



Commission on Asian and Pacific Islander Affairs

<i>Ada L. Loo, Chair</i>	<i>Dana Tai Soon Burgess, Vice-Chair</i>	
<i>Surjeet Ahluwalia</i>	<i>Koustubh "K.J." Bagchi</i>	<i>Ben Bahk</i>
<i>Gregory Cendana</i>	<i>Erick Hosaka</i>	<i>Easten Law</i>
<i>Nicholas Lephram</i>	<i>Thu Nguyen</i>	<i>Sapna Pandya</i>
<i>Laura Shin</i>	<i>Martha Watanabe</i>	<i>Jed Wulfekotte</i>

RESOLUTION BY MAYOR'S COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS ADDRESSING MUSEUM SQUARE APARTMENTS AND SIMILARLY SITUATED BULDINGS WHERE LOW INCOME DISTRICT ASIAN IMMIGRANTS RESIDE IN THE DISTRICT

WHEREAS the Asian immigrant population has been residing in the area known as "Chinatown" (from G Street NW, north to Massachusetts Avenue NW, and from 9th Street NW, east to 5th Street) since the 1930s. The population moved here, and to nearby neighborhoods, after having been displaced from the original "Chinatown" along Pennsylvania Avenue due to the development of government offices at Federal Triangle;

WHEREAS the District's immigrant residents who identify as Asian are predominately Limited English Proficient/No English Proficient (LEP/NEP) and classified as low-income;

WHEREAS the DC Language Access Act of 2004 requires that District agencies, including the Office of Zoning, DC Housing Authority and other agencies or entities so named in the Act (including any contractors with DC Government), issue translated notices in Chinese, Korean, Vietnamese and any other AAPI languages likely to be spoken by at least 3% of the LEP/NEP population in the District, and provide interpreters and/or bilingual individuals in *any* language spoken by building residents. Additionally, the Civil Rights Act of 1964 requires that any landlord that receives funds from Housing and Urban Development must provide language services to serve their tenants in accordance with the law.

WHEREAS a section of Chinatown was demolished to make way for the old Washington Convention Center at 900 9th Street NW and the District government constructed the Wah Luck House at 800 6th Street NW to provide for affordable housing for displaced low-income Asian residents in 1982.

WHEREAS the high costs of real estate and the influx of wealthier communities at least since the early 1980s have continued to displace low-income Asian immigrant families that used to call Chinatown home. In 2008, the Temple Courts low-income housing complex at North Capitol Street between K and L streets, then owned by Bush Companies, was demolished to make way for mixed-income housing, only to find that federal guidelines mandate affordable housing at that address. Hundreds of low-income families were displaced and the site is now a parking lot;

WHEREAS today, the 302-unit building at Museum Square Apartments (Museum Square) located at 401 K Street NW is home to primarily low-income Chinese immigrant families who receive Section 8 housing subsidies. This building is home to approximately 50% of the low-income Asian residents that continue to reside in Chinatown. These residents contribute to the cultural diversity of the District as a whole;



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WHEREAS in October 2013, the owners of the Museum Square, Parcel One Phase One Properties of Bush Companies, stated their intent to opt out of their Section 8 contract, which was due to expire on October 1, 2015;

WHEREAS the Chinese families and other low-income residents of Museum Square responded to Bush Companies by exercising their lawful right under the Tenant Opportunity to Purchase Act (TOPA) to intend to purchase their building;

WHEREAS Bush Companies claimed the cost of the building was \$250 million. In a lawsuit filed on behalf of the tenants in January 2015, the tenants alleged that the offer failed to comply with TOPA as the \$250 million price tag does not "reflect a rational, fair, and objective value of the Property." An appraiser retained in the lawsuit has valued the market rate of the building at \$68 million;

WHEREAS District of Columbia Superior Court Judge Stuart G. Nash wrote in April 2015 that "it is beyond dispute that the methodology adopted by the defendant was neither designed to, nor did, achieve a reasonable estimate of the property's current market value." Bush Companies continue to defend the \$250 million price tag and have responded to the lawsuit by distributing a notice to residents that they intend to demolish this building;

WHEREAS Bush Companies has appealed Judge's Nash's decision; in the meantime, the attempted sale of the building has been put on hold;

WHEREAS Bush Companies has faced minimal oversight or penalty as a result of their unethical and illegal conduct directed at the tenants. Bush Companies reportedly has sent tenants misleading communications and otherwise has prevented tenants from obtaining information about their rights to organize in accordance with District law. In the week leading up to October 1, 2015, Bush Companies illegally refused to accept tenants' Section 8 vouchers at Museum Square. On October 1, after a public rally and widespread negative press attention, Bush Companies now accepts enhanced Section 8 vouchers from the current tenants of Museum Square, allowing residents to remain and receive the subsidy that they are entitled to due to their income status. At the same time, through its building manager, Bush Companies actively encourages tenants to use their vouchers to move elsewhere. The residents still face uncertainty until the Court decides Bush Companies' appeal on the price of the building and possible retribution by the owner, which intend to pursue ownership.

WHEREAS similar to Museum Square, the Wah Luck House located at 800 6th Street NW is home to approximately 50% of the low-income Asian residents in Chinatown who receive from Section 8 funding, which is due to expire on November 30, 2016. The expiration of this subsidy could impact the ability of families to remain in their homes, and claim as tenants if they are displaced by the discontinuation of Section 8 funding;



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THEREFORE BE IT RESOLVED THAT the Commission supports the "TOPA Bona Fide Offer of Sale Clarification Amendment Act of 2015", a bill introduced by Council member Anita Bonds (D-At Large) to protect Museum Square tenants and provide further clarity to the Tenants Opportunity to Purchase Act (TOPA). Among the protections this legislation offers, the TOPA Bona Fide Offer of Sale Clarification Amendment Act of 2015 would allow tenants seeking to purchase a property that would otherwise be demolished or converted to non-residential use to request that an independent appraisal be conducted to determine the market price of the property;

THEREFORE BE IT RESOLVED that the Commission supports the use of the District Opportunity to Purchase Act, in which the city government would purchase Museum Square at a reasonable price, if needed to preserve affordability there;

THEREFORE BE IT RESOLVED that the Commission supports legislation to trigger TOPA any time a building's Section 8 contract expires;

THEREFORE BE IT RESOLVED THAT the Commission supports any and all efforts by DC government to preserve Chinatown by maintaining AAPI families in the area that they have resided in for generations, retain low-income AAPI residents in their homes and have them continue to receive subsidies towards their rental costs;

THEREFORE BE IT RESOLVED that the Commission supports the extension of the Section 8 Contract at Museum Square, the Wah Luck House, and similarly situated buildings located in the District where low-income AAPI residents receive housing subsidies;

THEREFORE BE IT RESOLVED that, the Commission supports appropriate actions, including penalties, against Bush Companies for intimidating and displacing or attempting to displace tenants at Museum Square, Temple Courts, and Mount Vernon Plaza; and for interfering with tenants' legal right to organize and receive accurate information in their preferred language.

THEREFORE BE IT RESOLVED THAT the Commission supports the passage of a permanent amendment to the TOPA requiring a process to determine truly bona fide offers of sale;

THEREFORE BE IT RESOLVED THAT the Commission supports increased funding of the Housing Production Trust Fund so that District residents exercising their rights under TOPA can have access to resources subsidizing the final cost of the building they intend to purchase.



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THEREFORE BE IT RESOLVED that the Commission supports greater funding of tenant technical assistance for groups like Housing Counseling Services, Asian Pacific American Legal Resource Center and Latino Economic Development Center, as the current levels of funding are not sufficient to support the growing housing distress experienced by low-income Washingtonians;

THEREFORE BE IT RESOLVED THAT the Commission supports the enforcement of the DC Language Access Act of 2004 requiring that Office of Zoning, DC Housing Authority and other agencies so named in the Act (including any contractors with DC Government) issue translated notices in Chinese, Korean, Vietnamese and any other languages likely to be spoken in the Chinatown neighborhood, and provide interpreters and/or bilingual individuals to interact with building residents. Further, the Commission supports the enforcement of the Civil Rights Act of 1964 requiring landlords that receive funds from Housing and Urban Development (HUD) to issue translated form letters to tenants informing them of their rights. The Commission supports the enforcement of fines and issuance of Correction Actions in the instance that these laws are not followed by building owners in the District that receive District or Federal Funding. The Commission also supports Museum Square tenants' legally backed request that voucher forms for public housing be provided in their preferred language(s).

THEREFORE BE IT RESOLVED THAT the Commission supports the preservation of buildings in the District that primarily house AAPI and other low-income, working class families of color.

On behalf of the Commission on Asian and Pacific Islander Affairs and with a quorum present pursuant to its bylaws, the Commission on Asian and Pacific Islander Affairs unanimously voted in favor to adopt the above resolution.

Ada L. Loo, Chair

12/8/2015

Date