

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Condominium Act of 1976 to prohibit condominium instruments from interfering with the operation of child development Facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Banning Associations from Banning Youth Amendment Act of 2023”.

Sec. 2. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 42-1901.02) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Child development facility” shall have the same meaning as provided in section 2(3) of the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031(3)).”

(b) A new section 106a is added to read as follows:

“Section 106a. Child development facilities.

“(a)(1) No condominium instrument that is entered into, amended, or recorded after the effective date of the Banning Associations from Banning Youth Amendment Act of 2023, passed on 2nd reading September 19, 2023 (Enrolled version of bill 25-045), may prohibit the operation of a child development facility licensed pursuant to the Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*).

“(2) Except as provided in paragraph (b)(4) of this section, no condominium instrument prohibiting the operation of businesses generally shall be interpreted to prohibit the operation of a child development facility.

“(b)(1) Nothing in this section is intended to supersede any provision of condominium instruments concerning architectural control, parking, landscaping, noise, or other matters not specific to the operation of a child development facility.

“(2) An association may require the owner or operator of a proposed child development facility to bear the costs of any building retrofits necessary to comply with

additional building code or residential code requirements that would apply solely as a result of the operation of a child development facility.

“(3) If a unit in which a child development facility operates uses utilities that are jointly metered with one or more other units, then nothing in this section shall preclude the association from adopting bylaws or other instruments that require the owner or operator of the child development facility to contribute a share of utility payments reasonably calculated to cover increased utility usage associated with the operation of the child development facility.

“(4) Nothing in this section shall be interpreted to prohibit an association from prohibiting the conversion of a residential unit into a purely commercial unit.

“(c)(1) An association may require the owner or operator of a child development facility to carry liability insurance to cover all matters related to the operation of the child development facility, including coverage for personal injury, death, damage to personal property, and damage to real property that occurs in or on the common elements, in the unit where the child development facility is located, or in any other unit, subject to paragraph (2) of this subsection.

“(2) The amounts of any insurance coverage that an association requires a child development facility to carry pursuant to paragraph (1) of this subsection must be reasonable under prevailing business standards in the District and must not exceed \$500,000 for commercial general liability, sexual abuse and molestation liability, umbrella coverage and, if applicable, vehicle liability; except, that the Office of the State Superintendent of Education may establish greater or lesser maximum amounts by rule. Nothing in this paragraph shall be interpreted to prevent a child development facility from obtaining coverage at higher amounts than the Office of the State Superintendent or an association deems necessary.

“(3) The association shall be named as an additional insured party on the liability insurance required of the child development facility, and such insurance must be primary to any other insurance the association is required to carry under the terms of the condominium instruments.”.

### Sec. 3. Fiscal impact statement.

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

### Sec. 4. 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), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia