AN ACT

D.C. ACT 21-288

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 27, 2016

To establish, on an emergency basis, due to congressional review, that it shall be unlawful for the owner or operator of a grocery store to impose a restrictive land covenant or use restriction on the sale, or other transfer, or lease of real property used as a grocery store that prohibits the subsequent use of the property as a grocery store.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Act of 2016”.

Sec. 2. (a) It shall be unlawful for the owner or operator of a grocery store to impose a restrictive land covenant or use restriction in a contract for the sale, or other transfer, or lease of real property being used as a grocery store that prohibits the subsequent use of the real property as a grocery store.

(b) Any contract, including a private agreement, that includes a restrictive land covenant or use restriction on real property as described in subsection (a) of this section shall be void and unenforceable.

(c) The prohibition imposed by this section shall not apply to an owner or operator of a grocery store or food retail store that terminates operations at a site for purposes of relocating the grocery or food retail store into a comparable or larger store located within the District of Columbia within one-half mile of the site where the prior operation was terminated; provided, that relocation and commencement of the operation of the new grocery store or food retail store at the new site occurs within 2 years of the sale, transfer, or lease of the prior site, and the restrictive covenant imposed on the prior site does not have a term in excess of 3 years. If the new grocery store or food retail store is not relocated within the District within one-half mile of the prior site within 2 years, the restrictive land covenant or use restriction shall not be enforceable.

(d) For the purposes of this act, the term:

1 “Grocery store” means a retail establishment with a primary business of selling grocery products and includes a selling area that is used for a general line of food and nonfood grocery products.

2 “Private agreement” means a mutually agreed upon and entered into exchange of promises.
Sec. 3. Applicability.
This act shall apply as of January 16, 2016.

Sec. 4. Fiscal impact statement.

Sec. 5. 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 shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
January 27, 2016
COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

[ X ] ITEM ON CONSENT CALENDAR  
[ X ] ACTION & DATE  
[ X ] VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

[ ] ROLL CALL VOTE – Result

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X – Indicate Vote  
AB – Absent  
NV – Present, Not Voting

Secretary to the Council

CERTIFICATION RECORD

1-8-16

Date

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[ ] VOICE VOTE  
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