

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-27

"Rental Housing Conversion and Sale Act Amendment Act of 1981".

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. 4-162 on first and second readings, May 5, 1981 and May 19, 1981, respectively. Following the signature of the Mayor on June 5, 1981, this legislation was assigned Act No. 4-48, published in the June 26, 1981 edition of the D.C. Register, (Vol. 28 page 2824) and transmitted to Congress on June 11, 1981 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 4-27, effective August 1, 1981.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26

July 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31

D.C. LAW 4 = 27

AN ACT

RECEIVED AUG 0 1 1981

D.C. ACT 4 = 48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 0 5 1981

To amend the Rental Housing Conversion and Sale Act of 1980 to subject those persons who began the conversion process prior to September 10, 1980, to relocation and housing assistance requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Conversion and Sale Act Amendment Act of 1981".

Sec. 2. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1699.101 et seq.) is amended as follows:

(a) Section 203(b) (D.C. Code, sec. 45-1699.202(b)) is amended by inserting following the phrase "may establish a" the word "single".

(b) Section 211 (D.C. Code, secs. 5-128 et seq.; 5-732a; & 5-1301 et seq.) is redesignated as section 211(a) and the following new subsection is added at the end thereof to read as follows:

"(b) With respect to conversions of housing accommodations by owners or contract purchasers

CODIFICATION
D.C. Code,
sec. 45-1699.201
(1973 ed.)

D.C. Code,
sec. 45-1699.210
(1973 ed.)

who received a notice of filing or filed articles of incorporation as a housing cooperative prior to August 10, 1980, the effective date of the Rental Housing Conversion and Sale Emergency Act of 1980, effective August 10, 1980 (D.C. Act 3-248; 27 DCR 3875), or prior to the effective date of this act, the following provisions shall apply:

"(1) Definitions.

"For the purposes of this subsection, unless the subject matter requires otherwise, the term:

"(1) 'association' means a group enterprise legally incorporated under the District of Columbia Cooperative Association Act, approved June 19, 1940 (54 Stat. 480; D.C. Code, sec. 29-801 et seq.), or a cooperative corporation incorporated pursuant to the laws of another jurisdiction.

"(2) 'comparable rental units' means rental units of corresponding facilities with the same or similar benefits or services included in the price of the rent.

"(3) 'declarant' shall mean a person(s), association(s), or group(s) who:

"(A) in the case of a housing cooperative, obtained an exemption pursuant to section 4 of the Cooperative Regulation Act of 1979, effective September 28, 1979 (D.C. Law 3-19; D.C. Code, sec. 5-1303) and filed articles of incorporation prior to August 10, 1980; or

"(B) in the case of a condominium conversion, received a notice of filing pursuant to section 406 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code, sec. 5-1266).

"(4) 'eligible recipient' means the head of household in which the household has a combined annual income totaling less than the following percentages of the median annual family income (for a household of four (4) persons) for the District of Columbia, as such median is determined by the United States Bureau of Census and adjusted yearly by historic trends of that median, and as may be further adjusted by an interim census of District of Columbia incomes collected under contract by local or regional government agencies:

"one-person household

50 percent

"two-person household	60 percent
"three-person household or a one- or two-person household containing any person who is 60 years of age or older or who is handicapped as defined by the Mayor	90 percent
"four-person household	100 percent
"five-person household	110 percent
"more than five-person household	120 percent

"(5) 'family' means a group of persons related by blood or marriage.

"(6) 'head of household' means an individual who maintains the affected rental unit as his or her principal place of abode, is a bona fide resident and domiciliary of the District of Columbia, and contributes more than one-half (1/2) the cost of maintaining such rental unit. An individual may be considered a head of household without regard as to whether such individual would qualify as a head of household for the purposes of any other law.

"(7) 'high rent housing accommodation' means any housing accommodation in

the District of Columbia for which the total monthly rent exceeds an amount computed for such housing accommodation as follows:

"(A) multiply the number of rental units in the following categories by the corresponding rents established by the United States Department of Housing and Urban Development for the District of Columbia as the current fair market rents for existing housing under Section 8 Housing Assistance Payments Program for Elevator or Non-Elevator (as appropriate) Buildings: (1) efficiency rental units; (2) one (1) bedroom rental units; (3) two (2) bedroom rental units; (4) three (3) bedroom rental units; (5) four (4) or more bedroom rental units; so that the rates are not lower than \$267 for one (1) bedroom, \$314 for two (2) bedroom, \$408 for a three (3) or more bedroom, and \$221 for efficiency rental units;

"(B) total the results obtained in subparagraph (A); and

"(C) increase the result obtained in subparagraph (B) by the maximum percentage of any upward rent adjustments found to be warranted by the District of Columbia Rental

Accommodations Commission pursuant to section 206 of the Rental Housing Act of 1977, effective March 15, 1978 (D.C. Law 2-54; D.C. Code, sec. 45-1687(b)).

"(8) 'housing accommodation' means any structure or building in the District of Columbia containing one (1) or more rental units, and the land appurtenant thereto. Such term shall not include any hotel, motel, or other structure, including any room therein, used primarily for transient occupancy, and in which at least sixty percent (60%) of the rooms devoted to living quarters for tenants or guests are used for transient occupancy; any rental unit in an establishment which has as its primary purpose the providing of diagnostic care and treatment of diseases, including, but not limited to, hospitals, convalescent homes, nursing homes, and personal care homes; or any dormitory of an institute of higher education, or a private boarding school, in which rooms are provided for students.

"(9) 'housing expense' means the amount of rent attributable to a rental unit plus

the cost of gas, electricity, water, and sewer services if not included in the rent and if paid by the occupant of such rental unit, but shall exclude any security deposit.

"(10) 'housing project' means a group of housing accommodations which are managed as a single business entity.

"(11) 'suitable size' means for a one (1) person family, an efficiency rental unit; for a two (2) person family, a one (1) bedroom rental unit; for a family of three (3) or four (4) persons, a two (2) bedroom rental unit; for a family of five (5) or six (6) persons, a three (3) bedroom rental unit; and for a family of seven (7) or more persons, a four (4) bedroom rental unit; EXCEPT, That adjustments shall be made to allow children and unmarried adults of the opposite sex, to have separate sleeping rooms. In determining suitable size for a comparable rental unit, one (1) person living in a one (1) bedroom rental unit before relocation as a result of cooperative conversion shall be eligible for assistance at the level of a one (1) bedroom comparable rental unit.

"(12) 'total monthly rent' shall include the rents asked for vacant units.

"(2) Eligibility for housing assistance and relocation compensation.

"(A) In addition to all other requirements of this subsection, and to all other applicable provisions of law, each declarant of a conversion cooperative shall pay housing assistance, in an amount calculated according to paragraph (3), to any eligible recipient who:

"(1) makes application for such assistance;

"(2) has been living, for at least one (1) year immediately prior to the first day of the month in which the application for registration relating to such conversion is filed, in the rental unit from which he or she is being displaced;

"(3) is displaced from a rental unit because such rental unit is being converted to a cooperative by the declarant; and

"(4) relocates in the District of Columbia.

Such housing assistance shall be paid in one (1) lump sum payment, within thirty (30) days after the date the declarant receives notification pursuant to paragraph (5)(C), to the eligible recipient or the Mayor, as appropriate. Beginning with the twenty-fifth month occurring immediately after the month in which such eligible recipient relocated, and for the immediately succeeding thirty-five (35) months thereafter, housing assistance payments to such recipient shall be made by the Mayor if, as of the first day of the twenty-fifth month occurring after his or her relocation, the recipient is eligible for such payment. In lieu of monthly payments, the Mayor may make a lump sum payment to an eligible recipient equal to the amount to which the recipient is entitled to receive under this subsection.

(3) In addition to all other requirements of this subsection, and to all other applicable provisions of law, each declarant shall pay relocation compensation to an eligible recipient in each rental unit in the building converted if such rental unit is occupied

primarily for residential purposes on the date the occupant received the one hundred twenty (120)-day notice of declarant's intention to convert as required by section 603 of the Rental Housing Act of 1977, effective March 16, 1978 (D.C. Law 2-54; D.C. Code, sec. 45-1699.10). Such relocation compensation shall be calculated according to the provisions of paragraph (4)(D).

"(C) No part of any housing assistance payment or any relocation compensation made under this subsection shall be considered income to the eligible recipient for the purposes of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1551 et seq.). Any such housing assistance payment or any relocation compensation made to any person or family entitled to receive any other payment from the District of Columbia government related to paying the costs of housing or shelter shall be in addition to and shall not affect the amount of or entitlement to such other payment.

"(3) Calculation of housing assistance payment.

"(A) The amount of each housing assistance payment to be made under this subsection shall be calculated as follows:

"(1) If the amount of an eligible recipient's average monthly housing expense, during the twelve (12) consecutive month period ending with the month preceding the month during which he or she relocated as a result of the rental unit being converted to a cooperative, is an amount which is less than twenty-five percent (25%) of the average net monthly family income computed for such period, then the amount of the monthly housing assistance payment to such eligible recipient shall be in an amount equal to the difference between an amount equal to twenty-five percent (25%) of such average net monthly family income and the amount of the monthly housing expense to be paid by the eligible recipient for the first full month after such relocation (excluding security deposit, if any).

"(2) If the amount of an eligible recipient's average monthly housing expense, during such period, is an amount which is more than twenty-five percent (25%) of such average net

monthly family income, then the amount of the monthly housing assistance payment shall be in an amount equal to the difference between such average monthly housing expense during such period and the amount of the monthly housing expense to be paid by the eligible recipient for the first full month after such relocation (excluding security deposit, if any).

"(3) To obtain the total housing assistance payment to be made by a declarant to any eligible recipient, multiply the figure obtained under either subparagraph (A)(1) or (2), as appropriate, by twenty-four (24). To obtain the total housing assistance payment to be made by the Mayor to any eligible recipient, multiply such appropriate figure by thirty-six (36).

"(3) The Mayor shall determine, from time to time and at least once every twelve (12) months, the range of rents being charged in the District of Columbia by landlords of privately-owned housing accommodations for available one (1) bedroom, two (2) bedroom, three (3) bedroom or more, and efficiency rental units. The Mayor shall publish his or her preliminary range of

rents in the District of Columbia Register and, within thirty (30) days after publication shall hold hearings on that preliminary range. Based on the record of those hearings, the Mayor shall certify a final range of rents to be used for the purposes of this subsection. The figure obtained under either subparagraph (A)(1) or (2), as appropriate, shall not exceed the difference between the highest rent in the range of rents of comparable rental units of suitable size, as determined by the Mayor at the time the housing assistance payment is made to such eligible recipient, and the amount of the eligible recipient's average monthly housing expense for the twelve (12)-month period referred to in subparagraph (A)(1).

"(4) Calculation of relocation compensation.

"(A) The amount of relocation compensation payable shall be calculated as follows:

"(1) Relocation compensation in the amount of one hundred twenty-five dollars (\$125) for each room in the apartment unit shall be payable to the tenants if the tenants are

occupying the apartment unit, or if the tenants are not occupying the apartment unit, to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purpose of the preceding sentence, a "room" in an apartment unit shall mean any space sixty (60) square feet or larger which has a fixed ceiling and floor and is subdivided with fixed partitions on all sides, but shall not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

"(2) The Mayor shall adjust the amounts to be paid as relocation compensation from time to time solely to reflect changes in the cost of moving within the Washington Metropolitan Area. Such adjustments shall be made no more than once in any calendar year and shall be made only after prior notice and hearing.

"(3) After notification of the Mayor's determination pursuant to paragraph (5)(B), the declarant shall pay relocation compensation as follows:

"(1) if the declarant has received at least ten (10) days advance written notice of the date upon which the apartment unit is to be vacated, the payment shall be paid no later than twenty-four (24) hours prior to the date the apartment unit is to be vacated; or

"(2) if no such notice has been received, then payment shall be made within thirty (30) days after the apartment unit is vacated.

"(C) If there is more than one (1) person entitled to relocation compensation with respect to an apartment unit, each such person shall be entitled to share equally in the amount of relocation compensation.

"(D) In any case in which there is a question as to whether relocation compensation shall be paid for an apartment unit, or to whom, or the proper amount of such compensation, the declarant shall pay to the Mayor the amount indicated in the notice issued pursuant to paragraph (5)(B) for such apartment unit and shall thereby be relieved of any further obligation under this subsection with respect to such apartment unit. The Mayor shall hold such payment

and shall determine, after investigation, whether relocation compensation is payable with respect to the apartment unit, the amount of relocation compensation payable, if any, and the person or persons, if any, entitled thereto. The Mayor shall refund any remainder of such payment to the declarant.

"(E) Payment or relocation compensation shall not be required with respect to any apartment unit which is the subject of an outstanding judgment for possession obtained by the declarant or declarant's predecessor in interest against the tenants or subtenants for a cause of action whether such cause of action arises before or after the service of the notice of conversion. If, however, the judgment for possession is based on nonpayment and arises after the notice of conversion has been given, then relocation compensation shall be required in an amount reduced by the amount determined to be due and owing to the declarant by the court rendering the judgment for possession.

"(5) Application for housing assistance and relocation compensation.

"(A) Each declarant, at the same time he or she sends tenants the one hundred and twenty (120)-day notice required under section 603 of the Rental Housing Act of 1977, effective March 16, 1978 (D.C. Law 2-54; D.C. Code, sec. 45-1599.10), shall send to each tenant the application forms (with instructions) provided by the Mayor for making application for housing assistance and relocation compensation payable under the provisions of this subsection. Each applicant for such housing assistance or relocation compensation shall give to the Mayor reasonable information as may be required in order to determine an applicant's eligibility. All information provided to the Mayor under this paragraph shall be confidential and shall not be disclosed to any person except to parties and their attorneys, officials, and employees conducting proceedings under this subsection.

"(B) If the information provided by an applicant on the form filed with the Mayor indicates on its face that such applicant is eligible for relocation compensation payable under paragraph (2)(B), then such applicant shall be

presumed to be an eligible recipient. Within fifteen (15) working days from receipt of the completed application, the Mayor shall notify the appropriate declarant of the amount of payment due, to whom it shall be paid, and the address at which such payment should be delivered. Each declarant shall make each relocation compensation payment in a lump sum payment equal to the total amount of the payment for which he or she is liable to that eligible recipient. The payment of relocation compensation is subject to review pursuant to paragraph (4)(D).

*(C)(1) If the information provided by an applicant on the form filed with the Mayor indicates on its face that such applicant is eligible for housing assistance payable under paragraph (2)(A), then such applicant shall be presumed to be an eligible recipient. The Mayor shall notify the appropriate declarant of the amount of housing assistance payment due, to whom it shall be paid, and the address at which such payment should be delivered.

*(2) In the event that a declarant believes either that the recipient is not an

eligible recipient, or has not met the requirements of paragraph (2)(A), or that the payment to that recipient should be lower than the amount indicated by the Mayor for housing assistance payments, the declarant may seek review of the eligibility of the recipient, the recipient's eligibility under paragraph (2)(A), and the amount of such payment by (1) making the payment indicated to the Mayor, and (2) filing a notice of appeal and request for a hearing with the Mayor within ten (10) days after making such payment. The Mayor shall conduct such requested hearing as soon as possible after such request is made. Based on the record of the hearing, the Mayor shall determine whether the recipient is actually eligible for the payment as indicated in the Mayor's notice, or whether the amount of the payment is correct, as appropriate. In the event the Mayor determines that the recipient is not eligible, or that the amount of the payment made should be reduced, the Mayor shall issue an order to that effect, and shall refund to the declarant such excess monies, as is appropriate.

"(D) The Mayor may review bi-annually, or earlier upon request by a declarant, both the continued eligibility of a recipient for housing assistance and the amount of such payments.

"(6) Payments of housing assistance.

The Mayor may enter into contracts with any bank or other financial institution in the District of Columbia providing that such bank or other financial institution shall make the monthly payments of housing assistance for which for which the District of Columbia is liable (if the Mayor elects not to make a lump-sum payment) from sums of money deposited in such bank or financial institution by the Mayor for that purpose.

"(7) Eligibility for housing assistance and relocation compensation; Tax exemption.

"(A) In addition to all other requirements of this subsection, and to all other applicable provisions of law, each declarant of a conversion condominium shall pay housing assistance, in an amount calculated according to paragraph (8), to any eligible recipient who:

"(1) makes application for such assistance;

"(2) has been living, for at least one (1) year immediately prior to the first day of the month in which the application for registration relating to such conversion is filed, in the rental unit from which he or she is being displaced;

"(3) is displaced from a rental unit because such rental unit is being converted to a condominium by the declarant; and

"(4) relocates in the District of Columbia.

Such housing assistance shall be paid in one (1) lump sum payment within thirty (30) days after the date such recipient relocates. Beginning with the twenty-fifth month occurring immediately after the month in which such recipient relocated, and for the immediately succeeding thirty-five (35) months thereafter, housing assistance payments to such recipient shall be made by the Mayor if, as of the first day of the twenty-fifth month occurring after his or her relocation, the recipient is eligible for such payment. In lieu of monthly payments, the Mayor may make a lump sum payment to an eligible recipient equal to the

amount to which he or she is entitled to receive under this subsection.

"(B) In addition to all other requirements of this subsection, and to all other applicable provisions of law, each declarant of a conversion condominium shall pay relocation compensation to any eligible recipient in each rental unit in the building converted if such rental unit is occupied primarily for residential purposes on the date the notice required by section 403 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code, sec. 5-1263(b)) is given. Such relocation assistance shall be calculated according to the provisions of paragraph (9).

"(C) No part of any housing assistance payment or any relocation compensation made under this subsection shall be considered income to the recipient for the purposes of the District of Columbia Income and Franchise Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1551 et seq.). Any such housing assistance payment or any relocation compensation made to any person or family entitled to receive

any other payment from the District of Columbia government related to paying the costs of housing or shelter shall be in addition to and shall not affect the amount of or entitlement to such other payment.

"(8) Computation of housing assistance payments.

"(A) The amount of each housing assistance payment to be made under this subsection shall be calculated as follows:

"(1) If the amount of an applicant's average monthly housing expense, during the twelve (12) consecutive month period ending with the month preceding the month during which he or she relocated as a result of his or her rental unit being converted to a condominium, is an amount which is less than twenty-five percent (25%) of the average net monthly family income, computed for such period, then the amount of the monthly housing assistance payment to such applicant shall be in an amount equal to the difference between an amount equal to twenty-five (25%) percent of such average net monthly family income and the amount of the monthly housing

expense to be paid by the applicant for the first full month after such relocation (excluding security deposit, if any).

"(2) If the amount of a recipient's average monthly housing expense, during such period, is an amount which is more than twenty-five percent (25%) of such average net monthly family income, then the amount of the monthly housing assistance payment payable to such applicant shall be an amount equal to the difference between such average monthly housing expense during such period and the amount of the monthly housing expense to be paid by the applicant for the first full month after such relocation (excluding security deposit, if any).

"(3) To obtain the total housing assistance payment to be made by a declarant to any eligible recipient, multiply the figure obtained under either subparagraph (A)(1) or (2), as appropriate, by twenty-four (24). To obtain the total housing assistance payment to be made by the Mayor to any eligible recipient, multiply such appropriate figure by thirty-six (36).

"(B) The Mayor shall determine, from time to time and at least once every twelve (12) months, the range of rents being charged in the District of Columbia by landlords of privately owned housing accommodations for generally available one (1) bedroom, two (2) bedroom, three (3) bedroom or more, and efficiency rental units. The Mayor shall publish his or her preliminary range of rents in the District of Columbia Register and during the next immediately occurring thirty (30) days hold hearings on that preliminary range. Based on the record of those hearings, the Mayor shall certify a final range of rents to be used for the purposes of this subsection. The figure obtained under either paragraph (A)(1) or (2), as appropriate, shall not exceed the difference between the highest rent in the range of rents of comparable rental units of suitable size, as determined by the Mayor at the time of the housing assistance payment is made to such recipient, and the amount of the recipient's average monthly housing expense for the twelve (12)-month period referred to in subparagraph (A)(1).

"(9) Computation and payment of relocation compensation.

"(A) The amount of relocation compensation payable shall be calculated as follows:

"(1) Relocation compensation in the amount of one hundred twenty-five dollars (\$125) for each room in the apartment unit shall be payable to the tenants if the tenants are occupying the apartment unit or if the tenants are not occupying the apartment unit, to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purposes of the preceding sentence, a "room" in an apartment unit shall mean any space sixty (60) square feet or larger which has a fixed ceiling and floor and is subdivided with partitions on all sides, but shall not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

"(2) The Mayor shall adjust the amounts to be paid as relocation compensation from time to time solely to reflect changes in the cost of moving within the Washington Metropolitan Area.

Such adjustment shall be made no more than once in any calendar year and shall be made only after prior notice and hearing.

"(B) Relocation compensation shall be paid no later than twenty-four (24) hours prior to the date the apartment unit is to be vacated by the tenants or subtenants if the declarant has received at least ten (10) days advance written notice of the date upon which the apartment unit is to be vacated. If no such notice has been received, then relocation compensation shall be paid within thirty (30) days after the apartment unit is vacated.

"(C) If there is more than one (1) person entitled to relocation compensation with respect to an apartment unit, each such person entitled to relocation compensation shall be entitled to share equally in the amount of relocation compensation. In any case in which there is a dispute as to whether relocation compensation shall be paid for an apartment unit, or the proper amount of such compensation or the persons entitled to such compensation, the declarant may pay to the Mayor the maximum

possible relocation compensation allowable for such apartment unit and shall thereby be relieved of any further obligation under this subparagraph with respect to such apartment unit. The Mayor shall hold such payment and shall determine whether relocation compensation is payable with respect to the apartment unit, the amount of relocation compensation payable, if any, and the person or persons entitled thereto. The Mayor shall refund any remainder of such payment to the declarant.

*(D) Payment of relocation compensation shall not be required with respect to any apartment unit which is the subject of an outstanding judgment for possession obtained by the declarant or declarant's predecessor in interest against the tenants or subtenants for a cause of action whether such cause of action arises before or after the service of the notice of conversion. If, however, the judgment for possession is based on nonpayment and arises after the notice of conversion has been given, then relocation compensation shall be required in an amount reduced by the amount determined to be due

and owing to declarant by the court rendering the judgment for possession.

"(10) Applications for housing assistance and relocation compensation: Notification of eligibility: Review of eligibility determinations.

"(A) Each declarant of a conversion condominium, in addition to and at the same time that he or she sends tenants in the building to be converted the notices required under section 408(b) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code, sec. 5-1268(b)), shall send to each such tenant the necessary application forms (with instructions), provided by the Mayor, for making application for the housing assistance payments and relocation compensation payable under the provisions of this subsection. Each applicant for such assistance or compensation shall give to the Mayor such reasonable information as he or she may require in order to determine whether such applicant is eligible for the payments for which he or she applied. All information provided to the Mayor under this subsection shall be confidential and shall not be disclosed to any person or

governmental or private entity in such a manner as to identify the applicant to whom the information relates.

"(B) If the information provided by an applicant on the form filed with the Mayor indicates that such applicant is eligible for the relocation compensation payable under paragraph (7)(B), then such applicant shall be presumed to be an eligible recipient and the Mayor shall notify the appropriate declarant of the amount of payment due, to whom it shall be paid, and the address at which such payment should be delivered. Each declarant shall make each relocation compensation payment in a lump sum payment equal to the total amount of the payment for which he or she is liable to that recipient.

"(C) In the event that a declarant believes that either the recipient is not an eligible recipient, or that the payment to that recipient should be lower than the amount indicated by the Mayor, for either housing assistance payments or for relocation compensation, he or she may seek review of both the eligibility and amount of payment by (1) making

the payment as indicated by the Mayor, and (2) filing a notice of appeal and request for a hearing with the Mayor within ten (10) days after making such payment. The Mayor shall conduct such requested hearing as soon as possible after such request is made. Based on the record of the hearing held as requested by a declarant, the Mayor shall determine whether the recipient is actually eligible for the payment received, or whether the amount of such payment is correct, as appropriate. In the event the Mayor determines that the recipient is not eligible, or that the amount of the payment made should be reduced, he or she shall issue an order to that effect, requiring the recipient to return to the declarant any payment received to which he or she was not entitled.

"(D) The eligibility of a recipient for housing assistance payments shall be reviewed by the Mayor biannually.

"(11) Deposit in and payment of banks of District of Columbia housing assistance payments.

"The Mayor may enter into contracts with any bank or other financial institution in the

District of Columbia providing that such bank or other financial institution shall make the monthly payments of housing assistance for which the District of Columbia is liable (if the Mayor elects not to make a lump sum payment) from sums of money deposited in such bank or financial institution by the Mayor for that purpose."

(c) Section 302(a) (D.C. Code, sec. 45-1699.301(a)) is amended in the second sentence by inserting immediately following the phrase "condominium or cooperative" the phrase "pursuant to this act."

D.C. Code,
sec. 45-1699.301
(1973 ed.)

(d) Section 304(a) (D.C. Code, sec. 45-1699.303(a)) is amended in the second sentence by inserting immediately following the phrase "condominium or cooperative" the phrase "pursuant to this act."

D.C. Code,
sec. 45-1699.303
(1973 ed.)

(e) Section 411(a)(3) (D.C. Code, sec. 45-1699.410(a)(3)) is amended as follows:

D.C. Code,
sec. 45-1699.410
(1973 ed.)

(1) in the first sentence by striking the phrase "a statement of" and inserting the phrase "an application for" in lieu thereof;

(2) in the sixth sentence by striking the phrase "statement of" and inserting the phrase "application for" in lieu thereof;

(3) in the eighth sentence by striking the word "registration" and inserting the word "application" in lieu thereof;

(4) in the eleventh sentence by striking the word "and";

(5) in the fourteenth sentence by striking the period after the word "registration" and inserting the phrase "and such other information as the Mayor may require." in lieu thereof; and

(6) in the fourteenth sentence by striking the phrase "delivery of the".

(f) Section 413 (D.C. Code, sec. 45-1699.412) is amended as follows:

(1) by designating the existing text as subsection (a) and

(2) by adding to the end thereof a new subsection to read as follows:

"(b)(1) Every tenant of a housing accommodation which the declarant seeks to convert from a rental basis to a cooperative shall be

D.C. Code,
sec. 45-1699.41
(1973 ed.)

notified in writing of the declarant's intent to convert the housing accommodation to a cooperative not less than one hundred twenty (120) days before the conversion thereof. The declarant shall also make to each tenant of the housing accommodation a bona fide offer to sell such tenant such shares or membership interest in the cooperative as will enable the tenant to continue to reside in his or her unit after conversion. The offer shall include, but not be limited to, the asking price for the shares or membership interest and a statement of the tenant's rights to provide such shares or membership interest under the provisions of this subsection. The tenant shall be afforded not less than sixty (60) days in which to contract with the landlord for the purchase of the shares or membership interest at a mutually agreeable price and under mutually agreeable terms, which shall be at least as favorable as those offered to the general public.

"(2) No tenant shall be served with a notice to vacate until ninety (90) days after the tenant received notice of the owner's intent to convert and prior to the expiration of the sixty

(60)-day period required under paragraph (1) or receipt of the tenant's written rejection of the bona fide offer of sale of shares or membership interest, whichever occurs first."

(g) Section 504 (D.C. Code, sec. 45-1699.504) is amended to read as follows:

D.C. Code,
sec. 45-1699.50
(1973 ed.)

"Sec. 504. Administrative Remedy. If the Mayor determines to reject an application by a party pursuant to this act, he or she shall notify the applicant of the findings upon which the rejection is based, and that the rejection will be deemed final in twenty (20) days. During the twenty (20)-day period, the applicant may petition for reconsideration, and upon a proper showing of reasonable grounds, shall be entitled to a hearing to contest the particulars specified in the Mayor's rejection notice. Such notice of rejection shall not take effect during the pendency of a hearing, if requested."

(h) Sections 505 (D.C. Code, sec. 45-1699.505), 506 (D.C. Code, sec. 45-1699.506), 507 (D.C. Code, sec. 45-1699.507), and 508 (D.C. Code, sec. 45-1699.508) are redesignated as sections 511, 512, 513, and 514 respectively.

D.C. Code,
secs. 45-1699.5
to 45-1699.514
(1973 ed.)

(i) New sections designated as sections 505 through 510 are inserted to read as follows:

"Sec. 505. Investigations.

"(a) The Mayor may make necessary public or private investigations in accordance with law within or without of the District of Columbia to determine compliance with the requirements of this act or to determine whether any person has violated or is about to violate this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

"(b) For the purpose of any investigation under this act, the Mayor or any officer designated by rule may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge or relevant facts or any other

D.C. Code,
sec. 45-1699
(1973 ed.)

matter reasonably calculated to lead to the discovery of material evidence.

"(c) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the Mayor may apply to the Superior Court of the District of Columbia for an order compelling compliance.

"Sec. 506. Enforcement.

D.C. Code,
sec. 45-1699.506
(1973 ed.)

"(a) The Mayor shall have the power to enforce this act and rules and regulations made hereunder. If the Mayor determines after notice and hearing that a person has:

"(1) violated any provision of this act;

"(2) violated any condition imposed in writing in connection with the granting of any application or other request under this act; or

"(3) violated any lawful order or rule of the agency;

the Mayor may issue an order requiring the person to cease and desist from the unlawful practice and

to take such affirmative action as in his or her judgment will carry out the purposes of this act.

"(b) If the Mayor makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order the Mayor may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Mayor shall give notice of the proposal to issue a temporary cease and desist order which shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not such order becomes permanent.

"(c) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this act, or a rule, regulation, or order hereunder, the Mayor with or without prior administrative proceedings may bring an action in the Superior Court of the District of Columbia to enjoin the acts or practices and to enforce compliance with this act or any rule, regulation, or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders

shall be granted. The Mayor is not required to post a bond in any court proceedings or prove that any other adequate remedy at law exists.

"(d) The Mayor may intervene in any civil action involving the enforcement of any right or provision under this act. The Mayor may require an owner, tenant, or tenant organization to notify the Mayor of any suit instituted pursuant to section 503.

*Sec. 507. Revocation.

D.C. Code,
sec. 45-1699
(1973 ed.)

"(a) A certificate issued pursuant to section 202(a), an exemption issued pursuant to section 202(b) or 210, or registration required pursuant to section 411 may be revoked after notice and hearing upon a written finding of fact that the holder of the certificate, the holder of the exemption, or the registrant has:

"(1) failed to comply with the terms of a cease and desist order;

"(2) failed faithfully to perform any stipulation or agreement made with the Mayor as an inducement to grant any certificate, exemption, or registration; or

"(3) made intentional misrepresentations or concealed material facts in an application for a certificate, exemption, or registration.

"(b) If the Mayor finds after notice and hearing that the holder of a certificate, the holder of an exemption, or the registrant has been guilty of a violation for which revocation could be ordered, the Mayor may issue a cease and desist order.

"Section 508. Administrative Proceedings.

"(a) Any proceeding provided in section 504, 506, or 507 shall be conducted according to sections 109 and 110 of the District of Columbia Administrative Procedure Act, effective October 21, 1978 (82 Stat. 1208; D.C. Code, secs. 1-1509 & -1510) and any officer designated to conduct such a proceeding shall not immediately supervise or be subject to supervision by any employee who participates or has participated in the investigation or prosecution of such case.

D.C. Code,
sec. 45-1699.50
(1973 ed.)

"(b) After any hearing pursuant to this section, and within ten (10) days after the parties have been notified of the initial decision of the officer conducted the hearing, if no appeal

is taken or no determination is made to review the decision, the Mayor shall adopt and render the initial decision as the final decision and shall issue and cause to be served upon each party to the proceeding an order or orders consistent with the provisions of section 504, 506, or 507, as appropriate.

"(c) In the course of or in connection with any such proceeding, the Mayor or any officer designated by rule may administer oaths or affirmations, take or cause depositions to be taken, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

"(d) Upon failure to obey a subpoena or to answer questions propounded by the presiding officer and upon reasonable notice to all persons

affected thereby, the Mayor may apply to the Superior Court of the District of Columbia for an order compelling compliance.

"(e) Any service required or authorized to be made under this subsection may be made by registered mail or in such other manner reasonably calculated to give actual notice as the Mayor may by regulation or otherwise require.

"Section 509. Judicial Review.

"(a) After the issuance of a final decision and order pursuant to this act, and within fifteen (15) days after the Mayor has notified the parties of the final decision and order, any party to such proceeding may seek judicial review of such decision and order by filing a petition for review in the District of Columbia Court of Appeals.

D.C. Code,
sec. 45-1699.509
(1973 ed.)

"(b) Proceedings for judicial review of Mayoral actions shall be subject to and be in accordance with section 110 of the District of Columbia Administrative Procedure Act, effective October 12, 1968 (82 Stat. 1208; D.C. Code, 1-1510).

"Section 510. Penalties.

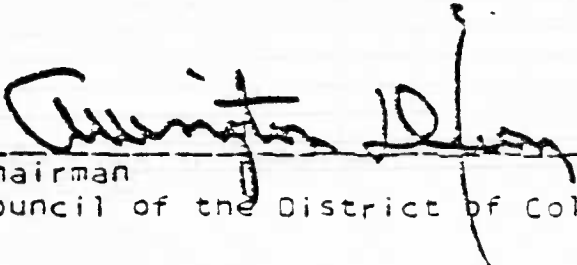
D.C. Code,
sec. 45-1699.510
(1973 ed.)

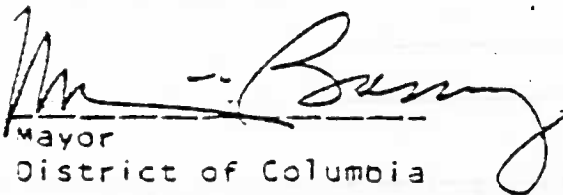
"(a) Any person who willfully violates any provision of this act or any rule adopted under or order issued pursuant to this act or any person who willfully in an application makes any false statement of a material fact or omits to state a material fact shall be fined not less than one thousand dollars (\$1,000) or double the amount of gain from the transaction, whichever is larger, but not more than fifty thousand dollars (\$50,000); or such person may be imprisoned for no more than six (6) months; or both, for each offense. Prosecution for violations of this act shall be brought in the name of the District of Columbia by the Office of the Corporation Counsel."

Sec. 3. The provisions of section 2(a) and (b) shall take effect retroactively as of August 10, 1980.

Sec. 4. This act shall take effect after a thirty (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. 1-147(c)(1)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: June 5, 1981



COUNCIL OF THE DISTRICT OF COLUMBIA
 Council Period Four
 First Session

DOCKET NO: B 4-162

Item on Consent Calendar

ACTION: Adopted First Reading, 5-5-81

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B
GEN. DIXON					KANE					SEACRESTON				
WEYER					MASON					SPALDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					FAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*J.P. B...
 Secretary to the Council*

5/28/81
 Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 5-19-81

VOICE VOTE: Unanimous

Absent: Wilson

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B
GEN. DIXON					KANE					SEACRESTON				
WEYER					MASON					SPALDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					FAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*J.P. B...
 Secretary to the Council*

5/28/81
 Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B	COUNCIL MEMBER	Y	N	A	B
GEN. DIXON					KANE					SEACRESTON				
WEYER					MASON					SPALDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					FAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council