

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, An Act To establish a code of law for the District of Columbia and the Condominium Act of 1976 to enact a time limited foreclosure moratorium while a public health emergency is in effect, or for 60 days thereafter; to amend the Condominium Act of 1976 to prohibit a foreclosure of a condominium due to a condominium lien while a public health emergency is in effect or for 60 days thereafter, unless the condominium is not occupied by the owner.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Foreclosure Moratorium Emergency Amendment Act of 2020”.

Sec. 2. Foreclosure prohibition.

(a) Section 539 of An Act To establish a code of law for the District of Columbia, approved on March 3, 1901 (31 Stat. 1274; D.C. Official Code § 42-815), is amended by adding a new subsection (c-1) to read as follows:

“(c-1) Notwithstanding the provision of any other law, in the case of a residential mortgage, a foreclosure under a power of sale provision contained in any deed of trust, mortgage, or other security instrument shall not be initiated or conducted while a public health emergency is in effect pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or for 60 days thereafter.”.

(b) Section 95 of An Act To establish a code of law for the District of Columbia, approved on March 3, 1901 (31 Stat. 1204; D.C. Official Code § 42-816), is amended as follows:

(1) The existing text is designated subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Notwithstanding any other provision of this section, in the case of a residential mortgage, a foreclosure action shall not be initiated, and no foreclosure shall be conducted, while a public health emergency is in effect pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or for 60 days thereafter.”.

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(c) Section 313(c) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)) is amended by adding a new paragraph (7) to read as follows:

“(7)(A) Notwithstanding any other provision of this section, a foreclosure of a residential condominium unit to enforce a condominium lien shall not be initiated or conducted while a public health emergency is in effect pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or for 60 days thereafter; provided, that only an owner-occupied residence shall be covered by the requirements of this paragraph.

“(B) For the purposes of this paragraph, an “owner-occupied residence” means a residence where a record owner or a person with an interest in the property as heir or a beneficiary of the record owner, if the record owner is deceased, has resided in the residence for at least 275 total days during the previous 12 months.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia