

CHAPTER 47 CONVERSION AND SALE OF RENTAL HOUSING**Section**

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4700 AUTHORITY

4700.1 The rules of this chapter are adopted pursuant to the provisions of the Rental Housing Conversion and Sale Act of 1980 (D.C. Law 3-86).

AUTHORITY: Unless otherwise noted, the authority for this chapter is § 501(a) of the Rental Housing Conversion and Sale Act, D.C. Law 3-86, § 501(a), D.C. Official Code § 42-3405 01(a) (2001); and Mayor's Order 80-250, dated September 30, 1980.

SOURCE: Notice of Final Rulemaking published at 28 DCR 2443 (May 29, 1981), incorporating by reference the text of Notice of Emergency and Proposed Rulemaking published at 28 DCR 694-712 (February 13, 1981).

4701 REQUEST FOR ELECTION AND CERTIFICATION

4701.1 An owner of a housing accommodation who wishes to convert shall provide to each tenant household and to the Conversion and Sale Regulatory Office a request for election

4701.2 The request shall be sent by first class mail to the tenants and posted in the common areas of the housing accommodation.

4701.3 The request shall indicate whether the election is for condominium conversion or cooperative conversion.

- 4701.4 Included with the request must be the tenant information available at the Conversion and Sale Regulatory Office. A Spanish translation of that information, to be sent to each household where Spanish is the primary language, is also available at the Office.
- 4701.5 In addition to providing a copy of the request for election, the owner shall provide the following information to the Conversion and Sale Regulatory Office:
- (a) Name(s) of owner(s); partners, if a partnership entity; or, if a corporation, the principal officers, and owners of ten percent (10%) or more of the corporation stock;
 - (b) Address and phone number of owner;
 - (c) Address of housing accommodation, including lot and square, and Advisory Neighborhood Commission number;
 - (d) Date of purchase of the housing accommodation;
 - (e) Number of units;
 - (f) Estimated sale price per unit after conversion, and estimate of the conversion fee and request for reduction of fee, if any;
 - (g) List of current tenants with corresponding apartment numbers and date tenancy commenced; and
 - (h) A notarized statement attesting to the truthfulness of the information provided.
- 4701.6 If the owner owns a housing accommodation which operates as part of a housing complex, the owner may request, as part of the application, that the housing accommodation be combined for the purposes of the election. The owner shall provide evidence that the housing accommodations have been treated as an integrated complex in the past and indicate the intent to combine the structures as one condominium or cooperative.
- 4701.7 A certification fee of twenty-five dollars (\$25.00) per occupied unit or two hundred dollars (\$200.00), whichever is greater, shall accompany the request for election filed with the Conversion and Sale Regulatory Office.

SOURCE: Notice of Final Rulemaking published at 28 DCR 2443 (May 29, 1981), incorporating by reference the text of Notice of Emergency and Proposed Rulemaking published at 28 DCR 694, 695 (February 13, 1981).

4702 SCHEDULING AND CONDUCT OF ELECTIONS

- 4702.1 After receipt of a request for election, a tenant organization, if one exists or is established, may give notice and conduct an election

- 4702.2 Within thirty (30) days of receipt of the owner's request for election and after coordinating with the Conversion and Sale Regulatory Office, the tenant organization shall set the date of the election, and notify the owner of the date, time and place of the election.
- 4702.3 The date of the election shall be within sixty (60) days of receipt of the owner's request for election.
- 4702.4 The place and time of the election shall be of greatest convenience to all tenants, to the degree practicable.
- 4702.5 In addition to providing a notice of the election to the Conversion and Sale Regulatory Office, the tenant organization shall provide the following:
- (a) Names, addresses and phone numbers of tenant organization officers;
 - (b) The name, address and phone number of the tenant who will be coordinating the election;
 - (c) A list of tenant members of the organization; and
 - (d) A notarized statement attesting to the truthfulness of the information provided.
- 4702.6 At least fifteen (15) days prior to an election, notice of the election shall be sent by first class mail to each tenant household and shall be posted in conspicuous areas throughout the housing accommodation
- 4702.7 Notice of the election sent to the tenants shall include the following:
- (a) The date, place and time of the election;
 - (b) The tenant information available at the Conversion and Sale Regulatory Office;
 - (c) A Voter Qualification Form, available at the Conversion and Sale Regulatory Office; and
 - (d) An Absentee Ballot Information Form, available at the Conversion and Sale Regulatory Office.
- 4702.8 Voter Qualification Forms must be completed and sent to the Conversion and Sale Regulatory Office as soon as possible but in any event so as to be received by the Conversion and Sale Regulatory Office at least seven (7) business days prior to the election. Tenants shall provide information on income and age as required by the Voter Qualification Form. Such information is necessary to qualify for benefits under the Act.

- 4702.9 The Conversion and Sale Regulatory Office shall determine the qualified voters and prepare a Qualified Voters List which will be available at the election.
- 4702.10 Qualified voters may vote by absentee ballot if unable to attend the election. Proxy voting is prohibited.
- 4702.11 The election shall be monitored by an independent party selected by the Department of Housing and Community Development. The monitoring body shall set up polling booths, verify qualified voters and certify the election results to the Conversion and Sale Regulatory Office and to the tenant organization. Any person may observe the counting of the ballots.
- 4702.12 If no election is scheduled pursuant to § 4702.2, the owner, or a tenant who is eligible to vote, may request that the Conversion and Sale Regulatory Office schedule and conduct an election.
- 4702.13 A request from an owner or tenant shall be made within fifteen (15) days of the expiration of the thirty (30) day period allowed for the tenant organization to set a date for an election after coordinating the date with the Conversion and Sale Regulatory Office.
- 4702.14 Within forty-five (45) days of such request, or such longer time as may be necessary, the Conversion and Sale Regulatory Office shall schedule and conduct an election, following the procedures set out in § 4702.6 through § 4702.11.
- 4702.15 Within three (3) business days of the election, the tenant organization or, if the election is held pursuant to §§ 4702.12 through 4702.14 or § 4703.5, the Conversion and Sale Regulatory Office shall do the following:
- (a) Notify the owners of the results; and
 - (b) Post the results in common areas of the housing accommodation.
- 4702.16 If no election is requested, the owner may request verification, in lieu of election, that the housing accommodation is eligible to convert.

SOURCE: Notice of Final Rulemaking published at 28 DCR 2443 (May 29, 1981), incorporating by reference the text of Notice of Emergency and Proposed Rulemaking published at 28 DCR 694, 696 (February 13, 1981).

4703 CONFIRMATION OF ELECTION

- 4703.1 If more than fifty percent (50%) of the total number of qualified voters on the Qualified Voters List as determined by the Conversion and Sale Regulatory Office vote for approval of the conversion, the Conversion and Sale Regulatory Office shall confirm the results of the election within five (5) business days of the election, absent the filing of an allegation of fraud or coercion.