


Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Chapter 19 of Title 42 of the District of Columbia Official Code to allow condominium contraction by the owner's association.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fair Condominium Withdrawal Amendment Act of 2018".

Sec. 2. Chapter 19 of Title 42 of the District of Columbia Official Code is amended as follows:

(a) Section 1902.20 is repealed in its entirety and is amended to read as follows:

"(a) The condominium shall be allowed to contract:

"(1) At the time of the recordation of an amendment to the declaration, executed by the declarant, containing a legally sufficient description of the property withdrawn from the condominium.

(A) If portions of the withdrawable property were described pursuant to §42-1902.10(d)(5), then no such portion shall be withdrawn after the conveyance of any unit on such portion except as provided in subsection 2.

(B) If no such portions were described, then none of the withdrawable land shall be withdrawn after the first conveyance of any unit thereon except as provided in subsection 2.

Or "(2) Upon the affirmative vote of at least 80% of the units in the condominium association, the association may amend the declaration at any time to allow for the contraction of the condominium and may proceed to contract the condominium.

37 “(b) If only a portion of the condominium property is being withdrawn or contracted, the
38 amendment shall reallocate the percentages of common element ownership, voting power in the
39 association and liability for common expenses to any units remaining in the condominium in
40 proportion to said respective percentages of those units.

41 “(c) To effectuate the contraction or withdrawal, the declarant or the association, as
42 applicable, must record an amendment to the declaration with the Recorder of Deeds and an
43 amended plat and plans that depicts the withdrawn lots and the remaining lots with the
44 Department of Consumer and Regulatory Affairs in accordance with standard administrative
45 procedures for recording an amended plat and plans. The Department of Consumer and
46 Regulatory Affairs shall accept the amended plat and plans in accordance with standard
47 administrative procedures. The Office of Tax and Revenue will assign a new tax lot number to
48 the withdrawn lots in accordance with its standard administrative procedures.

49 “(d) If at the time of contraction there are any encumbrances or liens against any of the
50 units, the withdrawal or contraction will be effective only when the creditors holding such
51 encumbrances or liens do not object to the amendment to the declaration and amended plat and
52 plans or their encumbrances or liens are satisfied or expire by operation of law.

53 “(e) The land that is withdrawn shall be owned in fee simple as tenants in common as
54 provided in D.C. Official Code 42-1902.28(g) by the owners of the pre-existing condominium
55 units located on the withdrawn property.”.

56 Sec. 3. Fiscal impact statement.

57 The Council adopts the fiscal impact statement in the committee report as the fiscal
58 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
59 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

60 Sec. 4. Effective date.

61 This act shall take effect after approval by the Mayor (or in the event of veto by the
62 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
63 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
64 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
65 Columbia Register.