Organizing Tenants for TOPA

Amber Gruner
Tenant Organizer with Housing Counseling Services

Housing Counseling Services, Inc.
So, you and your neighbors just got TOPA - now what?

You saw a TOPA packet posted in the hallway of your building, and you got a packet mailed to you by certified mail. It says your building is for sale and you have the right to buy it. What are your options?
A few TOPA basics:

- TOPA: Tenant Opportunity to Purchase Act
- It's a collective right (have to organize!)
- Tenants have to match contract price*
What exactly are your options under TOPA?

**TOPA Options**

- **Rental**
  - Affordable Developer
  - Market Rate Developer
- **Ownership**
  - *Hybrid Model*
  - Co-op Conversion
  - Condo Conversion

*Hybrid Model*
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What do tenants have to invest in TOPA?

- **Time**
- **Energy**
- **Talents & Leadership**
- **No personal money**
What benefits do tenants get from TOPA?

- **Long-term affordability**
- Home-ownership (condo or co-op)
- Improvements/renovations
- A choice and voice in what happens to their home
- Better relationship with landlord
- Sense of community, organized group for the future
Other helpful tenant rights laws in DC

- Automatic lease renewal
- Rent Control
- Just Cause Eviction
- Tenant Right to Organize
- Condo Conversion Regulations
Why tenants don’t organize

- Lack of motivating factors
- Lack of tenant capacity
- Intimidation/harassment
- Disbelief in TOPA
- Lack of technical assistance
- Buyouts
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Steps to exercising TOPA rights

1. Organize a Tenants Association
   - 45 days

2. Decide what to do with TOPA rights, find development partner, negotiate a deal
   - 135 days

3. Get acquisition financing
   - 120-240 days
1. Organize a Tenants Association

- First meeting with tenants: “You have TOPA rights”
- If they want to organize, tenants have 45 days to:
  - form a Tenants Association elect leadership, adopt bylaws
  - incorporate as a non-profit
  - collect signatures of 51% of tenants in the building
  - register their “intent to purchase” with the government & the owner
- Registering “intent to purchase” is non-binding
Next 135 days - Negotiation Period

2. Decide what to do with TOPA rights, find development partner, negotiate a deal

- Lots of tenant meetings
- Hire a TOPA attorney
- Decide if they will stay rental? Go co-op? Go condo?
- Meet with development partners/consultants
- Choose a development partner/consultant
- Negotiate a contract with development partner/consultant
Next 120-240 days - Acquisition Financing

- Association & their development partner/consultant will seek financing for the acquisition
- Sources could be from private or public sources
- Tenants may need to lobby elected representatives/city officials

3. Get financing acquisition