



UNITED TO FIGHT FOR STRONGER TENANT PROTECTIONS, AN END TO EVICTIONS, AND AN END TO HOMELESSNESS IN NEW YORK STATE

NYC  
community land  
initiative



## **Tenant Opportunity to Purchase Legislation for New York State** **(A.3353 Mitaynes / S.221 Myrie)**

The sale, foreclosure, or demolition of a rental building is deeply destabilizing for individual tenants and for the community as a whole. In order to reverse the corporate takeover of our neighborhoods, New York must give tenants the first opportunity to purchase rental buildings up for sale. Currently, Washington, D.C. and San Francisco offer this opportunity to their residents, as well as manufactured home communities in New York under the HSTPA of 2019. This legislation would empower tenants to collectively take control of their homes and create permanently affordable housing that stabilizes both disinvested and gentrifying communities. The state should also create a complementary funding program to ensure that this can be exercised by all tenants.

### **Goals for TOPA**

- Neighborhood stabilization - gives tenants the ability to stay in their neighborhood instead of being subject to displacement when a building is sold.
- Permanent affordable housing creation - makes it easier for non-profit mission-driven developers, including CLTs, to acquire and preserve buildings and expand the stock of permanently affordable housing in gentrifying neighborhoods.
- Homeownership opportunities - tenants have the opportunity to create limited-equity co-ops through this program.

### **Shared equity and permanent affordability**

- TOPA will be a way to decommodify housing and build community wealth in the wake of historic and ongoing racist disinvestment and speculation. Permanent and deep affordability must be a requirement of the program.

- Tenants will have the opportunity to assign purchase rights to a qualified CLT or non-profit developer that will manage the building as a rental or mutual housing association.

## **TOPA Process**

1. A landlord receives a bona fide offer of sale or decides to put their building on the market.
2. The landlord notifies tenants by certified mail that they have the opportunity to exercise their right to purchase.
3. The landlord simultaneously notifies the city government who will notify local organizing groups.
4. A period of time is provided for tenants to organize and express an interest in exercising their right to purchase, pausing any ongoing sale.
5. A period of time is provided for tenants to decide whether they want to form a co-op or assign their rights to a CLT or non-profit developer.
6. A period of time is provided to obtain acquisition and pre-development financing. This may also involve appraisal if tenants feel the market offer is too high.

## **Case Study: TOPA in Washington DC**

Adopted in 1980, TOPA in DC applies to any residential building of 2+ units. The law has helped preserve over **3,500 units of affordable housing**, many of which are deeply affordable, and helped create many of the **4,400 homes in limited equity cooperatives**. TOPA is strengthened by a dedicated stream of public subsidies from the City and partnerships with private funders and nonprofit developers, as well as a base of local organizing.

For more information about TOPA, please reach out to Housing Justice for All via HJ4A.org or to NYCCLI at [info@nyccli.org](mailto:info@nyccli.org).