



June 7, 2025

To the Committee on Housing,

My name is Alex Baca, and I am submitting this testimony on behalf of Greater Greater Washington, where I serve as D.C. policy director.

We are opposed to the RENTAL Act's proposals to alter the Tenant Opportunity to Purchase Act, and ask that, if the committee is to pass reforms to TOPA, they be those offered by the Common Sense TOPA Reform Amendment Act. TOPA has been on the District's books since 1980, and was passed in the context of a very different real-estate market. Reforms are, of course, necessary to ensure that TOPA works effectively in 2025 and beyond. We are grateful to Ward 1 Councilmember Brianne Nadeau for her leadership in ensuring that there is a sound, well-researched alternative to the RENTAL Act.

Common Sense's three-year exemption for early investors to exit ownership without having to engage in the TOPA process is more than suitable to assure lenders that tenants' rights are not a barrier to financing new construction here. GGWash advocates for increased housing production, with an emphasis on the universal benefits of market-rate construction. The full-bore presence of TOPA rights has not historically precluded housing production in the District, so it is a significant concession for us to allow for the utility of Nadeau's proposed three-year exemption. We can say with confidence, too, that there is nothing particularly meaningful in bringing the RENTAL Act's proposed 25-year exemption¹ down to 15, as Councilmember White's questions of witnesses at the May 28, 2025, hearing seemed to indicate he would prefer.

Further, by otherwise allowing all tenants in the District to exercise their right of first refusal when their building is put up for sale, Common Sense avoids the [risks](#) inherent to means-testing, which can make policies more expensive to implement, harder to enforce, and vulnerable to litigation. Means-testing TOPA, as the RENTAL Act proposes, would be very challenging to effectively administer, and will likely place a higher burden on property owners to ensure their tenants are in compliance with the RENTAL Act's multitudinous eligibility requirements.

¹ The 25-year exemption is being justified in some quarters by the fact that a very small number of 25-year-old buildings have seen TOPA deals. This is because there is a *very small number of 25-year-old buildings* in the District. The majority of buildings here were built prior to 1978, so the majority of buildings that see TOPA processes are much older than 25 years.

We would like the committee to also ensure the following:

- **Eliminate any potential for TOPA tolling going forward.** Our interpretation of the past several years of public debate regarding TOPA is that it was the Covid-19-era emergency use of tolling that introduced so much unpredictability to TOPA transactions. Though tolling is no longer allowed, it is the effects of *that*, rather than TOPA at large, that property owners and lenders appear to be responding to. The D.C. government can choose to enact TOPA tolling in a public-health emergency. This should no longer be the case.
- **Make the Housing in Downtown tax abatement program conform to any changes to the District's TOPA law.** Currently, Housing in Downtown [allows for a 10-year TOPA exemption](#). The TOPA component of the HID abatement should be changed to align with any amendments to TOPA.

GGWash has long advocated for tenants' rights alongside housing-production policies. The District—both the executive and legislative branches—has assiduously avoided production reforms to make it easier to build housing here, but it has expended enormous time and energy on disembowling tenants' rights in the name of housing production. Per the Home Rule Act, municipal planning falls under the executive; we understand that the D.C. Council's ability to overhaul land-use policy is limited. However, this committee has fallen short in even signaling the reality that housing production in the District has much more to do with our zoning regulations and entitlement processes than TOPA. For example, TOPA adds, on average, five months to a building's sale, whereas approved Zoning Commission and Board of Zoning Adjustment cases have languished without final orders to proceed, which are necessary to secure financing and break ground, for several years.

Housing production will be made easier by legalizing much more of it in all parts of the District, and by greatly reducing the burden of the entitlement process for new developments. We offered numerous suggestions for how to do this in a [recent post](#) on ggwash.org, and look forward to working with the committee to advance them.

That tenants are granted the right to participate in the sale of their building, and that that participation may result in ownership, or the assignment of rights, or merely concessions requiring landlords to improve their homes is, to us, a core value of the District of Columbia's housing regime—it allows for greater parity between homeowners and renters. With a strong proposal to modernize TOPA available in the Common Sense Reform Act, we would like the committee to shift its energies to exploring how other regulations can be improved to preserve that value.

Thank you,
Alex

Alex Baca, D.C. Policy Director, Greater Greater Washington
abaca@ggwash.org