

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Zoning Act to void, as contrary to public policy, antiquated covenants on properties in the Rock Creek West Planning Area prohibiting apartment houses or buildings with multiple units when such units would otherwise be permitted under modern zoning and planning laws.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Addressing Legacies of Housing Segregation in Rock Creek West Amendment Act of 2023.”

Sec. 2. An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, effective June 20, 1938 (52 Stat. 797; D.C. Official Code § 6–641.01, *et sequiter*) (“Zoning Act”), is amended by adding two new sections (1a and 1b) to read as follows:

“Sec. 1a. Findings.

“The Council finds that:

34 “(1) Many properties in the District are subject to antiquated covenants that were
35 originally imposed with the goal of excluding residents based on race, class, ethnicity, and
36 religion.

37 “(2) The District faces a severe shortage of housing, including affordable housing.
38 The need for more affordable housing is especially acute in the communities west of Rock Creek
39 Park, known for planning purposes as the Rock Creek West Planning Area.

40 “(3) Extensive community-based planning processes in recent years make clear
41 that the District intends to allow for the creation of more affordable housing in the Rock Creek
42 West Planning Area.

43 “(4) The discovery of antiquated covenants can severely impede the creation of
44 this much needed housing, as it has done at the site of the Chevy Chase Civic Core, where a
45 covenant from over 100 years ago has created confusion about what may be built on the lot and
46 surrounding lots. This restricts the District’s ability to build housing at the site, even if the
47 District pursues such a path after approval by Council, the Office of Planning, and the Zoning
48 Commission.

49 “(5) In order to allow the District to achieve its goal of creating more affordable
50 housing in the Rock Creek West Planning Area, and to clarify that zoning and planning are the
51 main processes by which the District determines what can be built where, it is necessary to void
52 any pre-Zoning Act covenants banning multi-family housing on any lots in the Rock Creek West
53 Planning Area where zoning or the comprehensive plan would otherwise allow this housing to be
54 built.

55 “Sec. 1b. Antiquated covenants in Rock Creek West void.

56 “(a) A covenant or deed restriction is declared to be void and unenforceable as contrary

57 to the public policy of the District, if the covenant or deed restriction:

58 “(1) Encumbers any property within the Rock Creek West Planning Area, as
59 defined in the District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, D.C.
60 Official Code §1–306.01, *et sequiter*);

61 “(2) Was first executed, recorded, or otherwise imposed prior to the adoption of
62 the Zoning Act; and

63 “(3) Prohibits the encumbered property from hosting apartments, apartment
64 houses, or multiple residential units that would otherwise be permissible under:

65 “(A) The regulations adopted under the Zoning Act; and

66 “(B) The Comprehensive Plan’s Future Land Use Map adopted pursuant
67 to the District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, D.C. Official
68 Code §1–306.01, *et sequiter*).”.

69 Sec. 3. Fiscal impact statement.

70 The Council adopts the fiscal impact statement in the committee report as the fiscal
71 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
72 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

73 Sec. 4. Effective date.

74 This act shall take effect following approval by the Mayor (or in the event of veto by the
75 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
76 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
77 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
78 Columbia Register.