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2 Councilmember Matt Frumin

  
Chairman Phil Mendelson

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7 A PROPOSED RESOLUTION

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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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16 To declare the existence of an emergency with respect to the need to enact the Uniform Unlawful  
17 Restrictions in Land Records Act; to allow homeowners to remove unlawful restrictive  
18 covenants from the deeds to their homes and for condominiums and other homeowner  
19 associations to remove unlawful restrictive covenants from their governing documents; to  
20 permit the homeowner or association to fill out an amendment form, a sample of which is  
21 provided in the Act, and record the amendment to their title to effectively remove the  
22 unlawful restriction; amend the Zoning Act to declare void, as contrary to public policy,  
23 covenants prohibiting apartment houses or buildings with multiple dwelling units when  
24 such units would otherwise be permitted under zoning.

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26 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
27 resolution may be cited as the “Unlawful Restrictions in Land Records Emergency Declaration  
28 Resolution of 2024”.

29 Sec. 2. (a) There exists an immediate need to enact a uniform law to allow residents and  
30 homeowner associations to remove unlawful restrictions from their land records and to declare  
31 void, as contrary to public policy, covenants prohibiting apartment houses or buildings with  
32 multiple dwelling units when such units would otherwise be permitted under zoning. In  
33 particular, there is at least one property owned by the District where a pre-1938 covenant  
34 purports to disallow an apartment building to be built on the site and where multifamily housing  
35 is otherwise permissible under current zoning.

36 (b) Identical legislation, Bill 25-669, the “Unlawful Restrictions in Land Records Act of  
37 2024” was adopted on first reading by the Council on May 7, 2024.

38 (c) The underlying legislation establishes a process to allow homeowners to remove  
39 unlawful restrictive covenants from the deeds to their homes and for condominiums and other  
40 homeowner associations to remove unlawful restrictive covenants from their governing  
41 documents. The legislation also declares covenants prohibiting apartment buildings as void,  
42 provided that such a use would be allowable under zoning.

43 (d) At least one property in the District is currently the subject of an pending request for  
44 proposals to construct new government facilities on the site with additional residential housing,  
45 however a covenant on the property purports to prohibit such development. Indeed, the need for  
46 affordable housing District-wide makes it essential that such covenants that predate zoning are  
47 not enforced throughout the District.

48 Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated  
49 in section 2 constitute emergency circumstances making it necessary that the “Uniform Unlawful  
50 Restrictions in Land Records Emergency Act of 2024” be adopted after a single reading.

51 Sec. 4. This resolution shall take effect immediately.