

Tenant Opportunity to Purchase Act (TOPA)

TOPA will: provide renters an **opportunity to remain in our community** when their building is sold by giving them the chance, with help from a nonprofit if needed, to **make the first offer** or **match the best offer** to buy the property.



Tenants Win with TOPA:

- ✓ Get notified when your landlord is ready to sell the property
- ✓ Have options to stay in or own your home
- ✓ Work with a Supportive Partner that will provide guidance and resources
- ✓ Enjoy extended timelines while you organize and secure funding to purchase
- ✓ Access funding through the City and other sources

Property Owners Win with TOPA:

- ✓ Find a willing buyer (even with deferred maintenance)
- ✓ Sell the property while it is still occupied
- ✓ Get fair market value and avoid getting pressured into accepting a low-ball offer
- ✓ Keep property ownership within the community
- ✓ Save thousands of dollars through a partial transfer tax refund

Who supports TOPA?



BERKELEY TENANTS UNION



EAST BAY
COMMUNITY
LAW CENTER



Plus over 45 other endorsing organizations
See the list and learn more:
<https://yes2topa.org/endorsers>

TOPA Timelines



Right of First Offer:

Total time to close:

The maximum time required for a TOPA sale will depend on the size of the property and the phase of the process in which the owner accepts an offer.

1 unit: 80 days
2-9 units: 165 days
10+ units: 255 days

1 unit: 60 days
2-9 units: 135 days
10+ units: 165 days
+ time on market and time to close

Step 1

Seller gives tenants and Qualified Nonprofits (QNP) **notice of intent to sell**.

Tenants or QNPs deliver **Statement of Interest** to Owner. If they do not, TOPA process ends; seller free to list on market/sell to 3rd party buyers.

Time to submit **statement of interest**:
1 unit: 20 days | 2+ units: 45 days

Step 2

Tenants/QNP who submitted a **statement of interest**, can submit an **offer**. Seller free to accept, counter, or reject offer. If tenants/QNP submits no offer, TOPA process ends.

Time to submit **offer**: 1 unit: 30 days | 2-9 units: 60 days
10+ units: 90 days

Step 3

If seller accepts offer, then parties execute contract, triggering the **closing phase** (seller eligible for transfer tax break). If offer rejected, seller is free to get 3rd party offer (subject to Right of First Refusal).

Time to **close**: 1 unit: 30 days | 2-9 units: 60 days
10+ units: 90 days (for commercial loans: additional 30 days)

Right of First Refusal:*

If seller wants to accept a **3rd party offer**, seller of building* must provide tenants/QNP (whoever made the initial offer in **Step 2**) with opportunity to meet price and terms of 3rd party offer. If no tenant/QNP made offer in Step 2, then this obligation does not apply.

Time for buyer to **accept price/terms**: 1 unit: 10 days
2+ units: 30 days

* Applies only to buildings with 4 or more units in first 2 years of policy