

ADVANCED NOTICE ORDINANCE



Advanced Notice of Intent to Sell Ordinance requires that property owners of a naturally occurring affordable housing (NOAH) property give tenants and local government a **90 day advanced notice prior to the sale** of property.

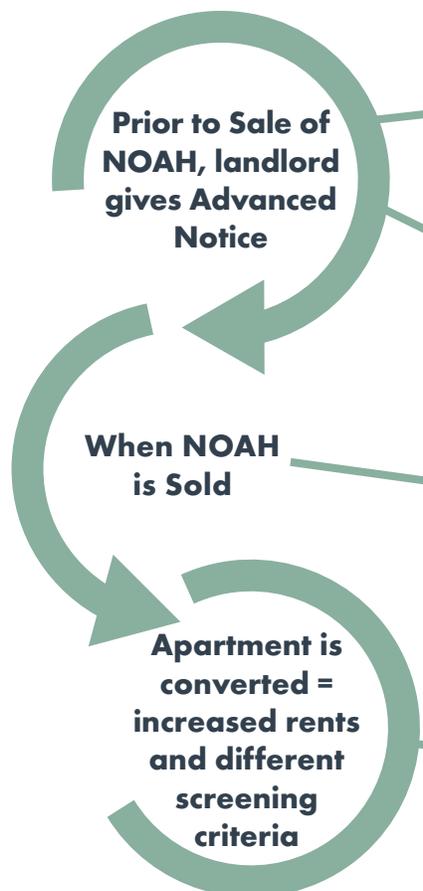
What is NOAH?

“NOAH stands for Naturally Occurring Affordable Housing. It refers to residential properties that are affordable, but are unsubsidized by any federal program [...] NOAH properties are typically Class B and Class C rental buildings [...] built between 1940 and 1990. Rents are lower-ranging, generally between \$550 and \$1200 per month, affordable to low-to-moderate-income households.”

-Greater Minnesota Housing Fund

Often when NOAH housing is sold, **rents are raised significantly** and the new owner often implement **new tenant screening criteria** that changes the tenant population, including no longer accepting housing subsidies. Many of the residents **cannot afford** the new rent or **no longer meet the new criteria**. Since many renters have month-to-month leases which only require a **30 day notice on lease non-renewal**, they are left with **very little time to find new affordable housing in their community, displacing families and disrupting communities**.

Timeline of NOAH Sale



How Advanced Notice Helps

Provides more time for preservation buyers to amass complex financing package required to submit a competitive offer on the property and keep it affordable.

Service providers have time to prepare in case NOAH is not sold to a preservation buyer, and families are displaced.

Preservation buyer rehabs property, keeping rents affordable and allowing families to stay in their homes and community.

Service providers have time to prepare for families who become displaced and support those families during transition by providing housing locator services and moving assistance.

FAQ'S

- **What other cities have passed this ordinance?**

Denver, Colorado and Portland, Oregon.

- **Would an Advanced Notice of sale limit a landlord's right to sell a property?**

No, the landlord can sell the property to whomever s/he chooses, but must give notice to the local government before agreeing on a purchase.

- **Does this ordinance conflict with nondisclosure rights?**

No, the landlord only needs to disclose information commonly available on the property, such as address, number and type of units, etc. None of the confidential negotiations of the various parties will need to be disclosed.

- **What is the difference between advanced notice and right of first refusal?**

Advanced notice gives the opportunity to preservation buyers to have a chance to negotiate with the seller, while right of first refusal goes a step further by guaranteeing that residents have the opportunity to match any purchase price.

- **How would cities enforce when owners fail to give notice?**

Cities can enforce this through city housing code and rental licensing process. If the city or residents hear that a complex is being sold and no advanced notice has been given, legal action can be pursued through Tenants Remedies Action or other summary proceeding. If a property has already been sold, enforcement is best pursued through the new owner. When the new owner applies for a rental license but lacks

FAQs compiled by attorneys with the Housing Justice Center.

