

  
Councilmember Mary M. Cheh

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7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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16 To establish, on a temporary basis, that it shall be unlawful for the owner or operator of a grocery  
17 store to impose a restrictive land covenant or use restriction on the sale, or other transfer,  
18 or lease of real property used as a grocery store that prohibits the subsequent use of the  
19 property as a grocery store.  
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21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
22 act may be cited as the “Grocery Store Restrictive Covenant Prohibition Temporary Act of  
23 2018”.

24 Sec. 2. (a) It shall be unlawful for the owner or operator of a grocery store to agree to the  
25 inclusion of a restrictive land covenant or other use restriction in a contract for the sale, lease, or  
26 other transfer of real property that prohibits the use of the real property as a grocery store, food  
27 retail store or the use of any property within 1 mile as a grocery store or food retail store.

28 (b) The restrictive land covenant or other use restriction on real property of the type  
29 described in subsection (a) of this section shall be void and unenforceable.

30 (c) The prohibition imposed by this section shall not apply to an owner or operator of a  
31 grocery store or food retail store that terminates operations at a site for purposes of relocating the  
32 grocery or food retail store to a comparable or larger site located in the District of Columbia  
33 within one-half mile of the site where the prior operations were terminated; provided, that

34 relocation and commencement of the operation of the new grocery store or food retail store at the  
35 new site occurs within 2 years of the sale, transfer, or lease of the prior site, and that the  
36 restrictive covenant or other use restriction agreed upon with respect to the prior site does not  
37 have a term in excess of 3 years.

38 (d) For the purposes of this act, the term:

39 (1) "Grocery store" means a retail establishment with a primary business of  
40 selling grocery products and includes a selling area that is used for a general line of food,  
41 nonfood grocery products, or prescription pharmacy merchandise.

42 (2) "Food Retail Store" means a retail establishment with a primary business of  
43 selling food for consumption on-premise or off-premise.

44 Sec. 3. Fiscal impact statement.

45 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
46 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
47 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

48 Sec. 4. Effective date.

49 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
50 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
51 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
52 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
53 Columbia Register.

54 (b) This act shall expire after 225 days of its having taken effect.