

D.C. LAW 5-38

RENTAL HOUSING CONVERSION AND SALE ACT OF 1980 AMENDMENTS
AND EXTENSION ACT OF 1983

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 5, 1983

To extend and amend the Rental Housing Conversion and Sale Act of 1980.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1601 et seq.), is amended as follows:

(a) Section 101 (D.C. Code, sec. 45-1601) is amended by adding new provisions at the end thereof to read as follows:

"In enacting the Rental Housing Conversion and Sale Act of 1980 Amendments and Extension Act of 1983, the Council of the District of Columbia finds that:

"(i) A housing crisis continues in the District of Columbia that has not substantially improved since the passage of the Rental Housing Conversion and Sale Act of 1980 ("Act"), effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1601 et seq.).

"(j) The Act, as amended by the Rental Conversion and Sale Act of 1980 Amendment Act of 1982, effective March 10, 1983 (D.C. Law 4-196), the Rental Housing Conversion and Sale Act Amendment Act of 1981, effective August 1, 1981 (D.C. Law 4-27), the Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131), and the Rental Housing Act of 1977 Extension Act of 1980, effective September 26, 1980 (D.C. Law 3-106), has generally been successful in meeting its stated purposes.

"(k) The Act, with additional amendments to address minor problems which have been identified since its passage, should be extended for 5 more years.

"(l) This extension is required to preserve the public peace, health, safety, and general welfare."

(b) Section 202 (D.C. Code, sec. 45-1611) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

"(a) Prerequisite to Conversion.

"(1) An owner shall not convert a housing accommodation into a condominium or a cooperative until the Mayor certifies compliance with the provisions of this act."; and

(2) Subsection (b) is amended by adding the following sentence to the end thereof to read as follows:

"'Share value', for the purposes of this subsection, means the actual initial membership price plus the actual cost of any improvement to the unit paid by the member after board approval. Upon application, the Mayor may exempt owners described in this subsection prior to their taking title to the accommodations, provided that they have a valid contract to purchase the accommodation. The Mayor may exempt the owner from some or all the provisions of this title."

(c) Section 204 (D.C. Code, sec. 45-1613) is amended as follows:

(1) By striking the phrases "unit or share" and "units or shares" in each place they occur and inserting the phrases "condominium unit or proportionate value of the cooperative residence" and "condominium units or the proportionate value of the cooperative residences", respectively, in lieu thereof; and

(2) By adding a new subsection (b-1) to read as follows:

"(b-1) Payment. The conversion fee required by subsection (a) shall be paid no later than at the time of settlement on the individual units or shares."

(d) Section 206(b) (D.C. Code, sec. 45-1613(b)) is amended to read as follows:

"(b) Tenant Opportunity to Purchase Unit. An owner shall make to each tenant of the housing accommodation a bona fide offer to sell to each tenant a share or membership interest in the cooperative. An offer includes, at a minimum, the asking price for the share or membership interest and a summary of tenant rights and sources of technical assistance as published in the D.C. Register by the Mayor, if published. An owner shall afford the tenant at least sixty (60) days in which to make a contract to purchase the share or membership interest at a mutually agreeable price and under mutually agreeable terms, which shall be at least as favorable as those offered to the general public. An owner shall not provide notice prior to the Mayor's certification of compliance for purposes of cooperative conversion."

(e) Section 208(a) (D.C. Code, sec. 45-1616(a)) is amended by striking the phrase "thirty thousand dollars (\$30,000)" and inserting the phrase "forty thousand dollars (\$40,000)" in lieu thereof.

(f) Section 210 (D.C. Code, sec. 45-1618) is amended to read as follows:

"Sec. 210. Exceptions to Coverage of Title; Expiration Provisions. This title shall be effective for eight (8) years following its enactment. The rights granted under section 208 to eligible elderly tenants may not be abrogated or reduced notwithstanding the expiration of this title, or the Mayor's declaration pursuant to section 506(c) that a housing crisis no longer exists. This title applies to conversion of housing accommodations into condominium or cooperative status for which no notice of filing is issued pursuant to section 406 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code, sec. 45-1866), or for which no articles of incorporation are filed pursuant to section 6 of the District of Columbia Cooperative Association Act, approved June 19, 1940 (54 Stat. 482; D.C. Code, sec. 29-1106), prior to the effective date of this title. The provisions of this title shall not apply to the conversion of housing accommodations into condominium or cooperative status which were vacant on January 1, 1983."

(g) Section 307 (D.C. Code, sec. 45-1626) is amended as follows:

(1) Subsection (b) is amended to read as follows:

"(b) Authorized Uses. The Mayor may spend revenues from the special fund as follows:

"(1) For providing housing assistance payments as required by this act; and

"(2) For the fiscal year ending on September 30, 1984, the Mayor may spend up to fifty percent (50%) of the revenue deposited in the fund as of September 30, 1983, plus up to fifty percent (50%) of the revenue deposited in the fund each fiscal year thereafter, as follows:

"(A) For the District of Columbia Home Purchase Assistance Program, provided that the Mayor shall give priority to those tenants who live in buildings which have received certification for conversion under the provisions of this act, or tenants who live in housing accommodations in which the tenant association has signed a contract to purchase the accommodation under the provisions of this act; and

"(B) For relocation payments and housing assistance payments for tenants displaced under the provisions of An Act To create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, approved May 1, 1906 (34 Stat. 157; D.C. Code, sec. 5-701 et seq.):

"(i) The amount, method, and entitlement of relocation payments shall be in accordance with section 302(b), (c), and (d); and

"(ii) The eligibility, amount, and method of housing assistance payments shall be in accordance with section 304(b), (c), and (d)."; and

(2) Subsection (d) is amended by striking the phrase "fifth fiscal year" and inserting the phrase "eleventh fiscal year" in lieu thereof.

(h) Section 309 (D.C. Code, sec. 45-1628) is amended by striking the phrase "three (3) years" and inserting the phrase "eight (8) years" in lieu thereof.

(i) Section 403(d) (D.C. Code, sec. 45-1632(4)) is amended by adding the following new sentence at the end thereof to read as follows:

"The statement shall also indicate that the owner shall, at the same time, make available the most recent rent roll, list of tenants, and list of vacant apartments."

(j) Section 408 (D.C. Code, sec. 45-1637) is amended to read as follows:

"Sec. 408. Right of First Refusal. In addition to any and all other rights specified in this title, a tenant or tenant organization shall also have the right of first refusal during the fifteen (15) days after the tenant or tenant organization has received from the owner a valid sales contract to purchase by a third party. If the contract is received during the negotiation period pursuant to sections 409(a), 410(b), or 411(b), the fifteen (15)-day period will begin to run at the end of the negotiation period. In exercising rights pursuant to this section, all rights specified in this title shall apply except the minimum negotiation periods specified in sections 409(a), 410(b), and 411(b)."

(k) Section 410 (D.C. Code, sec. 45-1639) is amended as follows:

(1) Subsection (a) is amended by adding the following sentences to the end thereof to read as follows:

"Upon receipt of a written offer of sale from the owner, a group of tenants acting jointly shall have fifteen (15) days to provide the owner and the Mayor with a written statement of interest. Following that time period, an individual tenant shall have seven (7) days to provide a written statement of interest to the owner and the Mayor. Each statement of interest must be clear expression of interest on the part of the tenant or tenant group to exercise the right to purchase as specified in this title."; and

(2) Subsection (b)(1) is amended by striking the word "The" and inserting the phrase "Upon receipt of a letter of intent from a tenant or a tenant group, the" in lieu thereof.

(l) Section 412 (D.C. Code, sec. 45-1641) is amended by striking the phrase "three (3) years" and inserting the phrase "eight (8) years" in lieu thereof.

(m) By adding a new section 503a to read as follows:

"Sec. 503a. Declaratory Relief. An aggrieved owner, tenant, or tenant organization may petition the Mayor for declaratory relief under provisions of this act. Upon a showing of reasonable grounds, the Mayor shall grant a hearing and may issue findings of fact, conclusions of law, and declaratory orders and take other enforcement actions provided by this title."

Sec. 3. Section 413(b) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1642(b)) is repealed.

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

Source

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-162 on first and second readings, July 5, 1983 and September 6, 1983, respectively. Following the signature of the Mayor on September 15, 1983, this legislation was assigned Act No. 5-63, published in the September 23, 1983 edition of the D.C. Register, (Vol. 30 page 4866) and transmitted to Congress September 19, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-38, effective November 5, 1983.