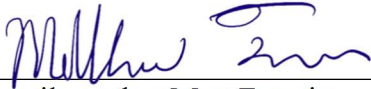


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2 Councilmember Matt Frumin

  
Chairman Phil Mendelson

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7 A BILL

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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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15 \_\_\_\_\_  
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17

18 To enact designate, on an emergency basis, the Uniform Unlawful Restrictions in Land Records  
19 Act; to allow homeowners to remove unlawful restrictive covenants from the deeds to  
20 their homes and for condominiums and other homeowner associations to remove  
21 unlawful restrictive covenants from their governing documents; to permit the homeowner  
22 or association to fill out an amendment form, a sample of which is provided in the Act,  
23 and record the amendment to their title to effectively remove the unlawful restriction;  
24 amend the Zoning Act to declare void, as contrary to public policy, covenants prohibiting  
25 apartment houses or buildings with multiple dwelling units when such units would  
26 otherwise be permitted under zoning.  
27

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

30 TITLE I. UNIFORM UNLAWFUL RESTRICTIONS IN LAND RECORDS

31 Sec. 101. Short title.

32 This title may be cited as the “Uniform Unlawful Restrictions in Land Records Act of  
33 2024”.

34 Sec. 102. Definitions.

35 In this act:

36 (1) “Amendment” means a document that removes an unlawful restriction.

37 (2) “District” means the District of Columbia.

38 (3) "Document" means a record recorded or eligible to be recorded in land  
39 records.

40 (4) "Governing instrument" means a document recorded in land records that:

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

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

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

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

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

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

52 (9) "Record", used as a noun, means information:

53 (A) Inscribed on a tangible medium; or

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

56 (10) "Recorder" means the District of Columbia Recorder of Deeds.

57

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

60 (12) “Unlawful restriction” means a prohibition, restriction, covenant, or  
61 condition in a document that purports to interfere with or restrict the transfer, use, or occupancy  
62 of real property:

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

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

66 Sec. 103. Amendment by owner.

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

71 Sec. 104. Amendment by association of owners.

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

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

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

84 (d) An amendment under this section is effective notwithstanding any provision of the  
85 governing instrument or other law of the District that requires a vote of the members of the  
86 association of owners to amend the governing instrument.

87 Sec. 105. Requirements and limitations of amendment.

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

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

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

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

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

103 Sec. 106. Optional form for amendment by owner.

104 The following form may be used by an owner to make an amendment under Section 103:

105 “Amendment by Owner to Remove an Unlawful Restriction

106            “This Amendment is recorded under the Uniform Unlawful Restrictions in Land Records  
107 Act of 2024 by an Owner of an interest in real property subject to an unlawful restriction as  
108 defined under the Act.

109            “(1) Name of Owner:

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

111            “Address:

112            “Legal Description:

113            “(3) This Amendment amends the following document:

114            “Title of document being amended:

115            “Recording date of document being amended:

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

117            “This Amendment removes from the document described in paragraph (3) all unlawful  
118 restrictions as defined under the Act. Removal of an unlawful restriction through this  
119 Amendment does not affect the validity and enforceability of any other restriction that is not an  
120 unlawful restriction as defined under the Act, at the time of filing this Amendment. This  
121 Amendment is not effective if the property is subject to a governing instrument as defined under  
122 the Act.

123            “Owner’s Signature

124            “Date

125            “Notary Acknowledgment

126            Witnesses (if required)]”

127            Sec. 107. Duty and liability of Recorder.

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

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

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

134 (a) The Recorder of Deeds shall waive any fees specifically directed at an owner's  
135 attempt to release an unlawful restriction from a deed or other document as described under  
136 sections 103 and 104 of this subtitle.

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

141 Sec. 109. Uniformity of application and construction.

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

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

145 This title modifies, limits, or supersedes the Electronic Signatures in Global and National  
146 Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. §  
147 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b).

148 TITLE II. MULTIFAMILY RESIDENTIAL COVENANTS.

149 Sec. 201. Short title.

150 This title may be cited as the "Prohibition on Multifamily Covenants Amendment Act of  
151 2024".

152           Sec. 202. An Act Providing for the zoning of the District of Columbia and the regulation  
153 of the location, height, bulk, and uses of buildings and other structures and of the uses of land in  
154 the District of Columbia, and for other purposes, effective June 20, 1938 (52 Stat. 797; D.C.  
155 Official Code § 6–641.01, et seq.) (“Zoning Act”), is amended by adding a new section 1a to  
156 read as follows:

157           “Sec. 1a. Multifamily residential covenants void.

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

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

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

### 166 TITLE III. FISCAL IMPACT; EFFECTIVE DATE

167           Sec. 301. Fiscal impact statement.

168           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
169 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
170 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

171           Sec. 302. Effective date.

172           This act shall take effect following approval by the Mayor (or in the event of veto by the  
173 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
174 90 days, as provided for emergency acts of the Council of the District of Columbia in section

- 175 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
- 176 D.C. Official Code § 1-204.12(a)).