

Tenant Associations



Tenants are an important stakeholder in addressing the critical shortage of affordable rental housing for low-income individuals and families across the country. Klein Hornig represents tenant organizations involved in the creation and preservation of affordable housing. We assist these organizations in a variety of ways. From establishing and maintaining an effective governance structure, to developing mechanisms for ownership, control, and wealth-building, to training and technical assistance to enable successful operations – Klein Hornig is prepared to work with the tenant organizations to meet their goals.

Klein Hornig (KH) has had a long history of working with tenant organizations that have or seek to obtain an ownership stake in their housing. KH offers legal counsel and support to assist tenant organizations in organizing to meet their community needs and goals, as well as in negotiating with public entities and private partners. Our goal is to help tenants understand regulatory structures and housing policies and to provide viable options to address a range of issues.

In the District of Columbia, KH has extensive experience helping clients navigate the purchase and sale of affordable housing subject to the Tenant Opportunity to Purchase Act (TOPA) and District Opportunity to Purchase Act (DOPA). Every transfer of existing multifamily housing in DC must contend with the complexities and challenges of TOPA, and having a skilled advisor is often the difference between frustration and success.

We have represented housing providers seeking to acquire properties directly from the current owner or as the partner of the tenant association, owners seeking to recapitalize existing properties without losing control while respecting the interests of tenants, and tenants associations seeking to exercise their purchase rights. Our attorneys have been involved with every major legislative modification to TOPA over the past twenty years and are regularly asked to provide trainings and presentations on the topic.

Specifically, we can provide advice and assistance in the following areas:

- Determining whether an opportunity to purchase or notice of transfer needs to be provided to tenants, preparing the required notices, and managing the mailing and other compliance aspects of the statute;
- Negotiating purchase agreements that protect sellers and buyers from the risks associated with TOPA;
- Working with technical service providers to organize tenant associations in response to an offer of sale and advising tenants on how best to use a TOPA opportunity to achieve their desired goals;
- Developing and implementing strategies for gaining the support of tenants for the proposed sale or transfer;



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- Responding successfully to tenant association requests for proposals (RFP) or, if representing tenants associations, preparing the RFP and evaluating the responses;
- Negotiating agreements between tenant associations and their selected partner or assignee; and
- Working with title insurance companies to ensure that transfers can obtain necessary insurance coverage.

We pride ourselves on being respected participants in the field who understand the perspectives of tenants, sellers, buyers, title insurance companies, the government, and other stakeholders. The depth and breadth of our experience means that we have seen an exceptional range of scenarios and outcomes.

Initial Contacts



Aaron W. O'Toole
Partner
aotoole@kleinhornig.com
202.926.3403



Teresa M. Santalucia
Partner
tsantalucia@kleinhornig.com
617.224.0621

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