

A RESOLUTION

22-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to establish that it shall be unlawful for the owner or operator of a grocery store or food retail store to agree to the inclusion of a restrictive land covenant or use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the subsequent use of the property as a grocery store or food retail store or that prohibits the use of any property within one mile as a grocery store or food retail store, unless the owner or operator relocates the grocery store or food retail store within a half mile of its former location, commences operation of the store within 2 years, and limits the restrictive covenant to not exceed 3 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On March 6, 2018, the Council passed the Grocery Store Restrictive Covenant Prohibition Emergency Act of 2018, effective April 2, 2018 (D.C. Act 22-299; 65 DCR 3764) (“Emergency Act”), to establish that it shall be unlawful for the owner or operator of a grocery store or food retail store to agree to the inclusion of certain restrictive land covenants or use restrictions in a contract for the sale, lease, or other transfer of real property.

(b) On May 1, 2018, the Council passed a permanent version of the Emergency Act, the Grocery Store Restrictive Covenant Prohibition Act of 2018, enacted on May 21, 2018 (D.C. Act 22-365; 65 DCR 5964) (“Permanent Act”), which has been transmitted to Congress for the mandatory 30-day review period.

(c) The Emergency Act will expire on June 8, 2018. However, the congressional-review period for the Permanent Act is not expected to conclude until July 24, 2018. Therefore, congressional review emergency legislation is necessary to ensure that there is no gap in the law when the Emergency Act expires.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.