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2 Councilmember Anita Bonds


Councilmember Mary M. Cheh

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6 A BILL

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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To establish that it shall be unlawful for the owner or operator of a grocery store to impose a
16 restrictive land covenant or use restriction on the sale, or other transfer, or lease of real
17 property used as a grocery store that prohibits the subsequent use of the property as a
18 grocery store.
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20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA; That this
21 act may be cited as the “Grocery Store Restrictive Covenant Prohibition Act of 2017”.

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

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

29 (c) The prohibition imposed by this section shall not apply to an owner or operator of a
30 grocery store or food retail store that terminates operations at a site for purposes of relocating the
31 grocery or food retail store into a comparable or larger store located within the District of
32 Columbia within one-half mile of the site where the prior operation was terminated; provided,
33 that relocation and commencement of the operation of the new grocery store or food retail store

34 at the new site occurs within 2 years of the sale, transfer, or lease of the prior site, and the
35 restrictive covenant imposed on the prior site does not have a term in excess of 3 years. If the
36 new grocery store or food retail store is not relocated within the District within one-half mile of
37 the prior site within 2 years, the restrictive land covenant or use restriction shall not be
38 enforceable.

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

40 (1) "Grocery store" means a retail establishment with a primary business of
41 selling grocery products and includes a selling area that is used for a general line of food and
42 nonfood grocery products.

43 (2) "Private agreement" means a mutually agreed upon and entered into exchange
44 of promises.

45 Sec. 3. Fiscal impact statement.

46 The Council adopts the fiscal impact statement in the committee report as the fiscal
47 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
48 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

49 Sec. 4. Effective date.

50 This act shall take effect following approval by the Mayor (or in the event of veto by the
51 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
52 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
53 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
54 Columbia Register.