

D.C. LAW 5-25

DISTRICT OF COLUMBIA COOPERATIVE HOUSING OWNERS EQUALITY ACT OF 1983

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 27, 1983

To amend the Rental Housing Act of 1980 to clarify the intent of the Council of the District of Columbia that owners of proprietary leases in cooperative housing buildings be treated the same as owners of single-family houses and condominium units for purposes of qualifying for "small landlord" exemptions from rent control.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Act of 1980/Cooperative Housing Owners Equality Amendment Act of 1983".

Sec. 2. The Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1501 et seq.), is amended as follows:

(a) Section 103 (D.C. Code, sec. 45-1503) is amended by adding new paragraph (4a) to read as follows:

"(4a) The term 'cooperative housing association' means an association incorporated for the purpose of owning and operating residential real property in the District of Columbia, the shareholders or members of which, by reason of their ownership of a stock or membership certificate, a proprietary lease or other evidence of membership, are entitled to occupy a dwelling unit pursuant to the terms of a proprietary lease or occupancy agreement."

(b) Section 206(a) (D.C. Code, sec. 45-1516(a)) is amended by adding new paragraph (4a) to read as follows:

"(4a) any rental unit in any structure owned by a cooperative housing association:

"PROVIDED, That,

"(A) the proprietary lease or occupancy agreement for such rental unit is owned by not more than four (4) natural persons, who are shareholders or members of the cooperative housing association;

"(B) none of such shareholders or members has an interest, directly or indirectly, in more than four (4) rental units in the District of Columbia;

"PROVIDED, That a shareholder or member of a cooperative housing association owning a proprietary lease or occupancy agreement for a rental unit in such association shall not be deemed to have an indirect interest in any other rental unit in any structure owned by a cooperative housing association solely by virtue of ownership of a stock or membership certificate, proprietary lease or other evidence of membership in such association; and

"(C) the shareholders or members owning the proprietary lease or occupancy agreement for such rental unit shall file with the Rent Administrator a claim of exemption statement which shall consist of an oath or affirmation by such shareholders or members of a valid claim to the exemption. The claim of exemption statement shall also contain the signature of each person having an interest (direct or indirect) in the proprietary lease or occupancy agreement for the rental unit. Any change in the ownership of such proprietary lease or occupancy agreement or change in the shareholder's or member's interest in any other rental unit which would invalidate the exemption claim must be reported in writing to the Rent Administrator within thirty (30) days of such change;".

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

Source

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-60 on first and second readings, June 7, 1983 and June 21, 1983, respectively. Following the signature of the Mayor on July 6, 1983, this legislation was assigned Act No. 5-46, published in the July 22, 1983 edition of the D.C. Register, (Vol. 30 page 3651) and transmitted to Congress July 11, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-25, effective, September 27, 1983.