


Councilmember Mary M. Cheh

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish, on a temporary basis, 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 Temporary 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,

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

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

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

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

46 Sec. 3. Fiscal impact statement.

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

50 Sec. 4. Effective date.

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

56 (b) This act shall expire after 225 days of its having taken effect.