



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
1800 Martin Luther King, Jr. Avenue SE
Washington, DC 20020 | 202.442.7200
dhcd.dc.gov



SELECTION CRITERIA FOR PRIORITIZING BUILDING(S) FOR DISTRICT OPPORTUNITY TO PURCHASE ACT (DOPA) PURCHASE AND ASSIGNMENT OF RIGHTS

Polly Donaldson, Director, DC Department of Housing and Community Development (DHCD or the Department) announces the Selection Criteria for Prioritizing Buildings for the District’s Opportunity to Purchase Amendment Act of 2008 (D.C. Official Code 2001 ed., as amended, §42-3431.01 *et seq.*)

The District Opportunity to Purchase Act (DOPA) is a tool to preserve affordable housing in rental accommodations when tenants decline to exercise their rights under the Tenant Opportunity to Purchase Act of 1980 (TOPA) (D.C. Official Code, 2001 ed., as amended, §42-3401.01 *et seq.*), *see also* Title 14 District of Columbia Municipal Regulations Chapter 24 (DOPA Regulations) (2004 ed., as amended). DOPA permits the Mayor, by the Department of Housing and Community Development (DHCD) as designee, to purchase a housing accommodation that has been offered for sale to tenants but whom are unable to exercise their TOPA rights.

According to DCMR 2403.2 “When determining whether to exercise the opportunity to purchase a Housing Accommodation, the Mayor shall consider whether a Housing Accommodation meets the selection criteria published in the D.C. Register by the Agency and modified as necessary annually by the Agency.” The basic criteria for the Mayor to provide a statement of interest in purchasing a property under DOPA is that the Housing Accommodation:

1. Is located within the District of Columbia;
2. Consists of five or more Rental Units; and
3. At least 25 percent of the Rental Units are Affordable Rental Units¹ at the time the Mayor received the Offer of Sale.

Given that the Mayor has the ultimate decision to exercise the opportunity to purchase, additional criteria may be used to prioritize DOPA transactions that represent the most significant opportunities to preserve affordable housing. These include but are not limited to the following:

¹ An Affordable Unit is a rental unit for which the existing Monthly Rent and Utilities paid by the tenant is equal to or less than 30 percent of the monthly income of a household with an income of 50 percent of the Median Family Income (MFI) for the Washington Metropolitan Statistical Area (MSA), as set forth by the United States Department of Housing and Urban Development.

- Location in neighborhoods with average rents above the HUD Fair Market Rent;
- Presence of elderly and/or tenants with disabilities;
- Significant number of family sized units and amenities;
- High vacancy rates;
- Significant code violations or currently out of compliance with affordable housing program physical condition requirements;
- High municipal debt;
- Received a notice of default or is in significant risk of foreclosure;
- Affordable housing covenants that will expire within the next five years;
- Smaller buildings with 5-20 units that have a purchase price under \$2 million; and
- Historical or cultural significance of the property in the District of Columbia.

More information on DOPA can be found on the DHCD website located at <https://dhcd.dc.gov/service/district-opportunity-purchase-act-dopa>. Questions can be forwarded to DOPA.DHCD@dc.gov.