DISTRICT OPPORTUNITY TO PURCHASE ACT

(D.C. Official Code 2001 ed., as amended, §§ 42-3404.31–37)

The District's Opportunity to Purchase (DOPA) program promotes affordable rental housing by maintaining the affordable status of existing affordable rental units as well as increasing the total number of affordable rental units within the District.

To this end, DOPA requires rental property owners to provide the District of Columbia with the opportunity to purchase housing accommodations consisting of five (5) or more rental units, provided that twenty-five percent (25%) or more of the rental units are "Affordable Units". DOPA offers of sale should be submitted concurrently with, but are subordinate to, a tenant's right to purchase under Tenant Opportunity to Purchase (TOPA) law.

Frequently Asked Questions:

How do you determine an "Affordable Unit"?

An "Affordable Unit" is defined as means a rental unit in a housing accommodation for which the current monthly rent, including tenant-paid utilities, is not greater than 30% of the monthly income of a household at 50% of the area median income (AMI). AMI is the median income of the D.C. metropolitan statistical area, defined annually by the U.S. Department of Housing and Urban Development, adjusted for the household size. Utilities include all tenant-paid utilities, such as heat, air conditioning, cooking, electricity or hot water.

The purpose of the chart below is to assist in the "Affordable Unit" determination. If the property owner does not know the amount of the tenant paid utilities, the chart below can be used to estimate tenant paid utilities. The estimated utilities provided below are updated periodically by the District of Columbia Housing Authority.

"Affordable Unit" Table for 2012				
Number of Bedrooms	**Occupancy Pricing Standard**	**Estimated Utility Allowance**	**Monthly Rent**	**Maximum Housing Cost**
Studio	1	$127	$814	$941
1	2	$173	$902	$1,075
2	3	$223	$986	$1,209
3	5	$270	$1,208	$1,478

Example 1: Unit #101 is a one (1) bedroom unit and the household pays $1,000 in monthly rent, which includes all utilities. This unit is an "Affordable Unit" because the total housing cost is below $1,075.

Example 2: Unit #102 is a two (2) bedroom unit and the household pays $1,150 in monthly rent. Monthly rent does not include utilities and the owner of the property does not know the monthly tenant-paid utility cost. This unit is not an "Affordable Unit" because the monthly housing cost is more than $1,209 ($1,150 + $223 = $1,373).

What should the DOPA Offer of Sale include?

The DOPA Offer of Sale must include:

- The asking price and material terms of sale;
- A statement as to whether a third party sale contract exists for the housing accommodation and that a copy of any third party sale contract shall be provided to the District within 7 days after receiving a request;
- A list of tenant names and their corresponding unit numbers, along with the current rent charged for each rental unit as of the DOPA Offer of Sale issuance date;
- A list of vacant rental units, their unit numbers and the current rent charged for each rental unit as of the DOPA Offer of Sale issuance date;
- A list of Affordable Units, their unit numbers as of the DOPA Offer of Sale issuance date and the owner's calculations for determining the Affordable Units;
- A statement that the owner of the property will provide, within 7 days after receiving a request, the following information: monthly operating expenses, utility consumption rates, capital expenditures for the previous 2 years, and a building floor plan.

How much time does the District have to decide to purchase the housing accommodation?

If the Mayor is interested in acquiring the housing accommodation, the Mayor shall:

1. Provide a written statement of interest to the owner and tenants **within 30 days** of receiving the District's offer of sale;
2. Have **not less than 150 days** from the date of the owner's receipt of the Mayor's written statement of interest to negotiate a contract for sale;
3. Have **15 additional days for a total of 165 days** to negotiate a contract of sale if a tenant organization is formed and delivers an application for registration to the Mayor;
4. Receive the **same extension of time as any tenant**. The owner should provide written notification to the Mayor of any extensions of time provided to the tenant;
5. Extend the negotiation period **one day for every day of delay** in providing information by the owner; and
6. Have **up to 60 days** after the date of execution of a contract of sale to complete settlement.

Where should the DOPA Offer of Sale be sent?

The Honorable Vincent C. Gray
Government of the District of Columbia
c/o Department of Housing and Community Development
Rental Conversion and Sale Division
1800 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20020

As of 03/21/12