

TOPA RIGHTS FOR SINGLE UNIT PROPERTIES



Landlord must send notice of solicitation or receipt of offer to tenants within 3 days of intent to sell.

Landlord may also send Notice of intent to sell, demolish, or discontinue use as rental housing.

May be combined (see DHCD Form 1)

Tenants must submit claim of elderly or disability status within 20 days.

Yes

No

Did tenants sign lease by March 31, 2018?

No

Tenants have no further TOPA rights. (See reverse for more)

Yes

Did tenants move in by April 15, 2018?

No

Yes

Landlord must send written Offer of Sale to tenants.

Tenants must submit Statement of Interest within 20 days to preserve TOPA rights.



ASSIGNMENT

Tenants may choose to purchase property, or assign their rights to another party.

Tenants may not receive financial payment for assigning TOPA rights.
Only compensation allowed is a 12-month extension of tenancy at the same rental rate.

25-day negotiation period begins when Landlord receives Statement of Interest.

45-day financing period begins when purchase contract is signed. (May be extended to 75 days.)



Single Family Accommodation (“SFA”)

Structure (freestanding or attached) that contains room(s) forming single living space and kitchen, intended for living, eating, and sleeping.

Accessory Dwelling Unit (“ADU”)

Rental unit secondary to principle SFA, but has separate kitchen and bath (and maybe entrance).

TOPA Eligibility

A tenant residing in an SFA has TOPA rights if the tenant

1. is elderly or has a disability;
2. signed a written lease on or before March 31, 2018; AND
3. took occupancy on or before April 15, 2018.

Sale Notice

Within 3 calendar days of soliciting or receiving, in writing, an offer to purchase a SFA, an owner who has intent to sell shall deliver a written notice of the offer to all tenants in the SFA.

Any tenant may make an offer to purchase the property outside of the TOPA context.

Notice is good for one year (unless new tenant(s) have moved in).

Civil damages against owner is only remedy. No lis pendens, TOPA Title V remedies, or other remedies preventing sale.

Status Inquiry Notice (may be combined with Sale Notice)

In order to determine whether tenants claim elderly or disability status, owner may send notice of intent to sell, demolish, or discontinue use as rental housing prior to sending offer of sale. Must be sent to tenant and Office of the Tenant Advocate (“OTA”) on the same day, and may be combined with Sale Notice.

Owner may not issue Offer of Sale more than 60 days after Status Inquiry Notice.

Claim of elderly or disability status

Tenants have 20 days from receipt of status inquiry notice to deliver to owner written response claiming elderly or disability status. >> Failure to timely deliver response results in waiver of TOPA rights.

All tenants must go through this process and provide documentation for age or disability, even if they have previously filed for elderly / disability status with the District.

Documentation supporting claim of elderly / disability status

For elderly status:

- Passport, birth certificate, D.C. driver’s license or ID, or “other such documentation as the Rental Conversion and Sale Administrator deems sufficient.”

For disability status:

- Social Security award letter, doctor’s letter, or “other such documentation as the Rental Conversion and Sale Administrator deems sufficient.”

Documentation is due to DHCD (not to owner) on the same day as statement of interest (*see below*).

Offer of Sale

Owner must send Offer of Sale to all eligible tenants, DHCD, and OTA (on the same day).

Statement of Interest

Tenants have 20 days from receipt of Offer of Sale to deliver written statement of interest to owner and DHCD.

Negotiation Period

Begins when owner receives statement of interest and allows 25 days for the parties to negotiate a contract.

Settlement / Financing Period

Provides tenant 45 days to secure financing. May be extended to 75 days if lender needs additional time for financing.

Assignment of TOPA rights

The only consideration allowed for assignment of TOPA rights is to continue renting property for another 12 months at the same rental rate. Tenants may not receive financial payments or other compensation for assigning TOPA rights.

During the 12-month period:

- Tenants may not receive consideration to vacate the unit. (No “cash for keys” agreements).
- Tenants may be evicted only for (1) non-payment of rent; (2) breach of lease; and (3) criminal activity.

Assignee of TOPA rights may re-assign them only once, without consideration, and only to a private or nonprofit corporation or partnership of which assignee is an owner, managing member, or officer.

What if you don’t have TOPA rights?

Tenants in SFAs who no longer have TOPA rights remain entitled to all other tenant protections under DC law.