

“Rights of First Refusal” in Preservation Properties—State and Local Initiatives

Chart by the National Housing Law Project
available at http://www.nhlp.org/html/pres/state/state_chart.htm

STATE OR CITY	TYPES OF HOUSING COVERED	TRIGGERING EVENT FOR RIGHT OF FIRST REFUSAL	NATURE OF RIGHTS TRIGGERED	WHOSE RIGHT	PROCEDURAL PROTECTIONS
ILLINOIS: 20 Ill. Comp. Stat. § 3805/8.1; 310 Ill. Comp. Stat. § 60/3 (as amended by SB2329 (2004))	all HUD-subsidized housing, § 515, § 514, certain state subsidized, LIHTC	prepayment or termination of subsidy or restriction	preemptive option to purchase	tenant association and partners	<ul style="list-style-type: none"> · 12-month notice to tenants and public agencies · tenant access to info · price appraisal mechanism
MARYLAND: Md. Ann. Code of 1957, Art. 83B, § 9-101, <i>et seq.</i>	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts	intended sale or disposition of property	true right of first refusal	local housing authority, group representing tenants, non-profits	<ul style="list-style-type: none"> · not less than 1-year or more than 2-year notice to locality, tenant association, state · notice is triggered by any action that may terminate subsidy · price appraisal mechanism
CALIFORNIA: Cal. Govt. Code § 65863.10, § 65863.11, § 65863.13 (as amended by SB1328 (2004))	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts, LIHTC, other state and local subsidized	any action that would terminate subsidy	offer to purchase	tenant association, non-profit, some for-profits, public agencies	<ul style="list-style-type: none"> · 1-year notice to tenants, state, local housing authority, local government prior to termination or prepayment · 6-month notice to tenants, public entities with new rents, etc. · tenant and prospective purchaser access to information · civil remedies for violation
MAINE: Maine Revised Statutes Annotated Title 30-A, § 4972 and § 4973	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts	any action that would terminate subsidy	true right of first refusal	state housing authority	90-day notice to tenants and state and local housing authorities
TEXAS: Texas Govt. Code Annotated § 2306.185(f), <i>et seq.</i> , 2306.801 <i>et seq.</i>	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts	any action that would terminate subsidy or sale	time for state to locate potential buyer	state housing agency	1-year notice to state, at least 90 days to tenants
RHODE ISLAND: Rhode Island Gen. Laws § 34-45-4 <i>et seq.</i>	all HUD-subsidized housing, § 514, § 515	sale, conversion, prepayment	true right of first refusal	tenant association, state housing authority, local housing authority, locality	<ul style="list-style-type: none"> · 2-year notice to tenant association, state, city · tenant access to info · owner sets price, tenants match

“Rights of First Refusal” in Preservation Properties—State and Local Initiatives (continued)

DENVER, CO: Denver Mun. Code § 12-106, <i>et seq.</i>	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts	opt-out or sale	time for city to negotiate for purchase	city	<ul style="list-style-type: none"> · 1-year notice to city, tenants for §8 contract expirations · 210 days for long-term contract expirations · 150 days for 1-year extensions
SAN FRANCISCO, CA: San Francisco Admin. Code § 60.1, <i>et seq.</i>	all HUD-subsidized housing, § 8 contracts, if owner seeks to terminate prior to full term	intended sale or disposition of property	true right of first refusal	city, tenant association, non-profit	<ul style="list-style-type: none"> · 18-month notice to city and tenants for prepayment or termination · 12-month for § 8 contract expirations · tenant access to info · fair price analysis · public hearings · civil remedies for violations
PORTLAND, OR: Portland City Code § 30.01.030, <i>et seq.</i>	all HUD-subsidized housing, § 515, § 514, § 8 expiring contracts	opt-out or sale	time for city to negotiate for purchase	city	<ul style="list-style-type: none"> · 1-year notice to city, tenants for § 8 contract expirations · 210 days for long-term contract expirations · 150 days for 1-year extensions

Notes:

- (1) This chart covers only those provisions of state or local laws which create specific rights concerning possible transfers to preserve a property's subsidized status. Other provisions may create additional procedural protections (such as advance notice) where subsidies or other restrictions are proposed for termination.
- (2) Statutory provisions may change, so check for updates.