

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 condominiums and other homeowner associations to remove unlawful restrictive covenants from their governing documents, and to permit the homeowner or association to fill out an amendment form and record the amendment to their title to effectively remove the unlawful restriction; and to amend An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes to declare void, as contrary to public policy, covenants prohibiting apartment houses or buildings with multiple dwelling units when such units otherwise would be permitted under zoning.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Unlawful Restrictions in Land Records Act of 2024”.

TITLE I. UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS

Sec. 101. Short title.

This title may be cited as the “Uniform Unlawful Restrictions in Land Records Amendment Act of 2024”.

Sec. 102. Definitions.

In this act:

- (1) “Amendment” means a document that removes an unlawful restriction.
- (2) “Document” means a record recorded or eligible to be recorded in land

records.

- (3) “Governing instrument” means a document recorded in land records that:

- (A) Establishes a governing body responsible for management of common areas or facilities used by more than one owner of a property interest affected by the document; and

(B) Requires contribution, enforceable by a lien on a separate property interest, of a share of taxes, insurance premiums, maintenance, or improvement of, or services or other expenses for the common benefit of, the real property described in the document.

(4) "Index" means a system that enables a search for a document in land records.

(5) "Land records" means documents and indexes maintained by a recorder.

(6) "Owner" means a person that has a fee interest in real property.

(7) "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(8) "Record" when used as a noun, means information:

(A) Inscribed on a tangible medium; or

(B) Stored in an electronic or other medium and retrievable in perceivable form.

(9) "Recorder" means the District of Columbia Recorder of Deeds.

(10) "Remove" means eliminate any apparent or purportedly continuing effect on title to real property.

(11) "Unlawful restriction" means a prohibition, restriction, covenant, or condition in a document that purports to interfere with or restrict the transfer, use, or occupancy of real property:

(A) On the basis of race, color, religion, national origin, sex, familial status, disability, or other personal characteristics; and

(B) In violation of other law of the District or federal law.

Sec. 103. Amendment by owner.

Except with respect to property to which section 104 applies, an owner of real property subject to an unlawful restriction may submit to the Recorder of Deeds for recordation in the land records an amendment to remove the unlawful restriction, but only as to the owner's property.

Sec. 104. Amendment by association of owners.

(a) The governing body of an association of owners identified in a governing instrument may, without a vote of the members of the association, amend the governing instrument to remove an unlawful restriction.

(b) A member of an association of owners may request, in a record that sufficiently identifies an unlawful restriction in the governing instrument, that the governing body exercise its authority under subsection (a) of this section. Not later than 90 days after the governing body receives the request, the governing body shall determine reasonably and in good faith whether the governing instrument includes the unlawful restriction. If the governing body determines the governing instrument includes the unlawful restriction, the governing body not later than 90 days after the determination shall amend the governing instrument to remove the unlawful restriction.

(c) Notwithstanding any provision of the governing instrument or other law of the District, the governing body may execute an amendment under this section.

(d) Notwithstanding any provision of the governing instrument or other law of the District that requires a vote of the members of the association of owners to amend the governing instrument, an amendment executed under this section shall be effective.

Sec. 105. Requirements and limitations of amendment.

(a) An amendment under this act must identify the owner, the real property affected, and the document containing the unlawful restriction. The amendment must include a conspicuous statement in substantially the following form:

“This amendment removes from this deed or other document affecting title to real property an unlawful restriction as defined under the Uniform Unlawful Restrictions in Land Records Amendment Act of 2024. This amendment does not affect the validity or enforceability of a restriction that is not an unlawful restriction.”.

(b) The amendment must be executed and acknowledged in the manner required for recordation of a document in the land records. The amendment must be recorded in the land records of the District.

(c) The amendment does not affect the validity or enforceability of any restriction that is not an unlawful restriction.

(d) The amendment or a future conveyance of the affected real property is not a republication of a restriction that otherwise would expire by passage of time under other law of the District.

Sec. 106. Optional form for amendment by owner.

The following form may be used by an owner to make an amendment under section 103: “Amendment by Owner to Remove an Unlawful Restriction

“This amendment is recorded under the Uniform Unlawful Restrictions in Land Records Amendment Act of 2024 (“Act”) by an owner of an interest in real property subject to an unlawful restriction as defined under the Act.

“(1) Name of owner:

“(2) The owner’s property that is subject to the unlawful restriction is described as follows:

“Address:

“Legal Description:

“(3) This amendment amends the following document:

“Title of document being amended:

“Recording date of document being amended:

“Recording information (book/page or instrument number):

“This amendment removes from the document described in paragraph (3) all unlawful restrictions as defined under the Act. Removal of an unlawful restriction through this

amendment does not affect the validity and enforceability of any other restriction that is not an unlawful restriction as defined under the Act, at the time of filing this amendment. This amendment is not effective if the property is subject to a governing instrument as defined under the Act.

“Owner’s signature

“Date

“Notary acknowledgment

“Witnesses (if required)”.

Sec. 107. Duty and liability of Recorder.

(a) The Recorder shall record an amendment submitted under this act, add the amendment to the index, and cross reference the amendment to the document containing the unlawful restriction.

(b) The Recorder and the District are not liable for recording an amendment under this act.

Sec. 108. Fees waived; no judicial approval necessary.

(a) The Recorder shall waive any fees specifically directed at an owner’s attempt to release an unlawful restriction from a deed or other document as described under sections 103 and 104.

(b) No judicial approval is needed to release an unlawful restriction under sections 103 and 104. This section is not intended to alter the need for judicial approval otherwise required under law for any action except for the express release of an unlawful restriction.

Sec. 109. Uniformity of application and construction.

In applying and construing this uniform act, a court shall consider the promotion of the uniformity of the law among jurisdictions that enact it.

Sec. 110. Relation to Electronic Signatures in Global and National Commerce Act.

This title modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, approved June 30, 2000 (114 Stat. 464; 15 U.S.C. § 7001 *et seq.*) (“Act”), but does not modify, limit, or supersede section 101(c) of the Act (15 U.S.C. § 7001(c)), or authorize electronic delivery of any of the notices described in section 103(b) of the Act (15 U.S.C. § 7003(b)).

TITLE II. MULTIFAMILY RESIDENTIAL COVENANTS.

Sec. 201. An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6–641.01, *et seq.*), is amended as follows:

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

“Sec. 1a. Multifamily residential covenants void.

“Any covenant or deed restriction on any property within the District of Columbia is declared void and unenforceable as contrary to the public policy of the District if the covenant or deed restriction:

“(1) Was first executed, recorded, or otherwise imposed prior to the adoption of the Zoning Act; and

“(2) Prohibits the encumbered property from being used for apartments, apartment houses, or multiple residential units that would otherwise be permissible under the regulations adopted under the Zoning Act.”.

(b) Section 13 (D.C. Official Code § 6-641.12) is amended by striking the phrase “include the Zoning Commission” and inserting the phrase “include the Zoning Commission. The term “Zoning Act” means An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*)” in its place.

TITLE III. FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 302. 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 a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia