



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 ACCOMODATIONS

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.
 - If sending by hand delivery or certified mail, address to: DHCD, Rental Conversion and Sale Division, 1909 Martin Luther King, Jr. Avenue, SE, Washington, D.C. 20020.
 - **The 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.



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 time period.
6. The District's Opportunity to Purchase Amendment Act of 2008, D.C. Law 17-286, effective Dec. 24, 2008, codified at D.C. Official Code § 42-3404.31 (the "DCOP Act") (2009), requires a housing accommodation owner to offer the property for sale to the Mayor of the District of Columbia.

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" means all persons living in a Rental Unit, which may include a single family, one (1) person living alone, two (2) or more families living together, or any other group of related or unrelated persons who occupy a single Rental Unit

"Housing Accommodation" means a structure in the District of Columbia consisting of one (1) or more Rental Units and the appurtenant land.

"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)).



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
1909 Martin Luther King Jr. Avenue SE Washington DC 20020 | 202-442-7200 | dhcd.dc.gov



“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**” means a subset of a Housing Accommodation which is vacant, rented, or offered for rent for residential occupancy, including but not limited to an apartment, efficiency apartment, room, suite of rooms.

“**Tenant**” means any person in lawful possession of the housing accommodation with or without a written lease.

“**Tenant Organization**” means an organization registered with the Agency in accordance with Section 411 of the Act (D.C. Official Code § 42-3404.11) or its assignee.

“**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.

FORM A: OFFER OF SALE NOTICE

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**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)**: If the tenant organization does not exercise its rights to purchase the Property, the District of Columbia may exercise its rights to purchase the Property under the District's Opportunity to Purchase Act of 2008 (D.C. Law 17-286, D.C. Official Code § 42-3404.31 et seq.). The District can only pursue its rights by submitting a statement of interest within thirty (30) days of a TOPA notice. A statement of interest does not mean the District will or can purchase the Property. Tenants still have the full time available under TOPA to decide if they will purchase the Property. Only if the tenants choose not to exercise their TOPA rights can the District proceed with pursuing its rights to purchase the Property.
- 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://carecendc.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 or 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 FY21 Income Limits	Efficiency: \$1,350	1 Bedroom: \$1,550	2 Bedroom: \$1,740	3 Bedroom: \$2,130	4 Bedroom: \$2,520
Total number of units per size at 60% MFI	#	#	#	#	#
Average rent per unit size	\$	\$	\$	\$	\$
Total number of units per size					
Are tenants charged utilities?	☐ 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 DELIVERY FOR OFFER OF SALE NOTICE FOR HOUSING ACCOMMODATIONS CONSISTING OF MORE THAN 1 RENTAL UNIT

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 or 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:

- 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.
- I **agree to** ☐ **hand-deliver** OR ☐ **deliver by certified mail**
 - a copy of the attached true, correct, and complete Offer of Sale **on the date and time stamp on the submission receipt of this form upon submission of this form.**
 - 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)
- 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 will be provided copies of the Offer of Sale **on the date and time stamp of this form's submission receipt.**
- I hereby agree to make available upon request as applicable to tenants 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.
- 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