

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 2017”.

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

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

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

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

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

47 Sec. 3. Applicability.

48 This act shall apply as of August 15, 2017.

49 Sec. 4. Fiscal impact statement.

50 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
51 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved  
52 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

53 Sec. 5. Effective date.

54 This act shall take effect following approval by the Mayor (or in the event of veto by the  
55 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
56 90 days, as provided for emergency acts of the Council of the District of Columbia in section

- 57 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
- 58 D.C. Official Code § 1-204.12(a)).