

CRESTWOOD COOPERATIVE

# Advancing Equity in Housing: Tenant Opportunity to Purchase Act

LISC



# Agenda

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- **Welcome and Introduction**
- **LISC's State and Local Policy Landscape Analysis**
- **DC Spotlight: Implementing Tenant Opportunity to Purchase Act (TOPA)**
- **NY Spotlight: TOPA and COPA Advocacy and Organizing Efforts**
- **Panelist Discussion and Q&A**

# Local Change, Big Impact: LISC State and Local policy landscape analysis

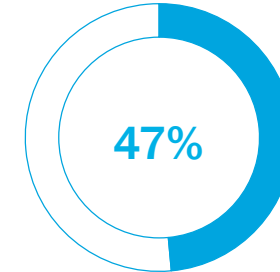
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LISC shared the State and Local policy survey with partners to understand

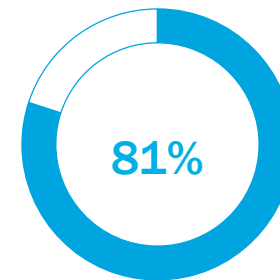
1. The critical issue areas facing communities
2. Promising state and local policies supporting the work of Community Development

We received 500 responses from across the country, with an overwhelming number of respondents indicating affordable housing as a critical issue area facing their communities

Within affordable housing, respondents shared examples of local policies and programs aimed at preserving existing affordable housing, increasing the supply of affordable rentals and homes, reducing the racial disparity among homeownership, and anti-displacement tools.



Percent of respondents that listed affordable housing as the most critical issue area



Percent of respondents that listed affordable housing in top five most critical issue areas

# Tenant Opportunity to Purchase Act (TOPA)

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Introduced in Washington DC in 1980, TOPA assist residents threatened with displacement due to the sale of their building, by offering them the first opportunity to purchase the building

TOPA has been used to preserve approximately 100 building, or 4,000 units of affordable housing cooperatives

Tenants can choose to establish limited equity or market rate cooperatives, condominiums, affordable rental properties, mixed-income properties

Community Opportunity to Purchase (COPA) allows qualified nonprofit to make a first offer to purchase a building with low-income tenants if the property owner decides to sell





**SUPPORTING LECS**  
**FERNANDO LEMOS**  
**MI CASA INC**

# FERNANDO LEMOS



Fernando Lemos, the Executive Director and co-founder of Mi Casa, Inc. has more than 35 years of experience in the nonprofit housing and economic development sectors. Originally from Paraguay, Lemos is a long-time resident of Washington, DC with extensive experience working with the Latino community. He is trained in architectural design, housing and community economic development, small business management, and home inspection. Lemos served for many years on the board of District of Columbia Housing Authority and Cornerstone, and currently serves on the boards of the Latino Economic Development Corporation and the National Association of Latino Community Asset Builders.



# MI CASA INC



Mi Casa Inc's mission is to provide affordable housing in the Washington D.C. area to foster healthy and thriving communities.

## Programs:

- Tenant Purchase Training & Technical Assistance
- Cooperative Leadership Academy
- Affordable Rental Program
- Affordable Homes for Sale
- Genesis Intergenerational Program



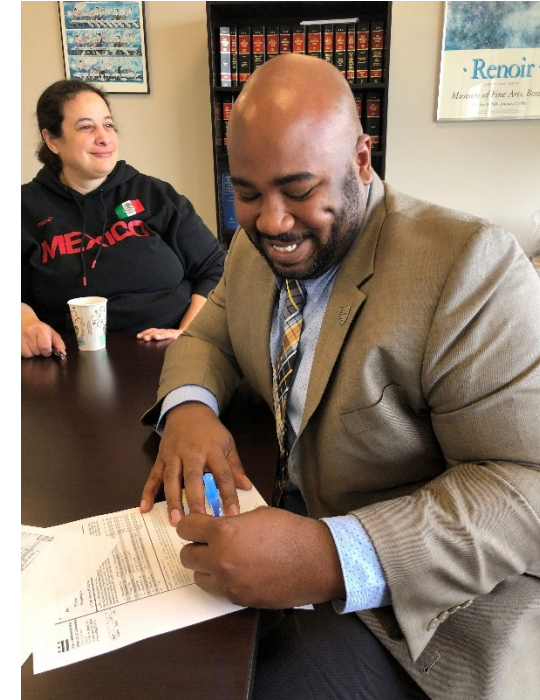
# SUPPORTING LECS

## Tenant Purchase Training & Technical Assistance

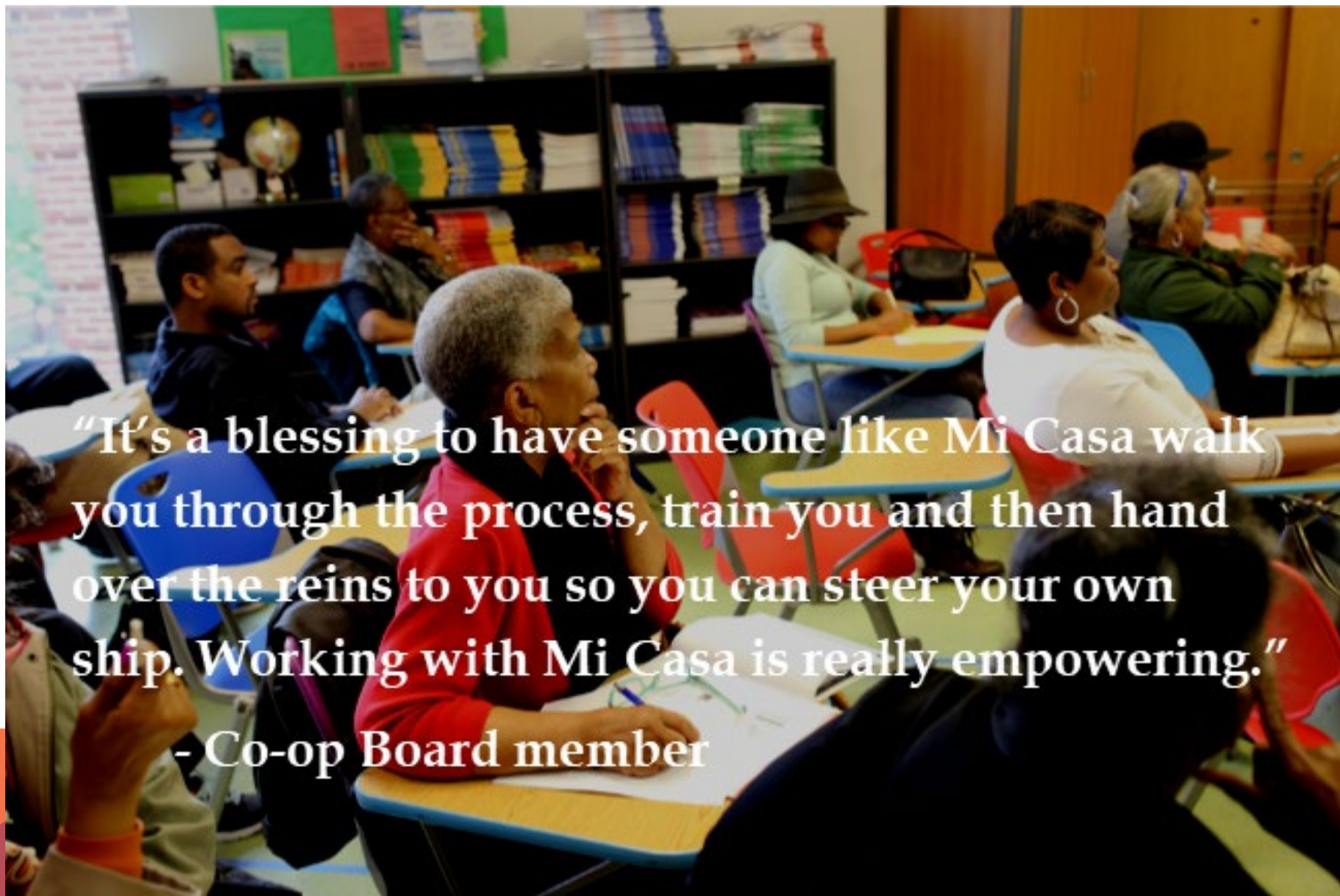
- Mi Casa fosters limited equity cooperatives to preserve long-term, deeply affordable, member-controlled housing and prevent displacement.

## Cooperative Leadership Academy

- Mi Casa provides a free forum for members of cooperatives to learn and share knowledge about how to run a cooperative effectively.







**“It’s a blessing to have someone like Mi Casa walk you through the process, train you and then hand over the reins to you so you can steer your own ship. Working with Mi Casa is really empowering.”**

**- Co-op Board member**

# TENANT OPPORTUNITY TO PURCHASE ACT (TOPA)



- History and impetus of TOPA in Washington DC
  - DC's Tenant Opportunity to Purchase Act came into being in the 70s (officially in 1980), which spurred the development of more LECs after they originated from the civil rights movement of the 60s and 70s
  - 96 LECs, more than 4,300 units throughout DC (CNHED Report)  
[Creating-and-Sustaining-Limited-Equity-Cooperatives-in-Washington-DC\\_REV.pdf \(cnhed.org\)](#)
- TOPA:
  - Empowers the low-income community in DC
  - Prevents displacement of long-term residents
  - Helps residents have a voice and control of their homes
  - Builds skills through community education
  - Stabilizes and strengthens communities

“Limited Equity Cooperatives (LECs) provide an important source of affordable homeownership, stable community networks, and political power in neighborhoods across the District of Columbia.” – CNHED report

# LEARN MORE & SUPPORT MI CASA INC



Learn more about Mi Casa Inc:

- [www.micasa-inc.org](http://www.micasa-inc.org)

Subscribe to our newsletter:

- <https://lp.constantcontactpages.com/su/vkvKnXL>

Support Mi Casa Inc:

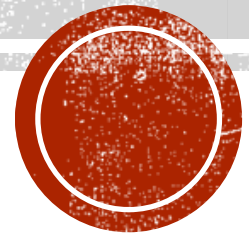
- [www.micasa-inc.org/donate/](http://www.micasa-inc.org/donate/)



# NEW YORK T/COPA



NYC  
community land  
initiative



# WHY OPPORTUNITY TO PURCHASE?

**Building  
Stability**

**Neighborhood  
Stability**

**Resident  
Empowerment**

**Permanent  
Affordability**

**Community  
Wealth**



# TOPA & COPA

## **NYS TOPA**

Before an owner can sell, the owner MUST give **tenants** an opportunity to purchase at price and terms that represent a good faith offer of sale.

**“Qualified” organizational purchasers** have a secondary right.

**Supportive partners** are engaged for tenant organizing and technical assistance

## **NYC COPA**

Before an owner can sell, the owner MUST give **qualified entities** an opportunity to purchase at price and terms that represent a good faith offer of sale.

“Qualified entities” =

- (1) CLTs;
- (2) Qualified Preservation Buyers; or
- (3) nonprofits, committed to affordable housing & community engagement w/ capacity to acquire & manage residential property





# WHO IS INCLUDED UNDER TOPA?

## Included

- All NYS cities and counties
- Single-family homes owned by corporate landlords
- Multi-family buildings with 2+ units

## Not Included

- Public housing
- Owner-occupied single family homes
- Buildings with government subsidy

\*NYC COPA, as currently introduced, is tailored for multi-family buildings with 3+ units.



# TOPA TIMELINE – RIGHT OF FIRST OFFER\*

	<b>1 unit (owned by corporate landlord)</b>	<b>2 units</b>	<b>3+ units</b>	<b>30+ units</b>
<b>Submission of Statement of Interest</b> <i>(QPs have the remaining time or minimum of 5 days to deliver statement of interest)</i>	20 days	20 days	30 days	30 days + 15 day extension upon request
<b>Formation of Tenant Organization, Selection of a Supportive Partner and Submission of an Offer to Purchase</b> <i>(QPs have remaining time or minimum of 5 days to submit offer)</i>	21 days (1 unit)	45 days	60 days + 30 day extension (for 10-29 unit buildings upon request)	60 days + two 30 day extensions upon request
<b>Secure Financing After Contract</b>	30 days + 15 day possible extension	90 days + 30 day possible extension	120 days + 40 day possible extension	120 days + 40 day possible extension
<b>Close</b>	14 days + reasonable extension	14 days + reasonable extension	14 days + reasonable extension	14 days + reasonable extension
<b>Total Time</b>	<b>100 days</b>	<b>199 days</b>	<b>264 -294 days</b>	<b>339 days</b>

**\*Right of First Refusal:**

- Single-unit accommodations have **10 days** to match an offer with an extension for securing appraisal
- Multi-unit buildings have **45 days** to match an offer with an extension for securing an appraisal



# WHY OPPORTUNITY TO PURCHASE?

**Building  
Stability**

**Neighborhood  
Stability**

**Resident  
Empowerment**

**Permanent  
Affordability**

**Community  
Wealth**





# WHAT DO WE NEED FOR TOPA TO SUCCEED?

## Money

- To support resident organizing
- To support technical assistance for residents
- To support pre-development, development and rehabilitation costs

## Time

- To organize tenant associations and compile relevant paperwork
- To obtain financing
- To negotiate the contract of sale

## Tenant Power

- Residents adequately understand their rights
- Residents are empowered to take over their buildings or partner with community groups for safe and stable housing



# Northwest Bronx Community & Clergy Coalition



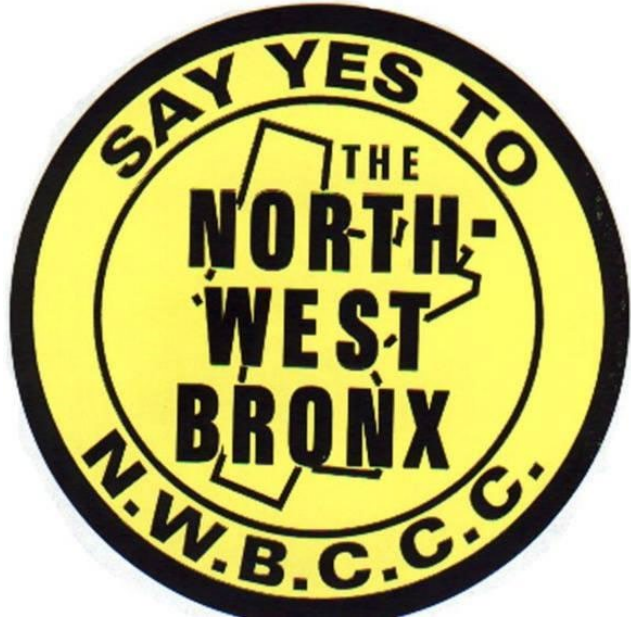
LOOKING BACK  
FIGHTING FORWARD  
**45 YEARS**

Northwest Bronx Community and Clergy Coalition (NWBCCC) is a 45 year old member-led, grassroots organization working towards racial justice and economic democracy in the Bronx.

## **Community Organizing Campaigns and Initiatives:**

- Equitable Economic and Community Development
- Health Justice
- Housing Justice: Safe and Affordable Housing
- Environmental Sustainability
- School to Prison Pipeline/Educational Justice

# Some of our values



**We do this work because we love our community.**

**Those directly impacted should be guiding the work. Your experience are enough to develop solutions.**

**We are committed to shifting the current power structure and building collective power.**

**We value pride and Dignity and believe that the diversity of our community should be celebrated and is a strength. Because we value Equity, we envision a community where those who have been marginalized are given what they need to thrive, be healthy and happy.**

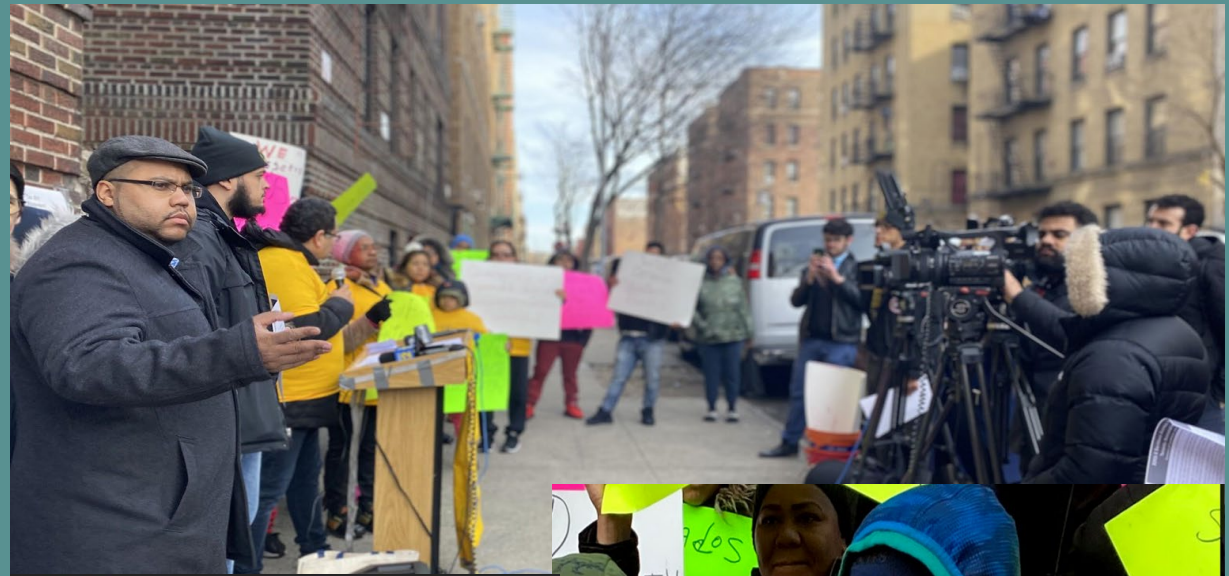


# Bronx Context: Before Covid



- The Bronx is #62 out of 62 counties in NYS with worst health outcomes, including asthma, diabetes, obesity and more.
- The Bronx experiences high displacement pressures that have resulted in an affordability crisis for those living and doing business in the borough and high rates of residential and commercial tenant evictions.
- Rezoning and other development projects have added to gentrification, adding to landlord harassment to evict low income residential and commercial tenants with nowhere to go.

# Fighting Back vs Fighting Forward





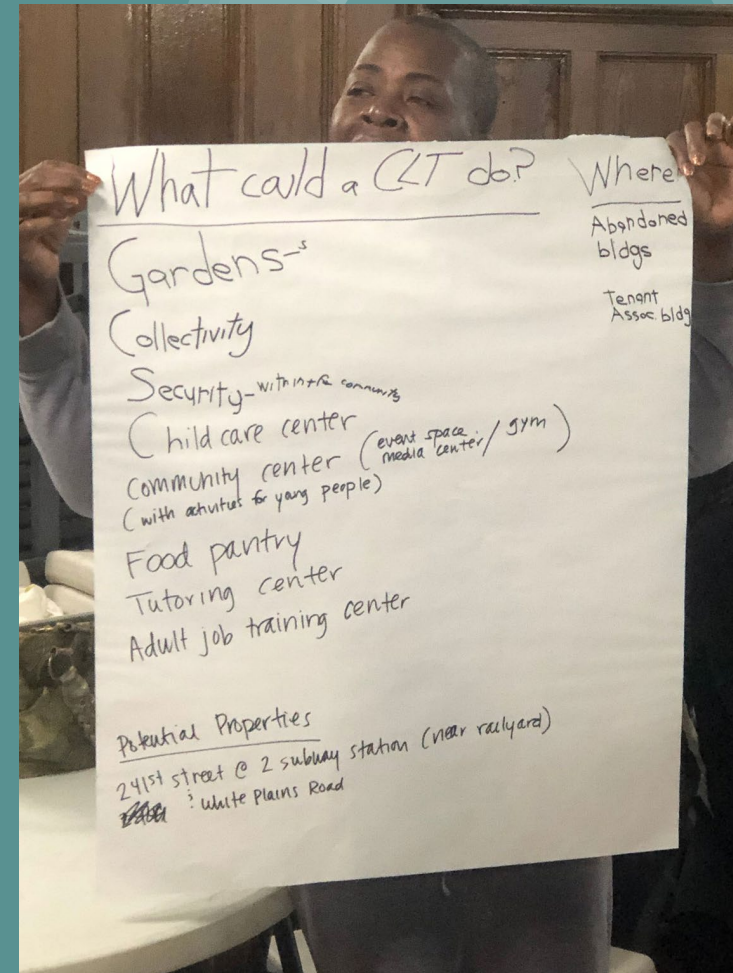




# Campaign for Community Control of Land

## Principles:

1. Development in the Bronx must be accountable to the community
1. Land in the Bronx belongs in the hands of Bx Residents, not outside interests
1. Community planning and visioning must take precedence over corporate profit
1. Community ownership and collective governance is the path to sustainable and truly affordable neighborhoods.



# 2076 Creston Avenue



- **Tenant Association was formed in 2016.**
  - Conditions: No cooking gas, Insufficient Heat & Hot, Pest infestation; Broken front door; Poor living conditions; ENTIRE LINE HAD A VACATE ORDER
- **Actions:**
  - Submitted DHCR Rent Reduction
  - Held Public Actions with press and elected officials
  - Filed a building HP Case and a Warranty of Habitability case

- **TENANTS WERE INTERESTED IN ACQUIRING THE BUILDING, However, Building was sold in late 2016 for 5.6M without notifying the tenants.**

- **New owner:**
  - Slowed down legal process since new owner claimed that was not responsible for the damaged created
  - Water down the organizing
  - Displaced more than a dozen families; converted vacant units to cluster sites
  - Did not address physical distress



# Takeaways

- **TOPA/COPA**
  - Will strengthen tenant movement
  - Will help building collective ownership and governance
  - Help expand social housing models such as Community Land Trust
- TOPA/COPA will not replace tenant organizing
  - Tenant organizing will be needed in order for it to work



# Lets connect!

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Thank you,  
Northwest Bronx Community & Clergy Coalition  
The Bronx Community Land Trust

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Thank you!

# Contact

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