



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
1909 Martin Luther King, Jr. Avenue SE, Washington, DC
202.442.7200 | topa.notices@dc.gov | dhcd.dc.gov

INSTRUCTIONS FOR PREPARING AND ISSUING AN OFFER OF SALE

TENANT OPPORTUNITY TO PURCHASE (TOPA) & DISTRICT OPPORTUNITY TO PURCHASE ACT (DOPA) FOR HOUSING ACCOMMODATIONS WITH FIVE (5) OR MORE RENTAL UNIT HOUSING ACCOMMODATIONS

These instructions apply to an Offer of Sale Notice for the sale of a five (5) or more residential rental unit housing accommodation. This Offer of Sale Notice is used when an owner gives the tenants an opportunity to purchase **after** the owner has accepted (ratified) a third-party sale contract for the housing accommodation. Please visit dhcd.dc.gov/TOPA for further information on TOPA. If you need further assistance in completing this form, please contact the Rental Conversion and Sale Division of the Department of Housing and Community Development (DHCD) at DHCD.CASD@dc.gov.

1. Do not delete or alter any part of the Offer of Sale Notice.
2. Fill in the following field must be stated in the Offer of Sale Notice:
 - Date, Name, Property Address, and contact information for the owner and/or the owner's agent;
 - Number of occupied, vacant, affordable and combined total of rental units;
 - Name of each tenant, apartment number and the address of the housing accommodation;
 - The asking price and the material terms of the sale. The material terms include the type of financial arrangements, if any, the owner will accept at settlement. If the material terms do not fit in the space provided, attach a supplemental page to the Offer of Sale Notice.
3. Send each tenant the Offer of Sale Notice by
 - **Certified mail or hand delivery on the date and time printed on your submission receipt.**
 - A copy of the Offer of Sale Notice must also be posted in conspicuous places in the common areas of the housing accommodation.
 - **Send DHCD/CASD a copy of the Offer of Sale Notice:**
 - A copy of the Offer of Sale Notice must be sent to DHCD, Rental Conversion and Sale Division, 1909 Martin Luther King, Jr. Avenue, SE, Washington, D.C. 20020, by hand delivery, certified mail or via email at topa.notices@dc.gov.
 - **Please make sure the following documents are included in your submission:**
 - One (1) copy of the Offer of Sale Notice
 - A list of the tenants (Sample included in item 6 of the Offer of Sale Notice)
 - A copy of the third-party sale contract if there is one.
 - If available include: a floor plan of the building, itemized monthly operating expenses, utility consumption rates, capital expenditures for each of the 2 preceding calendar years.
4. **The owner or the owner's agent must certify by signing this form and retaining a copy of the submission receipt from the Rental Conversion and Sale Division that each tenant was sent copies of the Offer of Sale (Form A) on the date and time printed on your submission receipt.** Fill in and sign the attached affidavit and include the completed and signed affidavit to the Rental Conversion and Sale Division when the Offer of Sale (Form A) is sent or delivered.



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5. After a tenant organization has been registered, the owner or the owner's agent, must send or deliver to the Rental Conversion and Sale Division one (1) copy of the third-party sale contract when it is sent to the tenant organization to commence the fifteen (15) day right of first refusal period.
6. The District's Opportunity to Purchase Act, originally enacted by D.C. Law 17-286 and codified at D.C. Official Code §42-3404.31 et seq., as amended, provides the District of Columbia, acting through the Mayor, an opportunity to purchase certain housing accommodations. Where applicable, the District's right to purchase is provided in the same manner as the rights afforded to tenants under the Rental Housing Conversion and Sale Act of 1980.

DEFINITIONS

"Affordable Rental Unit" means a Rental Unit for which the Monthly Rent, plus Utilities, at the time the Mayor received the Offer of Sale, was equal to or less than the Maximum Rent for a Rental Unit at the sixty percent (60%) MFI Level.

"Agency" means the District of Columbia Department of Housing and Community Development or other District agency to which the Mayor delegates authority to administer the Act.

"Household", has the same meaning set forth in D.C. Official Code §42-3401.03 and for purposes of this form, may consist of one or more persons occupying a rental unit.

"Housing Accommodation" means a structure in the District of Columbia consisting of one (1) or more Rental Units and the appurtenant land, but does not include a hotel, motel, or other structure used primarily for transient occupancy as provided in D.C. Official Code §42-3401.03.

"Maximum Rent" means the highest amount chargeable for a particular Rental Unit such that a Household of the Rental Unit's imputed Household size that earns the applicable MFI Level will expend no more than thirty percent (30%) of its annual income on Monthly Rent and Utilities, as set forth in the Rent and Income Schedule published by the Mayor. For purposes of this paragraph, the imputed Household size applicable to a unit determined in accordance with the Housing Production Trust Fund program regulations, Title 10, Chapter B41, Section 4107.3(b) of the District of Columbia Municipal Regulations, as the same may be amended from time to time.

"Median Family Income (MFI)" means the median family income for the Washington Metropolitan Statistical Area as set forth by the United States Department of Housing and Urban Development, adjusted for Household size, without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers. Adjustments of median family income for Household size shall be made as prescribed in Section 2(1) of the Housing Production Trust Fund Act, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

"MFI Level" means a specified percentage of MFI.

"Monthly Rent" means the entire amount of money, money's worth, benefit, bonus, or gratuity demanded, received, or charged by a housing provider as a condition of occupancy or use of a Rental Unit, its related services, and its related facilities, in accordance with Section 103(28) of the Rental Housing Act (D.C. Official Code § 42-3501.03(28)).

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“Most recent monthly rent” means the rent, including utilities, that was the most recent prior to the date the offer of sale was provided to the Mayor.

“**Rent-and-income-restricted unit**” means a unit that is restricted to tenants with a designated household annual income limit and with rents restricted to the maximum rent.

“**Rent and Income Schedule**” means a document published in the *D.C. Register* pursuant to Chapter 24, Title 14 DCMR.

“**Rental Unit**” or “**unit**” means only part of a housing accommodation which is rented or offered for rent for residential occupancy and includes an apartment, efficiency apartment, room, suite of rooms, and single-family home or duplex.

“**Tenant**” means any person or persons who, under the terms of a current or expired written lease or other rental agreement, are entitled to occupy the housing accommodation and are liable to the owner for the payment of rent.

“**Tenant Organization**” means an organization registered with the Agency in accordance with Section 411 of the Act (D.C. Official Code § 42-3404.11), that represents at least a majority of the heads of household in the housing accommodation excluding those households in which no member has resided in the housing accommodation for at least 90 days and those households in which any member has been an employee of the owner during the preceding 120 days.

“**Utilities**” means water, sewer, electricity, natural gas, trash, and any other fees required by the owner, property manager, or condominium, or cooperative, or homeowners’ association in order to occupy the unit, including but not limited to mandatory condominium, cooperative, homeowners’ association, amenity or administrative fees.

**OFFER OF SALE: TENANT OPPORTUNITY TO PURCHASE (TOPA) AND
DISTRICT OPPORTUNITY TO PURCHASE ACT (DOPA) FOR
HOUSING ACCOMMODATIONS WITH FIVE (5) OR MORE RENTAL UNITS**

Dear (Tenant/Unit #)_____:

This is to advise you of the owner's offer to sell the housing accommodation in which you live located at _____, Washington, D.C. _____
(the "Property").

THIS OFFER OF SALE IS NOT A NOTICE TO VACATE

1. OFFER OF SALE

- a. **TENANT OPPORTUNITY TO PURCHASE (TOPA):** As a tenant of a housing accommodation in the District of Columbia, you must be given an opportunity to purchase this housing accommodation in accordance with Subchapter IV of the Rental Housing Conversion and Sale Act of 1980, as amended (D.C. Law 3-86, D.C. Official Code § 42-3401.01 et seq. (2001)) (the "Act"). This Offer of Sale also describes your tenant rights and responsibilities and the statutory time periods under the Act. Please visit dhcd.dc.gov/TOPA for further information on TOPA and how to pursue rights as a tenant organization.
- b. **DISTRICT OPPORTUNITY TO PURCHASE ACT (DOPA):** This housing accommodation may be subject to the District's Opportunity to Purchase Act, D.C. Official Code §42-3404.31 et seq., as amended. The District of Columbia, acting through the Mayor, may submit a statement of interest to purchase the property within thirty (30) days of receipt of the Offer of Sale. Submission of a statement of interest does not obligate the District to purchase the property. The District's rights are subordinate to the rights of tenants under the Rental Housing Conversion and Sale Act of 1980. Tenants retain the full time provided under TOPA to exercise their rights. The District may proceed with pursuing its rights only after tenants have expired or have been fully resolved in accordance with the Act.
- c. **CONTRACT INFORMATION**
 - i. ☐ **Yes**, this is an offer of sale **WITH** a Third-Party Contract. A copy of the contract must be attached with this completed form. If you have the following documents, please also attach with the contract: a floor plan of the building, itemized monthly operating expenses, utility consumption rates, capital expenditures for each of the 2 preceding calendar years.
 - ii. ☐ **No**, this is an offer of sale **WITHOUT** a Third-Party Contract

- 2. ASSISTANCE** – Please contact any of the following organizations for assistance with understanding this notice or tenant rights and obligations:

Housing Counseling Services	2410 17th Street NW, Suite 100, Washington, DC 20009 (202) 667-7006 http://housingetc.org/
Latino Economic Development Corporation	641 S Street NW, Washington, DC 20009 202-588-5102 www.ledcmetro.org
CARECEN	1460 Columbia Rd NW # C, Washington, DC 20009 (202) 328-9799 https://carecencdc.org/
D.C. Office of the Tenant Advocate	899 North Capitol Street, NE, Washington, DC 20002 (202) 719-6560 https://ota.dc.gov/

FORM A: OFFER OF SALE NOTICE

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1. REASON FOR TOPA/DOPA ISSUANCE	
What is the reason for the issuance of this TOPA/DOPA Notice? (Please check one)	☐ Property being sold ☐ Property being razed for redevelopment ☐ Discontinuance of use as a housing accommodation ☐ Other (please explain)

2. CONTACT INFORMATION		
	PROPERTY OWNER	AGENT
Name:		
Company:		
Email:		
Phone:		
Address:	Street	Street
	City State Zip	City State Zip

3. HOUSING ACCOMMODATION LOCATION					
	Street Address*	Zip code	Ward	Square	Lot
1.					
2.					
3.					
4.					
5.					

*For multiple buildings on the same street, include both building names and numbers in the same row, e.g. **Address:** 1428 & 1432 R Street Northwest, 20009; **Square:** 0208 **Lot(s):** 0124 & 0125

3. OCCUPANCY & AFFORDABILITY SUMMARY CHART	
Existing Subsidies:	
Number of Rental Units:	#
Number of Vacant Units:	#

FORM A: OFFER OF SALE NOTICE

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Units at 60% MFI for HPTF FY25 Income Limits	Efficiency: \$1,720	1 Bedroom: \$1,970	2 Bedroom: \$2,210	3 Bedroom: \$2,700	4 Bedroom: \$3,200
Total number of units per size at 60% MFI	#	#	#	#	#
Average rent per unit size	\$	\$	\$	\$	\$
Total number of units per size					
Are tenants charged utilities separate from rent?	☐ Yes Or ☐ No; If Yes, please list below the average cost per utility:				
Electricity: \$_____ Gas: \$_____ Water: \$_____ Sewer: \$_____ Other: \$_____					

4. OFFER OF SALE (IF APPLICABLE)	
Asking Price:	
Is there a ratified third-party sale of contract?	If Yes, please list the buyer below:
Buyer Name:	
Buyer Address:	
Are there material terms of the sale for the tenant organization?	If Yes, please list the terms below:
Material Terms	

Sincerely,

 Owner's **SIGNATURE**

 Owner's Agent's **SIGNATURE**

 Owner's **PRINTED** Name

 Owner's Agent's **PRINTED** Name

AFFIDAVIT OF SERVICE FOR OFFER OF SALE NOTICE FOR HOUSING ACCOMMODATIONS CONSISTING OF 5 OR MORE RENTAL UNITS

PROPERTY ADDRESS:

	Street Address*	Zip code	Ward	Square	Lot
1.					
2.					
3.					
4.					
5.					

For multiple buildings on the same street, include both building names and numbers in the same row, e.g. **Address: 1428 & 1432 R Street Northwest, 20009; **Square:** 0208 **Lot(s):** 0124 & 0125*

The undersigned hereby certifies the following to the Mayor of the District of Columbia:

1. I agree to post a true, correct, and complete copy of the Offer of Sale Notice in a conspicuous place in common areas of the housing accommodation upon submission of this form, in addition to service on each tenant as required under the Act.
2. I agree to:

☐ **Commercial delivery service with tracking and proof of delivery OR,**
☐ **deliver by certified mail, return receipt requested**

 - a copy of the attached true, correct, and complete Offer of Sale on the date of service indicated in this affidavit.
 - a complete copy of the ratified third-party contract for the housing accommodation located at the above stated address and a list of the tenants identified on the list attached to this Affidavit as **Exhibit A** to the D.C. Department of Housing and Community Development, Rental Conversion and Sale Division. (if applicable)
3. I hereby certify to the D.C. Department of Housing and Community Development, Rental Conversion and Sale Division that each tenant listed on Exhibit A of this Affidavit has been provided copies of the Offer of Sale **on the date and time stamp of this form's submission receipt.**
4. I hereby agree to provide, upon request and as required under applicable law, including the District Opportunity to Purchase Act, the following materials: the third party contract, floor plan, itemized monthly operating expenses, utility consumption rates, capital expenditures (preceding 2 calendar years), current rent roll list of tenants, list of vacant apartments.
5. I declare under penalty of District of Columbia law for making a false statement (D.C. Official Code § 22-2405, (2001 ed.)), that the foregoing representations and statements are true and correct.

 Owner's **SIGNATURE**

 Owner's Agent's **SIGNATURE**

 Owner's **PRINTED** Name

 Owner's Agent's **PRINTED** Name

DISTRICT OPPORTUNITY TO PURCHASE ACT (DOPA) NOTICE

This housing accommodation is subject to the District Opportunity to Purchase Act, D.C. Official Code §§ 42-3404.31-37.

Pursuant to D.C. Official Code § 42-3404.31, the District of Columbia, acting through the Mayor, is hereby an opportunity to purchase the housing accommodation in the same manner as provided to tenants under the Rental Housing Conversion and Sale Act of 1980.

The District's right to purchase is subordinate to any rights exercised by tenants under the Tenant Opportunity to Purchase Act.

This notice is provided concurrently with the Offer of Sale to tenants.

TOTAL NUMBER OF UNITS:	
TOTAL NUMBER OF AFFORDABLE UNITS:	
PERCENTAGE OF UNITS AFFORDABLE:	