

A RESOLUTION

25-497

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2024

To declare the existence of an emergency with respect to the need 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.

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

Sec. 2. (a) There exists an immediate need to enact a uniform law to allow residents and homeowner associations to remove unlawful restrictions from their land records and 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. In particular, there is at least one property owned by the District where a pre-1938 covenant purports to disallow an apartment building to be built on the site and where multifamily housing is otherwise permissible under current zoning.

(b) Identical legislation, the Unlawful Restrictions in Land Records Act of 2024, passed on 1st reading on May 7, 2024 (Engrossed version of Bill 25-669), was adopted on first reading by the Council on May 7, 2024.

(c) The underlying legislation establishes a process to allow homeowners to remove unlawful restrictive covenants from the deeds to their homes and for condominiums and other homeowner associations to remove unlawful restrictive covenants from their governing

ENROLLED ORIGINAL

documents. The legislation also declares covenants prohibiting apartment buildings as void, provided that such a use would be allowable under zoning.

(d) At least one property in the District is currently the subject of a pending request for proposals to construct new government facilities on the site with additional residential housing; however, a covenant on the property purports to prohibit such development.

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

Sec. 4. This resolution shall take effect immediately.