

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2008 Fall
Supp.

West Group
Publisher

To amend, on a temporary basis, the Rental Housing Conversion and Sale Act of 1980 to eliminate the vacancy exception to payment of a condo conversion fee, to not require payment of the condo conversion fee when a unit is sold to a low-income household, or existing tenants, including the elderly or disabled, or leased to the same who are low-income, and to impose penalties for non-payment or submission of the condo conversion fee within 30 days of settlement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vacancy Exemption Repeal Temporary Amendment Act of 2008”.

Sec. 2. Section 204 of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3402.04), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a) For the purposes of this section, the term “low-income household” shall have the same meaning as provided in section 101(5) of the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01(5)).”.

(b) Subsection (b) is amended to read as follows:

“(b) The Mayor shall not require a conversion fee for a condominium unit, or the proportionate share value of a cooperative residence, that:

“(1) Is sold to a low-income household;

“(2) Is sold to the head of household; provided, that the head of household has resided in the unit for at least one year prior to the owner’s application to the Mayor for conversion of the housing accommodation to a condominium or cooperative;

“(3) Is sold to an elderly or disabled tenant; provided, that the elderly or disabled tenant has resided in the unit for at least one year prior to the owner’s application to the Mayor for conversion of the housing accommodation to a condominium or cooperative; and

“(A) Is 62 years of age or older; or

“(B) Has a disability as defined in section 3(2)(A) of the Americans with Disabilities Act of 1990, approved July 29, 1990 (104 Stat. 329; 42 U.S.C. § 12102(2)(A)), and

Note,
§ 42-3402.04

29 C.F.R. § 1630.2(g)(1), as determined under section 208(c)(1)(B)(ii); or

“(4) Is not sold, but leased, to those persons set forth in paragraphs (1), (2), or (3) of this subsection; provided, that such person shall be a low-income household. A lease under this subsection shall not require monthly payments greater than 30% of gross household income.”.

(c) Subsection (b-1) is amended to read as follows:

“(b-1)(1) The conversion fee required under this section shall be paid in full into an escrow account at the time of settlement on the sale of the unit or cooperative share, or lease of the unit or cooperative share not covered under subsection (b)(4) of this section.

“(2) An escrow agent, or the lessor or the lessor’s agent, shall submit the conversion fee to the Mayor within 30 business days of settlement, together with a copy of the recordation and transfer tax form reflecting the sale price of each condominium unit or cooperative share.

“(3) The Mayor may impose civil fines, penalties, and fees for failure to submit the conversion fee to the Mayor, or any infraction of the provisions of this subsection, or any rules or regulations issued under the authority of this subsection, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801 *et seq.*) (“Civil Infractions Act”). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act of 1985.”.

Sec. 3. Repeal.

The Conversion Fee Clarification Temporary Amendment Act of 2008, signed by the Mayor on March 19, 2008 (D.C. Act 17-335; 55 DCR _____), is repealed.

Sec. 4. Applicability.

Applications filed on or before March 31, 2008 shall be considered under the law in effect on that date. Applications filed on or after April 1, 2008 shall be considered under the provisions of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia