

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Consumer and Regulatory Affairs



Office of the Director

November 17, 2005

David H. Cox
President
District of Columbia Land Title Association
C/O Jackson & Campbell, P.C.
1120 20th Street, N.W.
Washington, D.C. 20036

Dear Mr. Cox:

This is in response to your August 29, 2005 letter concerning: the creation of various forms by the Department of Consumer and Regulatory Affairs (DCRA); the promulgation of regulations for declaratory proceedings; establishment of a hearing process; and establishment of the Rental Housing Conversion and Sale Act Task Force. These requirements flow from the enactment of D.C. Law 16-15, the "Rental Housing Conversion and Sale Amendment Act of 2005," effective July 22, 2005.

As you may be aware, the hearing functions of DCRA's Rental Accommodations and Conversion Division were slated to be transferred to the Office of Administrative Hearings (OAH) on October 1, 2005. That transfer has been deferred until at least January 2006. In the meantime, DCRA worked closely with OAH in its development of proposed regulations for the declaratory proceedings and the hearing process that you reference. The proposed regulations were published November 4, 2005 in the *D.C. Register*, with a 30 day comment period. The Rental Housing Conversion and Sale Act Task Force already has been established and facilitated the creation of these proposed regulations. To ensure consistency, the development of the forms related to the ACT has been proceeding in conjunction with the drafting of the proposed regulations. The agency expects to have the forms ready for distribution by early December.

Thank you for your inquiry and I hope this addresses your concerns. If you have any further questions, please feel free to contact Leila Franklin, Deputy Director for Compliance and Investigation and the current Acting Housing Regulation Administrator at (202) 442-4338.

Sincerely,

Patrick J. Canavan, Psy.D.
Director

IQ #196318

cc: Leila Franklin, OD



DISTRICT OF COLUMBIA LAND TITLE ASSOCIATION

c/o David H. Cox, Esquire
Jackson & Campbell, P.C.
1120 20th Street, N.W.
Washington, D.C. 20036
Tel: 202-457-1634

October 25, 2005

VIA ELECTRONIC MAIL

Dr. Patrick J. Canavan
Department of Consumer & Regulatory Affairs
Government of the District of Columbia
941 N. Capitol Street, N.E., Rm. 2200
Washington, D.C. 20002

Re: Bill No. 16-50 (Tenant Opportunity to Purchase Act); D.C. Land Title
Association

Dear Dr. Canavan:

The D.C. Land Title Association ("DCLTA") has yet to receive any response to its letter dated August 29, 2005. A copy is attached for your convenience.

I am advised that many title insurers are not inclined to insure transactions involving the possible application of the amended Tenant Opportunity to Purchase Act ("Act") unless and until appropriate forms have been created and procedures have been adopted which provide more clarity and certainty under the Act as amended.

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Dr. Patrick J. Canavan
Department of Consumer & Regulatory Affairs
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We would appreciate the courtesy of a detailed and constructive response.

Sincerely yours,

DISTRICT OF COLUMBIA LAND TITLE
ASSOCIATION

By: David H. Cox
David H. Cox
President

cc: Mayor Anthony Williams
Chairman Linda W. Cropp
Councilmember Phil Mendelson
Councilmember Sharon Ambrose
Councilmember Marion Barry
Councilmember Kwame R. Brown
Councilmember David Catania
Councilmember Jack Evans
Councilmember Adrian Fenty
Councilmember Vincent Gray
Councilmember Vincent Orange
Councilmember Kathleen Patterson
Councilmember Carol Schwartz
Board of Directors of the District
of Columbia Land Title Association
DCLTA TOPA Task Force Members



DISTRICT OF COLUMBIA LAND TITLE ASSOCIATION

c/o David H. Cox, Esquire
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1120 20th Street, N.W.
Washington, D.C. 20036
Tel: 202-457-1634

August 29, 2005

VIA E-MAIL

Dr. Patrick J. Canavan
Acting Director
Department of Consumer & Regulatory Affairs
Government of the District of Columbia
941 N. Capitol Street, N.E., Rm. 2200
Washington, D.C. 20002

Re: District of Columbia Land Title Association ("DCLTA"); B16-50 -- "RENTAL HOUSING CONVERSION AND SALE AMENDMENT ACT OF 2005". DC Law 16-0015 (Effective 7/22/2005); Our File No. 041248.00001

Dear Mr. Canavan:

On behalf of the DCLTA, I have been requested to correspond with your Department regarding the disturbing failure of the Department of Consumer & Regulatory Affairs ("DCRA") to have prepared and generated various forms and to have promulgated regulations necessary for the orderly administration of the recent TOPA Amendments. As you are aware, DC Law 16-0015 ("Law") references a number of Notices that should be sent to tenants or by tenants (e.g., Notice of Transfer, Notice of Transfer Pursuant to Exemption, and Notice of Intent to File). In addition, there are certain certifications to be provided by DCRA as to compliance with the Law.

In Section 2(d), the Law expressly requires the Mayor to "... promulgate regulations to afford all interested parties an opportunity to participate in any declaratory proceeding." To the knowledge of DCLTA, no such regulations have been proposed or promulgated.



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Further, Section 2(d) also provides that, "The Mayor shall consider a petition for relief and issue a Declaratory Order with regard to a petition within the 30 days after receipt of the petition requesting relief." The DCLTA has recently learned that no funds are available and no funds will become available in the near term to provide the administrative law judges (ALJs) necessary to afford all interested parties a resolution within thirty (30) days of any petition requesting relief under the new Law. Considering that such a declaratory judgment "... shall be the sole means by which the Mayor shall issue an official binding determination..." for any disputes between tenants and owners concerning the applicability of the new provisions, it is incomprehensible that DCRA has not promptly addressed these critical issues prior to the effective date of the Law.

Finally, the Mayor was required to establish a Rental Housing Conversion and Sale Act Task Force within thirty (30) days of the effective date of Section 2(f). DCLTA has not heard from any branch of the DC Government that any such Task Force has been created or who its members are.

The DCLTA cooperated with the efforts of the Council to address a number of stated concerns regarding the operations under the "old" provisions of the Rental Housing Conversion and Sale Act. This cooperation was predicated on the basis that reasonable substitutes would be timely provided for the written assurances upon which the DCLTA and others reasonably relied and were at one time issued by DCRA. In lieu of that prior certainty, the DCLTA agreed to look to the new forms, regulations, and anticipated certifications by your Department. Both owners and tenants desperately need such forms (including, but not limited to, exemption forms) in order to proceed in an orderly and expeditious way. In light of the absence of the requisite forms, regulations, certifications and administrative procedures promised as part of a reformed TOPA statute, it is highly unlikely that title insurance will be available to any party or lender involved in a transaction which appears to trigger the application of the new statute.



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We welcome a constructive response to these various concerns.

Respectfully yours,

DISTRICT OF COLUMBIA LAND TITLE
ASSOCIATION

By: David H. Cox
David H. Cox
President

DHC/pjh



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Department of Consumer & Regulatory Affairs
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cc: Mayor Anthony Williams (via e-mail)
Chairman Linda W. Cropp (via e-mail)
Councilmember Phil Mendelson (via e-mail)
Councilmember Sharon Ambrose (via e-mail)
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of Columbia Land Title Association (via e-mail)
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