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Councilmember Matt Frumin Chairman Phil Mendelson

A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to enact the Uniform Unlawful Restrictions in Land Records Act; to allow homeowners to remove unlawful restrictive covenants from the deeds to their homes and for condominiums and other homeowner associations to remove unlawful restrictive covenants from their governing documents; to permit the homeowner or association to fill out an amendment form, a sample of which is provided in the Act, and record the amendment to their title to effectively remove the unlawful restriction; amend the Zoning Act to declare void, as contrary to public policy, covenants prohibiting apartment houses or buildings with multiple dwelling units when such units would otherwise be permitted under zoning.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Unlawful Restrictions in Land Records Emergency Declaration Resolution of 2024”.

Sec. 2. (a) There exists an immediate need to enact a uniform law to allow residents and homeowner associations to remove unlawful restrictions from their land records and to declare void, as contrary to public policy, covenants prohibiting apartment houses or buildings with multiple dwelling units when such units would otherwise be permitted under zoning. In particular, there is at least one property owned by the District where a pre-1938 covenant purports to disallow an apartment building to be built on the site and where multifamily housing is otherwise permissible under current zoning.

 (b) Identical legislation, Bill 25-669, the “Unlawful Restrictions in Land Records Act of 2024” was adopted on first reading by the Council on May 7, 2024.

(c) The underlying legislation establishes a process to allow homeowners to remove unlawful restrictive covenants from the deeds to their homes and for condominiums and other homeowner associations to remove unlawful restrictive covenants from their governing documents. The legislation also declares covenants prohibiting apartment buildings as void, provided that such a use would be allowable under zoning.

(d) At least one property in the District is currently the subject of an pending request for proposals to construct new government facilities on the site with additional residential housing, however a covenant on the property purports to prohibit such development.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the “Uniform Unlawful Restrictions in Land Records Emergency Act of 2024” be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.