

NEW § 42-3404.01a. Definitions.

For the purposes of this subchapter:

(1) “Appraised value” means the value of a housing accommodation as of the date of the appraisal, based on an objective, independent property valuation, performed according to professional appraisal industry standards.

(2) “Bona fide offer of sale” means an offer of sale for a housing accommodation or the interest in the housing accommodation that is either:

(A) For a price and other material terms that are at least as favorable as those accepted by a purchaser in an arm’s length third-party contract; or

(B) In the absence of an arm’s length third-party contract, an offer of sale with a price at the appraised value and other material terms comparable to that at which a willing seller and a willing buyer would sell and purchase the housing accommodation, or the appraised value.

(3) “Buyout” means a payment or any other consideration provided to a Tenant in exchange for relinquishing some or all pre-existing tenancy or occupancy rights.

(4) “Department” means the Department of Housing and Community Development, or any successor agency.

(5) “Tenant” means any renter, tenant, subtenant, lessee, or sublessee of a rental unit, or successor to a renter’s interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

(6) “Tenant support provider” means any person or organization certified by the Mayor pursuant to section 402c.

(7) “Qualified purchaser” means any person or organization certified by the Mayor pursuant to section 402d, or an agency or instrumentality of the District.”.

§ 42-3404.02. Tenant opportunity to purchase; “sale” defined.

(a) Before an owner of a housing accommodation may sell the housing accommodation or issue a notice to vacate for purposes of demolition or discontinuance of housing use, the owner shall give the tenant an opportunity to purchase the housing accommodation at a price and terms that represent a bona fide offer of sale.

(a-1) Whenever an offer of sale is made to tenants for a housing accommodation with 5 or more units that is required by subsection (a) of this section before the owner may issue a notice to vacate for purposes of demolition or discontinuance of housing use, and the offer is made in the absence of an arm’s-length third-party contract, the following shall apply:

(1) The sales price contained in the offer of sale shall be less than or equal to a price and other material terms comparable to that at which a willing seller and a willing buyer would sell and purchase the housing accommodation, or the appraised value of the housing accommodation as determined by this subsection.

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(2) An appraised value shall only be based on rights an owner has as a matter-of-right as of the date of the offer, including any existing right an owner may have to convert the property to another use.

(3) Within the restrictions of paragraph (2) of this subsection, an appraised value may take into consideration the highest and best use of the property.

(4) The owner of the housing accommodation shall have the burden of proof to establish that an offer of sale under this subsection is a bona fide offer of sale.

(5)(A) A tenant organization registered according to § 42-3404.11(1) may challenge the offer presented by an owner of a housing accommodation as not being a bona fide offer of sale, and request a determination of the appraised value of the housing accommodation.

(B) The tenant organization shall request an appraisal by delivering the request to the Mayor and the owner by hand or by certified mail within 45 days of receipt of the alleged bona fide offer of sale.

(C)(i) The tenant organization and owner of the housing accommodation shall jointly select an appraiser. If within 14 days after a tenant organization has requested an appraisal, the tenant organization and owner of the housing accommodation have not agreed upon an appraiser, either party may request that the Mayor select an appraiser.

(ii) A request that the Mayor select an appraiser shall be in writing and delivered by hand or by certified mail to the Mayor and to the owner or to a member of the board of the tenant organization.

(iii) The Mayor shall select the appraiser on a sole source basis within 7 days of receiving the request for an appraiser.

(D) The tenant organization and owner of the housing accommodation shall pay one-third and two-thirds of the cost of the appraisal, respectively.

(E)(i) The appraiser shall hold an active license as a Certified General Real Property Real Estate Appraiser that has been issued by the District of Columbia Board of Real Estate Appraisers.

(ii) The owner shall give the appraiser full, unfettered access to the property.

(iii) The owner shall respond within 7 days to any request for information from the appraiser.

(iv) The tenant organization may give the appraiser information relevant to the valuation of the property.

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(F) The appraisal shall be completed expeditiously according to standard industry timeframes.

(6) Beginning with the date of a tenant organization request for an appraisal, and for each day thereafter until the tenant organization receives the appraisal, the negotiation period described in § 42-3404.11(2) shall be extended by one day.

(7)(A) The determination of the appraised value of the housing accommodation in accordance with this subsection shall become the sales price of the bona fide offer of sale for the housing accommodation unless:

(i) The owner and the tenant organization agree upon a different sales price of the housing accommodation; or

(ii) The owner elects to withdraw the offer of sale within 14 days of the receipt of the appraisal by the owner.

(B)(i) The owner shall withdraw the offer of sale by delivering by hand or by certified mail a letter of withdrawal to the Mayor and a member of the board of directors of the tenant organization.

(ii) Upon the election to withdraw the offer of sale, the owner shall reimburse the tenant organization for its entire share of the cost of the appraisal within 14 days of delivery pursuant to sub-subparagraph (i) of this subparagraph.

(iii) An owner who withdraws an offer of sale in accordance with this subparagraph shall be precluded from making a subsequent offer of sale to the tenant organization without an arm's-length third party contract for 3 months from the date of the election to withdraw the offer of sale.

(8) Within 30 days of the receipt of the appraisal conducted by an appraiser selected by the Mayor pursuant to paragraph (5)(C) of this subsection, either the tenant organization or the owner of the housing accommodation may challenge the appraisal as being in violation of the requirements of this subsection in the Superior Court of the District of Columbia for the court to take any appropriate action the court may deem necessary.

(a-2) Notwithstanding subsection (a-1) of this section, for a tenant organization that before February 26, 2016 has registered the tenant organization with the Mayor pursuant to § 42-3404.11(1) and pursuant to either § 42-3405.03 or § 42-3405.03a has filed a complaint concerning this section, the following shall apply, beginning January 1, 2014:

~~(1) For the purposes of this subsection:~~

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~~_____ (A) “Appraised value” means the value of a housing accommodation as of the date of the appraisal, based on an objective, independent property valuation, performed according to professional appraisal industry standards.~~

~~_____ (B) “Bona fide offer of sale” means an offer of sale for a housing accommodation or the interest in the housing accommodation that is either:~~

~~_____ (i) For a price and other material terms that are at least as favorable as those accepted by a purchaser in an arm’s length third-party contract; or~~

~~_____ (ii) In the absence of an arm’s length third-party contract, an offer of sale with a price and other material terms comparable to that at which a willing seller and a willing buyer would sell and purchase the housing accommodation, or the appraised value.~~

~~_____ (C) “Highest and best use” means the reasonably probable legal use of a property that is physically possible, appropriately supported, and financially feasible and that results in the highest value of the property.~~

~~_____ (D) “Matter of right” means a land use, development density, or structural dimension to which a property owner is entitled by current zoning regulations or law.~~

(2) Whenever an offer of sale is made to tenants for a housing accommodation with 5 or more units that is required by subsection (a) or (a-1) of this section before the owner may issue a notice to vacate for purposes of demolition or discontinuance of housing use, and the offer is made in the absence of an arm’s-length third-party contract, the following shall apply:

(A) The sales price contained in the offer of sale shall be less than or equal to a price and other material terms comparable to that at which a willing seller and a willing buyer would sell and purchase the housing accommodation, or the appraised value of the housing accommodation as determined by this subsection.

(B) An appraised value shall only be based on rights an owner has as a matter-of-right as of the date of the offer, including any existing right an owner may have to convert the property to another use.

(C) Within the restrictions of subparagraph (B) of this paragraph, an appraised value may take into consideration the highest and best use of the property.

(D) The owner of the housing accommodation shall have the burden of proof to establish that an offer of sale under this subsection is a bona fide offer of sale.

(E)(i) A tenant organization registered according to § 42-3404.11(1) may challenge the offer presented by an owner of a housing accommodation as not being a bona fide offer of sale, and request a determination of the appraised value of the housing accommodation.

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(ii) The tenant organization shall request an appraisal by delivering the request to the Mayor and the owner by hand or by certified mail within 45 days of receipt of the alleged bona fide offer of sale.

(iii)(I) The tenant organization and owner of the housing accommodation shall jointly select an appraiser. If within 14 days after a tenant organization has requested an appraisal, the tenant organization and owner of the housing accommodation have not agreed upon an appraiser, either party may request that the Mayor select an appraiser.

(II) A request that the Mayor select an appraiser shall be in writing and delivered by hand or by certified mail to the Mayor and to the owner or to a member of the board of the tenant organization.

(III) The Mayor shall select the appraiser on a sole source basis within 7 days of receiving the request for an appraiser.

(iv) The tenant organization and owner of the housing accommodation shall pay one-third and two-thirds of the cost of the appraisal, respectively.

(v)(I) The appraiser shall hold an active license as a Certified General Real Property Real Estate Appraiser that has been issued by the District of Columbia Board of Real Estate Appraisers.

(II) The owner shall give the appraiser full, unfettered access to the property.

(III) The owner shall respond within 7 days to any request for information from the appraiser.

(IV) The tenant organization may give the appraiser information relevant to the valuation of the property.

(vi) The appraisal shall be completed expeditiously according to standard industry timeframes.

(F) Beginning with the date of a tenant organization request for an appraisal, and for each day thereafter until the tenant organization receives the appraisal, the negotiation period described in § 42-3404.11(2) shall be extended by one day.

(G)(i) The determination of the appraised value of the housing accommodation in accordance with this subsection shall become the sales price of the bona fide offer of sale for the housing accommodation unless:

(I) The owner and the tenant organization agree upon a different sales price of the housing accommodation; or

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(II) The owner elects to withdraw the offer of sale within 14 days of the receipt of the appraisal by the owner.

(ii)(I) The owner shall withdraw the offer of sale by delivering by hand or by certified mail a letter of withdrawal to the Mayor and a member of the board of directors of the tenant organization.

(II) Upon the election to withdraw the offer of sale, the owner shall reimburse the tenant organization for its entire share of the cost of the appraisal within 14 days of delivery pursuant to sub-sub-subparagraph (I) of this sub-subparagraph.

(III) An owner who withdraws an offer of sale in accordance with this subparagraph shall be precluded from making a subsequent offer of sale to the tenant organization without an arm’s-length third party contract for 3 months from the date of the election to withdraw the offer of sale.

(H) Within 30 days of the receipt of the appraisal conducted by an appraiser selected by the Mayor pursuant to subparagraph (E)(iii) of this paragraph, either the tenant organization or the owner of the housing accommodation may challenge the appraisal as being in violation of the requirements of this subsection, to the Superior Court of the District of Columbia for the court to take any appropriate action the court may deem necessary.

~~(b) For the purposes of subchapters IV and V of this chapter [§ 42-3404.01 et seq. and § 42-3405.01 et seq.], the terms “sell” or “sale” include, but are not limited to, the execution of any agreement pursuant to which the owner of the housing accommodation agrees to some, but not all, of the following:~~

~~(1) Relinquishes possession of the property;~~

~~(2) Extends an option to purchase the property for a sum certain at the end of the assignment, lease, or encumbrance and provides that a portion of the payments received pursuant to the agreement is to be applied to the purchase price;~~

~~(3) Assigns all rights and interests in all contracts that relate to the property;~~

~~(4) Requires that the costs of all taxes and other government charges assessed and levied against the property during the term of the agreement are to be paid by the lessee either directly or through a surcharge paid to the owner;~~

~~(5) Extends an option to purchase an ownership interest in the property, which may be exercised at any time after execution of the agreement but shall be exercised before the expiration of the agreement; and~~

~~(6) Requires the assignee or lessee to maintain personal injury and property damage liability insurance on the property that names the owner as the additional insured.~~

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204 ~~(c)(1) For the purposes of subchapters IV and V of this chapter [§ 42-3404.01 et seq. and § 42-~~
205 ~~3405.01 et seq.], the term “sell” or “sale” shall include:~~
206 ~~(A) A master lease which meets some, but not all, of the factors described in~~
207 ~~subsection (b) of this section or which is similar in effect; and~~
208 ~~(B)(i) The transfer of an ownership interest in a corporation, partnership, limited~~
209 ~~liability company, association, trust, or other entity which owns an accommodation as its sole or principal~~
210 ~~asset, which, in effect, results in the transfer of the accommodation pursuant to subsection (a) of this~~
211 ~~section;~~
212 ~~(ii) For the purposes of sub-subparagraph (i) of this subparagraph, the term~~
213 ~~“principal asset” means the value of the accommodation relative to the entity’s other holdings.~~
214 ~~(2) For the purposes of subchapters IV and V of this chapter, and notwithstanding~~
215 ~~anything to the contrary herein, the term “sell” or “sale” shall not include:~~
216 ~~(A)(i) A transfer, even though for consideration, by a decedent’s estate to members~~
217 ~~of the decedent’s family if the consideration arising from the transfer will pass from the decedent’s estate~~
218 ~~to, or solely for the benefit of, charity.~~
219 ~~(ii) For purposes of sub-subparagraph (i) of this subparagraph, the term~~
220 ~~“member’s [members] of the decedent’s family” means:~~
221 ~~(I) A surviving spouse, or domestic partner as defined in § 32-~~
222 ~~701(3), of the decedent, lineal descendants of the decedent, or spouses of lineal descendants of the~~
223 ~~decedent;~~
224 ~~(II) A trust for the primary benefit of the persons referred to in sub-~~
225 ~~sub-subparagraph (I) of this sub-subparagraph; and~~
226 ~~(III) A partnership, corporation, or other entity controlled by the~~
227 ~~individuals referred to in sub-sub-subparagraphs (I) and (II) of this sub-subparagraph;~~
228 ~~(B) An inter vivos transfer, even though for consideration, between~~
229 ~~spouses, parent and child, siblings, grandparent and grandchild, or domestic partners as defined in § 32-~~
230 ~~701(3);~~
231 ~~(C) A transfer of legal title or an interest in an entity holding legal title to a housing~~
232 ~~accommodation pursuant to a bona fide deed of trust or mortgage, and thereafter any transfer by~~
233 ~~foreclosure sale or deed in lieu of foreclosure pursuant to a bona fide deed of trust or mortgage;~~
234 ~~(D) A tax sale or transfer pursuant to tax foreclosure;~~
235 ~~(E) A bankruptcy sale;~~

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~~(F) Any transaction involving accommodations otherwise subject hereto expressly contemplated by a registration statement filed with the Securities and Exchange Commission prior to February 22, 1994;~~

~~(G) Any transfer of a property directly caused by a change in the form of the entity owning the property; provided, that the transfer is without consideration, including a transfer of interests in an entity to an entity under § 29-204.06;~~

~~(H) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to admit one or more limited partners or investor members who will make capital contributions and receive tax benefits pursuant to section 42 of the United States Internal Revenue Code of 1986 approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or a comparable District program;~~

~~(H i)(i) A conveyance or re-conveyance for a project that improves or renovates the real property located at 733 15th Street, N.W. (Lot 22, Square 222), commonly known as “The Woodward Building,” if:~~

~~(I)~~

~~(aa) It was operated as an office building until being vacated by commercial tenants to accommodate rehabilitation of the building;~~

~~(bb) It was or is being redesigned for residential tenants, having previously not been designed for such use; and~~

~~(cc) It was not occupied by residential tenants at the commencement of the project or as of October 18, 2007;~~

~~(II) Its zoning is appropriate for its proposed residential use;~~

~~(III) There is a conveyance by 15th and H Street Associates, LLP to the Master Tenant by entering into a master lease with the Master Tenant for the purpose of utilization of historic tax credits for the improvement or the renovation;~~

~~(IV) 15th and H Street Associates, LLP:~~

~~(aa) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;~~

~~(bb) Receives approval of part 1 and part 2 of the application; and~~

~~(cc) Pursues approval of part 3 of the application in good faith;~~

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(V) There is a re-conveyance of the ownership interests within 120 months of the commencement of the project to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property;

(VI) 15th and H Street Associates, LLP does not sell the real property to the Investor Member except as permitted by this subparagraph;

(VII) A Notice of Transfer is issued in accordance with subsection (d)(1)(A) of this section; and

(VIII) Prior to the execution of a residential lease for the building, which execution occurs prior to the re-conveyance provided for in sub-sub-subparagraph (IV) of this subparagraph, the proposed tenant receives a written notice, on a single page, in a minimum 14 point bold Times Roman font, that:

(aa) 15th and H Street Associates, LLP has entered into a master lease with the Master Tenant for the purpose of utilizing historic tax credits;

(bb) Within 120 months of the execution of the master lease, there may be a re-conveyance of the interest held by the Master Tenant to 15th and H Street Associates, LLP, which re-conveyance restores the ownership interests in 15th and H Street Associates, LLP as existing at the commencement of the project (subject to any other transfers otherwise exempt under this section) and terminates the interest of the Master Tenant in the real property; and

(cc) The conveyances and re-conveyances, with respect to the real property only, are exempt from the provisions of this chapter if the requirements of this subparagraph are met, including the requirement that 15th and H Street Associates, LLP:

(1) Submits a complete application for historic tax credits to the U.S. Department of Interior, National Park Service;

(2) Receives approval of part 1 and part 2 of the application; and

(3) Pursues approval of part 3 of the application in good faith.

(ii) For the purposes of this subparagraph, the term:

(I) “Conveyance” or “re-conveyance” means a transfer of interests in real property or an entity, including by sale, exchange, or execution or termination of a master lease, or a combination thereof.

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~~(II) “Historic tax credits” means tax credits under section 47 of the Internal Revenue Code of 1986, approved October 16, 1962 (76 Stat. 966; 26 U.S.C. § 47).~~

~~(III) “Investor Member” means an investor in the Master Tenant.~~

~~(IV) “Master Tenant” means a limited partnership or limited liability company that will:~~

~~(aa) Be primarily owned by Investor Members who will have a noncontrolling interest; and~~

~~(bb) Own a noncontrolling interest in 15th and H Street Associates, LLP.~~

~~(V) “Noncontrolling interest” means an equity interest under which the Investor Member shall not, notwithstanding the Investor Member’s customary consent rights, and absent a default or breach by the managing partner:~~

~~(aa) Exercise management or control over any aspect of the project, including acting as directors, officers, managers, or decision-makers in the project; or~~

~~(bb) Play a role in selecting, recommending, or choosing directors, officers, managers, or decision-makers in the project.~~

~~(iii) For the purposes of this subparagraph, failure to comply with the requirements of sub-subparagraph (I) through (VIII) of this subparagraph shall require 15th and H Street Associates, LLP to comply anew with the requirements of this chapter as though this subparagraph had not been enacted.~~

~~(I) A transfer of title to the housing accommodation to an entity under § 29-204.06;~~

~~(J) A transfer of bare legal title into a revocable trust, without actual consideration for the transfer, where the transferor is the current beneficiary of the trust pursuant to § 42-1102(17);~~

~~(K) A transfer of the housing accommodation to a named beneficiary of a revocable trust by reason of the death of the grantor of the revocable trust, pursuant to § 42-1102;~~

~~(L) A transfer of the housing accommodation by the trustee of a revocable trust if the transfer would otherwise be excluded under this chapter if made by the grantor of the revocable trust, pursuant to § 42-1102(19);~~

~~(M) A transfer pursuant to court order or court-approved settlement;~~

~~(N) A transfer by eminent domain or under threat of eminent domain;~~

~~(O) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, if each of the following conditions is satisfied:~~

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333 _____ (i) The credit period, as defined in section 42(f) of the United States
334 Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42(f)) (“IRC”),
335 for the housing accommodation has ended;
336 _____ (ii) Immediately prior to the transfer the housing accommodation is subject
337 to;
338 _____ (I) An extended low income housing commitment, as that term is
339 defined in Section 42(h)(6)(B) of the IRC; or
340 _____ (II) A comparable restrictive covenant as a result of a federal or
341 District program with occupancy, rent, and income requirements at least as restrictive as under section 42
342 of the IRC;
343 _____ (iii) Before and after the transfer, the owner of the housing accommodation
344 is controlled, directly or indirectly, by the same person or entity; and
345 _____ (iv) Immediately following the transfer, the housing accommodation is for
346 a term of not less than 10 years and subject to an existing or new extended low income housing
347 commitment or a comparable restrictive covenant as a result of a federal or District program with
348 occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC.
349 _____ (P) The transfer of interests in a partnership or limited liability company that owns
350 an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to allow
351 for the exit of one or more limited partners or investor members who have made capital contributions and
352 received tax benefits pursuant to section 42 of the IRC or a comparable federal or District program with
353 occupancy, rent and income requirements at least as restrictive as under section 42 of the IRC.
354 _____ (Q) A transfer of interest in an entity that owns a housing accommodation or a
355 transfer of title to a housing accommodation, the sole purpose of which is to qualify for and enter into a
356 new credit period, as defined in section 42 of the IRC, for purposes of the rehabilitation of the housing
357 accommodation; provided that, before and after the transfer, the owner of the housing accommodation is
358 controlled, directly or indirectly, by the same person or entity;
359 _____ (3) An owner who is uncertain as to the applicability of this chapter shall be deemed to be
360 an aggrieved party for the purposes of seeking declaratory relief under §§ 42-3405.03 and 42-3405.03a.
361 The tenant or tenant organization in such an accommodation shall be deemed to be an aggrieved party, for
362 these purposes.
363 _____ (d)(1)(A) In addition to any other notice required by subchapters IV and V of this chapter [§ 42-
364 3404.01 et seq. and § 42-3405.01 et seq.], if an opportunity to purchase is not provided under this section,
365 the owner shall provide each tenant and the Mayor written notice (“Notice of Transfer”) of the transfer of

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366 ~~an interest in a housing accommodation or of any ownership interest in a corporation, partnership, limited~~
367 ~~liability company, association, trust, or other entity which owns a housing accommodation.~~

368 ~~_____ (B) Notwithstanding any other provision in this chapter, an owner shall not be~~
369 ~~required to file a Notice of Transfer for a transfer exempt under subsection (c)(2)(A), (D), (E), (F), (I), (J),~~
370 ~~(K), (L), (M), or (N) of this section; provided, that a notice of the transfer shall be filed with the Mayor in~~
371 ~~a form prescribed by the Mayor.~~

372 ~~_____ (C) Notwithstanding any other provision in this chapter, an owner shall not be~~
373 ~~required to a Notice of Transfer for a transfer exempt under subsection (c)(2)(C) of this section.~~

374 ~~_____ (2) The Notice of Transfer shall be sent by registered or certified mail, return receipt~~
375 ~~requested, by commercial overnight delivery service that maintains proof of delivery, or by personal~~
376 ~~service, at least 90 days prior to the proposed date of transfer. Notice to tenants shall be sent to their~~
377 ~~address at the housing accommodation unless a tenant has supplied in writing to the owner a different~~
378 ~~address for notice.~~

379 ~~_____ (3)(A) The Notice of Transfer shall be substantially in the form prescribed by the Mayor~~
380 ~~and shall provide at a minimum:~~

381 ~~_____ (i) A statement of the rights of the tenant or the tenant organization under~~
382 ~~this chapter;~~

383 ~~_____ (ii) An accurate description of the transfer containing all material facts,~~
384 ~~including whether the transfer will result in any changes in management, current rents, or any applicable~~
385 ~~affordability requirements for the housing accommodation;~~

386 ~~_____ (iii) The date of the proposed transfer; and~~

387 ~~_____ (iv) The reason, if any, why the owner asserts the transfer may not~~
388 ~~constitute a sale.~~

389 ~~_____ (B) In addition to any other requirements for the form of the Notice of Transfer~~
390 ~~prescribed pursuant to subparagraph (A) of this paragraph, a Notice of Transfer for a housing~~
391 ~~accommodation to be transferred for the purposes of receiving tax benefits pursuant to section 42 of the~~
392 ~~United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C.~~
393 ~~§ 42), or a comparable District program, shall include a description of the applicable federal or District~~
394 ~~subsidy, and a description of the steps in the transaction employed by the developer to avail itself of the~~
395 ~~subsidy.~~

396 ~~_____ (4) The owner's failure to provide the Notice of Transfer, or the provision of a~~
397 ~~notice that is fraudulent or contains material misrepresentations or material omissions, shall create a~~

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398 ~~rebuttable presumption that the transfer constitutes a sale for purposes of subchapters IV and V of this~~
399 ~~chapter.~~

400 ~~_____ (5)(A) An aggrieved tenant or tenant organization duly organized under § 42-3404.11 and~~
401 ~~meeting pursuant to its bylaws, whichever shall be applicable, may, within 45 days of the Mayor’s receipt~~
402 ~~of the Notice of Transfer, file a notice indicating an intent to file a petition for relief pursuant to § 42-~~
403 ~~3405.03 or § 42-3405.03a.~~

404 ~~_____ (B) A Notice of Intent to File Petition shall be delivered by registered or certified~~
405 ~~mail, return receipt requested, by commercial overnight delivery service that maintains proof of delivery,~~
406 ~~or by personal service to the Mayor and simultaneously to the owner. The owner’s address shall be that~~
407 ~~set forth in the Notice of Transfer.~~

408 ~~_____ (C) Failure of an aggrieved tenant or tenant organization to file timely the Notice~~
409 ~~of Intent to File Petition shall preclude the tenant or tenant organization from asserting any rights under~~
410 ~~subchapters IV and V of this chapter relating to the transfer identified in the Notice of Transfer.~~

411 ~~_____ (6) Within 30 days of the receipt by the Mayor of the Notice of Intent to File, a tenant or~~
412 ~~tenant organization shall have 30 days to file a petition for relief under § 42-3405.03 or § 42-3405.03a. A~~
413 ~~copy of the petition shall be delivered to owner by registered or certified mail, return receipt requested, or~~
414 ~~by personal service. Failure of a tenant or tenant organization to file timely the petition for relief shall~~
415 ~~preclude the tenant or tenant organization from asserting any rights under subchapters IV and V of this~~
416 ~~chapter relating to the transfer identified in the Notice of Transfer.~~

417 ~~_____ (7)(A) Notwithstanding the time requirements for notice in subsection (e)(5)(A) of this~~
418 ~~section, an aggrieved tenant or tenants, whichever shall be applicable, may, within 30 days of the Mayor’s~~
419 ~~receipt of the notice of transfer of an accommodation pursuant to an exemption in subsection (b)(3) of this~~
420 ~~section (“Notice of Transfer Pursuant to an Exemption”), file a Notice of Intent to File Petition.~~

421 ~~_____ (B)(i) Failure of a tenant or tenants, pursuant to paragraph (7)(A) of this~~
422 ~~subsection, or a tenant or tenant organization pursuant to paragraph (7)(B) of this subsection, to file timely~~
423 ~~the Notice of Intent to File Petition shall preclude the tenant or tenant organization from asserting any~~
424 ~~rights under subchapters IV and V of this chapter relating to the transfer identified in the Notice of~~
425 ~~Transfer Pursuant to an Exemption of an accommodation pursuant to an exemption.~~

426 ~~_____ (ii) A tenant or tenant organization shall be precluded from asserting any~~
427 ~~rights under subchapters IV and V of this chapter for a transfer exempt under subsection (e)(2)(C) of this~~
428 ~~section.~~

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~~(C) Any change in the transfer agreement that would invalidate a claim of exemption shall be reported in writing to the Mayor and proper notice shall be provided to the tenant or tenant organization.~~

~~(8) For the purposes of providing notice under this subsection, the term “tenant” shall mean the person or persons who, under the terms of the lease or any amendment or consent executed pursuant thereto, are entitled to occupy the rental unit.~~

~~(9)(A) Upon 5 days of request by any person, the Mayor shall provide:~~

~~(i) Written certifications, including date of receipt or non receipt, of any notices received under subchapters IV and V of this chapter; and~~

~~(ii) Copies of the notices.~~

~~(B) The certifications may be recorded among the records of the Recorder of Deeds and shall be exempt from filing fees.~~

~~(10) Notice of Transfer, Notice of Transfer Pursuant to an Exemption, Notice of Intent to File, and the petition for relief pursuant to § 42-3405.03 or § 42-3405.03a shall be referred to as “Time Certain Notices”.~~

(e)(1) Upon 5 days of request by any person, the Mayor shall provide:

“(A) Written certifications, including date of receipt or non-receipt, of any notices received under subchapters IV and V of this chapter; and

“(B) Copies of the notices.

“(2) The certifications may be recorded among the records of the Recorder of Deeds and shall be exempt from filing fees.”.

NEW §42-3404.02b. “Sale” defined.

(a) For the purposes of subchapters IV and V of this chapter, the terms “sell” or “sale” shall include, but are not limited to:

(1) The execution of any agreement pursuant to which the owner of the housing accommodation agrees to some, but not all, of the following:

(A) Relinquishes possession of the property;

(B) Extends an option to purchase the property for a sum certain at the end of the assignment, lease, or encumbrance and provides that a portion of the payments received pursuant to the agreement is to be applied to the purchase price;

(C) Assigns all rights and interests in all contracts that relate to the property;

(D) Requires that the costs of all taxes and other government charges assessed and levied against the property during the term of the agreement are to be paid by the lessee either directly or through a surcharge paid to the owner;

(E) Extends an option to purchase an ownership interest in the property, which may be exercised at any time after execution of the agreement but shall be exercised before the expiration of the agreement; and

(F) Requires the assignee or lessee to maintain personal injury and property damage liability insurance on the property that names the owner as the additional insured.

(2) Multiple transfers of minority interests in the Rental Property which, in effect, result in a transfer of the Rental Property.

(3) A master lease which meets some, but not all, of the factors described in paragraph (1) of this subsection or which is similar in effect;

(4) The transfer of an ownership interest in a corporation, partnership, limited liability company, association, trust, or other entity which owns an accommodation as its sole or principal asset, which, in effect, results in the transfer of the accommodation pursuant to paragraph (1) of this section. For the purposes of this sub-paragraph, the term “principal asset” means the value of the accommodation relative to the entity’s other holdings.

(b) For the purposes of subchapters IV and V of this chapter, and notwithstanding anything to the contrary herein, the term “sell” or “sale” shall not include:

(1)(A) A transfer, even though for consideration, by a decedent’s estate to members of the decedent’s family if the consideration arising from the transfer will pass from the decedent’s estate to, or solely for the benefit of, charity.

(B) For purposes of this paragraph, the term “members of the decedent’s family” means:

(i) A surviving spouse, or domestic partner as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), of the decedent, lineal descendants of the decedent, or spouses of lineal descendants of the decedent;

(ii) A trust for the primary benefit of the persons referred to in sub-paragraph (i) and;

(iii) A partnership, corporation, or other entity controlled by the individuals referred to in sub-paragraphs (i) and (ii).

(2) An inter-vivos transfer, even though for consideration, between spouses, parent and child, siblings, grandparent and grandchild, or domestic partners as defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3));

(3) A transfer of legal title or an interest in an entity holding legal title to a housing accommodation pursuant to a bona fide deed of trust or mortgage, and thereafter any transfer by foreclosure sale or deed in lieu of foreclosure pursuant to a bona fide deed of trust or mortgage;

(4) A tax sale or transfer pursuant to tax foreclosure;

(5) A bankruptcy sale;

(6) Any transaction involving accommodations otherwise subject hereto expressly contemplated by a registration statement filed with the Securities and Exchange Commission prior to February 22, 1994;

(7) Any transfer of a property directly caused by a change in the form of the entity owning the property; provided, that the transfer is without consideration, including a transfer of interests in an entity to an entity under § 29-204.06;

(8) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to admit one or more limited partners or investor members who will make capital contributions and receive tax benefits pursuant to section 42 of the United States Internal Revenue Code of 1986 approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or a comparable District program; and

(9) A transfer of title to the housing accommodation to an entity under § 29-204.06;

513 (10) A transfer of bare legal title into a revocable trust, without actual consideration
514 for the transfer, where the transferor is the current beneficiary of the trust pursuant to § 42-
515 1102(17);

516 (11) A transfer of the housing accommodation to a named beneficiary of a revocable
517 trust by reason of the death of the grantor of the revocable trust, pursuant to Section 302 of the
518 District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official
519 Code 42-1102);

520 (12) A transfer of the housing accommodation by the trustee of a revocable trust if the
521 transfer would otherwise be excluded under this chapter if made by the grantor of the revocable
522 trust, pursuant to Section 302(19) of the District of Columbia Deed Recordation Tax Act, approved
523 March 2, 1962 (76 Stat. 11; D.C. Official Code 42-1102(19));

524 (13) A transfer pursuant to court order or court-approved settlement;

525 (14) A transfer by eminent domain or under threat of eminent domain;

526 (15) A transfer of interest in an entity that owns a housing accommodation or a
527 transfer of title to a housing accommodation, if each of the following conditions is satisfied:

528 (A) The credit period, as defined in section 42 of the United States Internal
529 Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42) ("IRC"), for the
530 housing accommodation has ended;

531 (B) Immediately prior to the transfer the housing accommodation is subject to:

532 (i) An extended low-income housing commitment, as that term is
533 defined in Section 42(h)(6)(B) of the IRC (100 Stat. 2189; 26 U.S.C. § 42(h)(6)(B)); or

534 (ii) A comparable restrictive covenant as a result of a federal or District
535 program with occupancy, rent, and income requirements at least as restrictive as under section 42
536 of the IRC;

537 (C) Before and after the transfer, the owner of the housing accommodation is
538 controlled, directly or indirectly, by the same person or entity; and

539 (D) Immediately following the transfer, the housing accommodation is for a
540 term of not less than 10 years subject to an existing or new extended low-income housing
541 commitment or a comparable restrictive covenant as a result of a federal or District program with
542 occupancy, rent and income requirements at least as restrictive as under section 42 of the IRC.

543 (16) The transfer of interests in a partnership or limited liability company that owns
544 an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to
545 allow for the exit of one or more limited partners or investor members who have made capital

contributions and received tax benefits pursuant to section 42 of the IRC or a comparable federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC.

(17) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, the sole purpose of which is to qualify for and enter into a new credit period, as defined in section 42 of the IRC, for purposes of the rehabilitation of the housing accommodation; provided that, before and after the transfer, the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity; and

(18) Sale of a newly constructed housing accommodation for which the initial certificate of occupancy was issued no earlier than three years prior to the date of the purchase contract between a buyer and the party to which the certificate of occupancy was issued.

NEW § 42-3404.02c. Tenant support providers.

(a) Notwithstanding subsection (b) of this section, the Mayor shall establish a certification process for tenant support providers, which shall be selected based on expertise and ability to counsel tenants who seek to exercise their rights under this subchapter, and regarding:

(1) The formation and governance of tenant associations and other legal and collective ownership structures,

(2) Technical support services on first-time homeownership; and

(3) Obtaining financing for the purchase of Real Properties, assisting in the process of closing on property transactions.

(b) The following shall be included as tenant support providers:

(1) A legal service provider issued a subgrant pursuant to section 3054 of the Expanding Access to Justice Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 4-1803)

(2) The Office of the Tenant Advocate as established by Subtitle G of title II of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-3531.01 et seq.).

(c) The Department shall maintain a list of certified tenant support providers, with contact information for each, on a publicly accessible website.

(d) Notwithstanding subsection (b) of this section, certification as a tenant support provider shall be valid for four years.

(e) A tenant support provider shall not:

(1) Act in a manner that is adverse to the interests of a tenant occupying a property subject to this subchapter;

(2) Serve a tenant occupying a property in which the tenant support provider or any employee thereof may have a present or future financial interest.

(f) The Mayor shall promptly investigate any complaint alleging that a tenant support provider has a conflict of interest or has failed to comply with the requirements of this subchapter. If after the Mayor determines that a tenant support provider has a conflict of interest or has failed to comply with the requirements of this subchapter, the Mayor may limit, suspend, or revoke that organization's certification.

NEW §42-3404.02d. Qualified purchaser.

(a) The Mayor shall establish criteria for the certification of qualified purchasers, which shall be selected based on:

(1) The capacity to acquire, own, manage, and improve or redevelop, either by itself or through a management agent, housing accommodations and related facilities acquired under this subchapter or subchapter IV-A for the remaining useful life of the housing accommodation;

(2) The understanding of and ability to comply with the requirements of this subchapter.

(b)(1) Status as a qualified purchaser shall be valid for four years.

(2) The Mayor shall solicit new applications qualified purchasers on a rolling basis.

(3) The Mayor shall recruit and solicit applications from reputable parties that have not previously conducted real estate transactions in the District.

(4) For the first four-year period after the effective date of this section, a Pre-Approved Developer, as that term is defined in 14 DCMR § 2499, shall be granted certification as a qualified purchaser.

(c) The Department shall maintain a list of qualified purchasers on a publicly accessible website.

(d) A qualified purchaser shall not act in a manner that is adverse to the interests of tenants occupying a property subject to this subchapter. The Mayor shall promptly investigate any complaint alleging that a qualified purchaser has a conflict of interest or has failed to comply with the requirements of this subchapter. If after the Mayor determines that a tenant support provider has a conflict of interest or has failed to comply with the requirements of this subchapter, the Mayor may limit, suspend, or revoke that qualified purchaser’s certification.

615

616 **§ 42-3404.03. Offer of sale.**

617

618 ~~The owner shall provide each tenant a written copy of the offer of sale by certified mail and post a copy of~~
619 ~~the offer of sale in a conspicuous place in common areas of the housing accommodation if it consists of~~
620 ~~more than one unit. The owner shall provide the Mayor with a written copy of the offer of sale by certified~~
621 ~~mail or by filing it with the Conversion and Sale Administrator within the Department of Housing and~~
622 ~~Community Development. The owner shall certify to the Mayor that the Mayor and each tenant were~~
623 ~~provided copies of the offer of sale on the same day. An offer includes, at a minimum:~~

624 **(a) An offer of sale shall include, at minimum:**

625 (1) The asking price and material terms of the sale;

626 (2) ~~A statement that the tenant has the right to purchase the accommodation under this~~
627 ~~chapter and a summary of tenant rights and sources of technical assistance as published in the D.C.~~
628 ~~Register by the Mayor; Provided, however, that if no such statement and summary have been published,~~
629 ~~the owner will be deemed in compliance with this paragraph;~~ **A statement that the tenant has the right**
630 **to purchase the accommodation under this chapter and a notice that the tenants are entitled to no-**
631 **cost technical assistance and training on their rights to be provided by a technical assistance**
632 **provider approved by the District through the Division, together with a list of eligible providers and**
633 **their contact information;**

634 (3) A statement as to whether a contract with a third party exists for sale of the
635 accommodation and that the owner shall make a copy available to the tenant within 7 days after receiving
636 a request; and

637 (4) A statement that the owner shall make available to the tenant a floor plan of the
638 building and an itemized list of monthly operating expenses, utility consumption rates, and capital
639 expenditures for each of the 2 preceding calendar years within 7 days after receiving a request. The
640 statement shall also indicate that the owner shall, at the same time, make available the most recent rent
641 roll, list of tenants, and list of vacant apartments. If the owner does not have a floor plan, the owner may
642 meet the requirement to provide a floor plan by stating in writing to the tenant that the owner does not
643 have a floor plan;

644 **(5) The name and contact information of all tenant support providers certified by the**
645 **Mayor pursuant to section 402c as of the date of issuance of the offer of sale; provided, that if no**
646 **such organizations have been certified, the owner will be deemed in compliance with this**
647 **paragraph;**

648 (6) Information on the cooling-off period as outlined in section 403c.

649
650 (b)(1) The owner shall provide each tenant with a written copy of the offer of sale by
651 certified mail. Notice to tenants shall be sent to their address at the housing accommodation unless a
652 tenant has supplied in writing to the owner a different address for notice.

653 (2) On the same date as copies of the offer of sale are postmarked to tenants, the
654 owner shall provide the Mayor with a written copy of the offer of sale and a signed statement
655 confirming that copies of the offer of sale were provided to each tenant. The offer of sale shall be
656 sent to the mayor by registered or certified mail, return receipt requested, by commercial overnight
657 delivery service that maintains proof of delivery, by hand delivery, or by any other method
658 designated by the Department. If the owner delivers the notification to the Mayor by hand delivery,
659 the Owner shall obtain a date stamped copy demonstrating the Mayor's receipt.”.

NEW § 42-3404.03a. Notice of transfer.

(a) Notwithstanding subsections (b) and (c), if an opportunity to purchase is not provided under section 402, the owner shall provide the Mayor written notice of a transfer of an interest in a housing accommodation or of any ownership interest in a corporation, partnership, limited liability company, association, trust, or other entity which owns a housing accommodation. Such notice shall be provided at least 90 days prior to the proposed date of transfer.

(b) An owner shall not be required to file a notice of transfer with the Mayor for a transfer exempt under section 402b(b)(3).

(c) For a transfer exempt under section 402b(b), paragraphs (2), (7), and (8), in addition to the requirement of subsection (a), an owner shall provide copies of the notice of transfer to each tenant by certified mail. Notice to tenants shall be sent to their address at the housing accommodation unless a tenant has supplied in writing to the owner a different address for notice.

(d) The Notice of Transfer shall be substantially in the form prescribed by the Mayor and shall provide at a minimum:

(1) A statement of the rights of the tenant or the tenant organization under this chapter;

(2) An accurate description of the transfer containing all material facts, including whether the transfer will result in any changes in management, current rents, or any applicable affordability requirements for the housing accommodation;

(3) The date of the proposed transfer; and

(4) The reason, if any, why the owner asserts the transfer may not constitute a sale.

(e) In addition to any other requirements for the form of the Notice of Transfer prescribed pursuant to this section, a Notice of Transfer for a housing accommodation to be transferred for the purposes of receiving tax benefits pursuant to section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42), or a comparable District program, shall include a description of the

applicable federal or District subsidy, and a description of the steps in the transaction employed by the developer to avail itself of the subsidy.

(f) The owner’s failure to provide the Notice of Transfer, or the provision of a notice that is fraudulent or contains material misrepresentations or material omissions, shall create a rebuttable presumption that the transfer constitutes a sale for purposes of subchapters IV and V of this chapter.

(g) Within 30 days of the receipt by the Mayor of the Notice of Intent to File, a tenant or tenant organization shall have 30 days to file a petition for relief under § 42-3405.03 or § 42-3405.03a. A copy of the petition shall be delivered to owner by registered or certified mail, return receipt requested, or by personal service. Failure of a tenant or tenant organization to file timely the petition for relief shall preclude the tenant or tenant organization from asserting any rights under subchapters IV and V of this chapter relating to the transfer identified in the Notice of Transfer.

(h) A tenant or tenant organization shall be precluded from asserting any rights under subchapters IV and V of this chapter for a transfer exempt under subsection 402b(b)(3) of this section.

(i) Any change in the transfer agreement that would invalidate a claim of exemption shall be reported in writing to the Mayor and proper notice shall be provided to the tenant or tenant organization.

NEW § 42-3404.03b. Compliance review of offer of sale and notice of transfer.

(a) Within 7 days of receipt, the Department shall review each offer of sale received pursuant to section 403 and each notice of transfer received pursuant to section 403a, for the purpose of ensuring compliance with all statutory and regulatory requirements.

(b) The Office shall have the authority to request additional information by written or verbal inquiry, conference, or any other method or combination of methods suitable.

(c) The Department shall establish a process for receiving reports of suspected violations or deficiencies in the issuance of an offer of sale or notice of transfer, and shall use such reports to inform the initiation of inquiries pursuant to sections 505 through 510.

NEW § 42-3404.03c. Cooling-off period; interference prohibited.

(a) Within the first 15 days following receipt of the offer of sale by the Mayor pursuant to section 403, the Mayor shall provide all tenant support providers and qualified purchasers with a copy of the offer of sale, and shall not share information related to the offer of sale with any other individual.

(b) Neither a tenant association nor an individual tenant may assign purchase rights pursuant to section 406 within the first 45 days after an offer of sale unless having first met with an approved tenant support provider.

(c) Any person that contacts a tenant association or individual tenant related to an offer or negotiation subject to this subchapter shall disclose:

(1) The names, residence and business addresses of each person with direct or indirect, legal or beneficial ownership of a governance or total distributional interest of the entity as provided for in § 29–102.01(a)(6) and § 29–102.01(a)(7); and

(2) Any financial connection to the property.

(d) Neither the owner nor the third party purchaser or any other agent or party with a financial or other interest in the accommodation shall interfere with the tenants’ exercise of their rights under this subchapter. Interference includes, but is not limited to:

(1) Negotiating with the tenants before approved technical assistance providers have received notice of the offer of sale, presumed to be 15 days after service of the offer of sale upon the District through the Division by the owner;

(2) Attempting to organize the tenants in an effort to persuade the tenants to waive or exercise rights in any particular manner without fully disclosing the interested party’s financial or other interest in the outcome;

(3) Failing to disclose that tenants have a right to no-cost training on their rights under this subchapter, as well as the right to a consultation with a tenant support provider.”

§ 42-3404.04. Third party rights.

—— The right of a third party to purchase an accommodation is conditional upon exercise of tenant rights under this subchapter. The time periods for negotiation of a contract of sale and for settlement under this subchapter are minimum periods, and the owner may afford the tenants a

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~~reasonable extension of such period, without liability under a third party contract. Third party purchasers are presumed to act with full knowledge of tenant rights and public policy under this subchapter.~~

(a) The right of a third party to purchase an accommodation is conditional upon exercise of tenant rights under this subchapter. The time periods for negotiation of a contract of sale and for settlement under this subchapter are minimum periods, and the owner may afford the tenants a reasonable extension of such period, without liability under a third party contract.

(b) Third parties and their agents shall not interfere with the tenants’ right to organize or otherwise exercise their rights under this subchapter. Third parties may negotiate with tenants for the assignment or waiver of rights pursuant to section 406, provided that they first disclose:

(1) Their identity and that they are interested in purchasing the accommodation; **(2) That they are not tenant organizers as defined in section 506(a)(2), and do not represent the interests of the tenants; and**

(3) That the tenants have the right to have a training with certified tenant support provider before engaging in negotiations.

(c) Third party purchasers are presumed to act with full knowledge of tenant rights and public policy under this subchapter.

NEW § 42-3404.05a. Template agreements and contracts; filing with department.

(a) No agreement or contract entered into under this subchapter, including buyouts and development agreements, shall be deemed valid or enforceable unless the information specified in this section is filed with the Department within 30 days of signature by all parties.

(1) Information submitted to the Department shall include:

(A) Address and ward;

(B) Unit count;

(C) Sales price;

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(D) The number of households that received a buyout, as applicable;
(E) Information related to rent-stabilization;
(F) Information related to income-restricted units and subsidies; and
(G) Other information as determined by the Department.

(b) No later than 180 days after the applicability date of this section and pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), the Department shall establish:

(1) A standard template for buyout agreements;
(2) A standard template for purchase contracts;
(3) Rules governing the minimum information required to be included in a buyout agreement or purchase contract.

(c) The use of templates established pursuant to subsection (b) shall not be mandatory for execution of an agreement governed by this act.

§ 42-3404.06. Exercise or assignment of rights.

The tenant may exercise rights under this subchapter in conjunction with a third party or by assigning or selling those rights to any party, whether private or governmental. The exercise, assignment, or sale of tenant rights may be for any consideration which the tenant, in the tenant’s sole discretion, finds acceptable. Such an exercise, assignment, or sale may occur at any time in the process provided in this subchapter, **provided that the requirements of section 403c(b) have been fulfilled,** and may be structured in any way the tenant, in the tenant’s sole discretion, finds acceptable.

NEW § 42-3404.15. TOPA transparency portal.

(a)(1) Within one year of the applicability date of this subsection, the Mayor shall establish and maintain a publicly accessible and searchable database of information pertinent to this subchapter, which shall include the following information:

(A) Offers of sale received by the Department, for which the cooling-off period as prescribed in section 403c(a) has elapsed, including the following information, as applicable:

(i) Address and ward;
(ii) Unit count;
(iii) Reason for notice;
(iv) Asking price and material terms of the sale;

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(v) Information related to rent-stabilization; and

(vi) Information related to income-restricted units and subsidies;

(B) Whether a tenant association has been registered pursuant to section 402a;

and

(C) Buyouts, final sales, and development agreements submitted to the

Department pursuant to section 405a; and

(D) Notices of transfer received pursuant to section 403b.

(2) To the maximum extent practicable, the database established pursuant to this section shall be integrated with the Public Accessible Rent Control Housing Database as established in Section 203a of the Rental Housing Act of 1985, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 42-3502.03c).

(b) The database established pursuant to subsection (a) shall publish information received by the Department on or after the date of its establishment. The publishing of historical information and data shall be subject to additional funding.

(c) The publishing of any information pursuant to this section does not guarantee the completeness, or accuracy of such information, shall not create liability on the part of the District or by any officer or employee thereof for any damages that result from reliance on the published information.

(d)(1) Notwithstanding any other provision of District law, unless otherwise prescribed in this section, information submitted to the Department pursuant to this subchapter shall be deemed confidential and shall be exempt from disclosure pursuant to section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

(2) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules to govern the sharing or publishing of conclusions and analysis derived from information that is received pursuant to this subchapter.

NEW § 42-3404.16. Unlawful acts.

It shall be unlawful for any person to:

(1) Coerce a tenant or tenant organization to waive their rights under this subchapter;

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847 (2) Retaliate against or harass a tenant seeking to exercise their rights under this
848 subchapter; or
849 (3) Make fraudulent or misleading statements or engage in conduct intended to
850 prevent a tenant from exercising their rights under this subchapter.
851