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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to exempt from the Tenant Opportunity to Purchase Act of 1980 the transfer of interest in real property located at 2001 15th Street, NW, also known as Paul Laurence Dunbar Apartments, from PNC Multifamily Capital Institutional Fund XLI, Inc., and Columbia Housing SLP Corporation to Paul Laurence Dunbar Partners, LLC.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Paul Laurence Dunbar Apartments TOPA Exemption Emergency Declaration Resolution of 2023”.

Sec. 2. (a) The Paul Laurence Dunbar Apartments (the “Property”) is a 171-unit senior rental housing community. The building is currently owned by PNC Multifamily Capital Institutional Fund XLI Limited Partnership (“PNC”) and Columbia Housing SLP Corp Special Limited Partner (“Columbia”), as Limited Partners, and Paul Laurence Dunbar Partners, LLC, as the General Partner.

(b) The General Partner consists of two entities, Jair Lynch and Residents Tenant Association, who together own a 0.01% ownership interest in the Property. The Residents Tenant Association was formed by tenants of the Property who previously exercised their TOPA rights. PNC and Columbia collectively have a 99.1% ownership stake in the Property.

(c) PNC and Columbia seek to transfer their shares to Paul Laurence Dunbar Partners,

34 LLC, so that they may exit the partnership.

35 (d) This transfer would enable ownership to remain with the current General Partner and
36 would allow for the rehabilitation of the Property.

37 (e) Generally, the purchase of a property for sale would trigger tenants' rights under
38 TOPA, but this transaction is a transfer, not a sale, and pursuant to section 402 of the Tenant
39 Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C.
40 Official Code § 42.3404.02), is permissible so long as the transfer of interest is made within a
41 partnership or limited liability company that owns the accommodation as its sole or principal
42 asset.

43 (f) A different entity of residents from the Property attempted to assert TOPA rights;
44 however, the Office of Administrative Hearings determined that the group did not have standing
45 to pursue said rights and found in favor of Paul Laurence Dunbar Partners, LLC.

46 (f) In order to ensure that this transfer of ownership interest occurs without jeopardizing
47 the rehabilitation of the Property, the Council desires to clarify the exemption from TOPA for the
48 transfer of interest in the Property from PNC and Columbia to Paul Laurence Dunbar Partners,
49 LLC, so the Property can continue to be used as a senior citizen rental housing community.

50 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute
51 emergency circumstances making it necessary that the Paul Laurence Dunbar Apartments TOPA
52 Emergency Act of 2023 be adopted after a single reading.

53 Sec. 4. This resolution shall take effect immediately.