Meni, Legislative Director at 202-368-7342 if you have any questions.

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor's Office of Policy and Legislative Affairs