

A BILL

25-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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To amend the Condominium Act of 1976 to prohibit condominium instruments from interfering with the operation of child development Facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Banning Associations from Banning Youth Amendment Act of 2023”.

Sec. 2. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 42-1901.02) is amended as follows:

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Child development facility” shall have the same meaning as provided in section 2(3) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031(3)).”.

(b) A new section 109 is added to read as follows:

“Section 109. Child development facilities.

“(a)(1) No condominium instrument that is entered into, amended, or recorded after the effective date of the Banning Associations from Banning Youth Amendment Act of 2023, introduced on January 19, 2023 (Bill 25-045), may prohibit the operation of a child development

27 facility licensed pursuant to the Child Development Facilities Regulation Act of 1998, effective
28 April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*).

29 “(2) Subject to paragraph (b)(4) of this section, no condominium instrument
30 prohibiting the operation of businesses generally shall be interpreted to prohibit the operation of
31 a child development facility.”

32 “(b)(1) Nothing in this section is intended to supersede any provision of condominium
33 instruments concerning architectural control, parking, landscaping, noise, or other matters not
34 specific to the operation of a child development facility.

35 “(2) An association may require the owner or operator of a proposed child
36 development facility to bear the costs of any building retrofits necessary to comply with
37 additional building code or residential code requirements that would apply solely as a result of
38 the operation of a child development facility.

39 “(3) If a unit in which a child development facility operates uses utilities that are
40 jointly metered with one or more other units, then nothing in this section shall preclude the
41 association from adopting bylaws or other instruments that require the owner or operator of the
42 child development facility to contribute a share of utility payments reasonably calculated to
43 cover increased utility usage associated with the operation of the child development facility.

44 “(4) Nothing in this section shall be interpreted to prohibit an association from
45 prohibiting the conversion of a residential unit into a purely commercial unit.

46 “(c)(1) An association may require the owner or operator of a child development facility
47 to carry liability insurance to cover all matters related to the operation of the child development
48 facility, including coverage for personal injury, death, damage to personal property, and damage
49 to real property that occurs in or on the common elements, in the unit where the child
50 development facility is located, or in any other unit, subject to paragraph (2) of this subsection.

51 “(2) The amounts of any insurance coverage that an association requires a child
52 development facility to carry pursuant to paragraph (1) of this subsection must be reasonable
53 under prevailing business standards in the District and must not exceed \$500,000 for commercial
54 general liability, sexual abuse and molestation liability, umbrella coverage and, if applicable,
55 vehicle liability; provided, that the Office of the State Superintendent of Education may establish
56 greater or lesser maximum amounts by rule. Nothing in this paragraph shall be interpreted to
57 prevent a child development facility from obtaining coverage at higher amounts than the Office
58 of the State Superintendent or an association deems necessary.

59 “(3) The association shall be named as an additional insured party on the liability
60 insurance required of the child development facility, and such insurance must be primary to any
61 other insurance the association is required to carry under the terms of the condominium
62 instruments.”.

63 Sec. 3. Fiscal impact statement.

ENGROSSED ORIGINAL

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

67 Sec. 4. Effective date.

68 This act shall take effect following approval by the Mayor (or in the event of veto by the
69 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
70 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
71 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
72 Columbia Register.