

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 9-38

"Condominium Act of 1976 Technical and Clarifying  
Temporary Amendment Act of 1991".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-234 on first and second readings, June 4, 1991, and July 2, 1991, respectively. Following the signature of the Mayor on July 24, 1991, this legislation was assigned Act No. 9-75, published in the August 9, 1991, edition of the D.C. Register, (Vol. 38 page 4966) and transmitted to Congress on July 25, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that this legislation became effective on the date that the President of the United States signed P. L. 102-105\* on August 17, 1991, and therefore, cites this enactment as D.C. Law 9-38, effective August 17, 1991.

  
JOHN A. WILSON  
Chairman of the Council

\* Public Law 102-105 waived the 30-day Congressional Review Period for this Law.

AN ACT

D.C. ACT 9-75

Codification

District of Columbia Code

(1992 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 1991

To amend, on an temporary basis, the Condominium Act of 1976 to make technical and clarifying amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991".

Sec. 2. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code §1801 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Code §45-1801) is amended as follows:

Section  
45-1801

(1) Subsection (a) is amended to read as follows:

"(a) This act shall apply to all condominiums created in the District of Columbia after the effective date of this act. Sections 104, 105, 106, 203, 206, 207, 208, 209, 230, 308(a)(1) through (6), 308(a)(11) through (16), 309, 313, 314, 320, 411, 413, 414, 415, 416, 417, and 102 to the extent necessary in construing any of those sections, shall apply to any condominium and to any horizontal property regime or condominium project created in the District of Columbia before the effective date of this act, except that these sections shall apply only with respect to an event or circumstance that occurs after the effective date of this act and shall not invalidate any existing provision of the condominium instruments of any condominium, horizontal property regime, or condominium project."

(2) Subsection (c) is amended to read as follows:

"(c) The provisions of the Horizontal Property Act of the District of Columbia, approved December 21, 1963 (77 Stat. 449; D.C. Code §45-1701 *et seq.*), Horizontal Property Regime (Condominium) Regulations, enacted October 18, 1974 (Reg. 74-26; 21 DCR 787), and any contrary provisions of this act enacted prior to March 8, 1991, shall not apply to any condominium created after March 8, 1991, and shall not invalidate any amendment to the condominium instruments of any condominium, horizontal property regime, or condominium project created before March 8, 1991, if the amendment would be permitted by this act on or after March 8, 1991. Any amendment to the condominium instruments shall be adopted in conformity with the procedures and requirements specified by those condominium instruments and by the applicable law in effect immediately prior to the effective date of this act. If an amendment grants a person any right, power, or privilege permitted by this act, any correlative obligation, liability, or restriction in this act shall apply to that person."

(3) Subsection (d) is amended by striking the phrase "The Condominium Amendment Act" and adding the phrase "This act" in its place.

(b) Section 102(d) (D.C. Code §45-1802(4)) is amended by striking the phrase "the Condominium Amendment Act" and adding the phrase "this act" in its place.

Section  
45-1802

(c) Section 107 (D.C. Code §45-1807) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place.

Section  
45-1807

(d) Section 108 (D.C. Code §45-1808) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place.

Section  
45-1808

(e) Section 213 (D.C. Code §45-1823) is amended as follows:

Section  
45-1823

(1) Subsection (c)(1) is amended by striking the phrase "method prescribed" and adding the phrase "the method prescribed by" in its place.

(2) Subsection (c)(3) is amended by striking the phrase "the effective date of the Condominium Amendment Act" and adding the phrase "March 8, 1991," in its place.

(f) Section 223(a) (D.C. Code §45-1833(a)) is amended in the 2nd sentence by striking the phrase "affect any obligation" and adding the phrase "affect that obligation" in its place.

Section  
45-1833

(g) Section 227 (D.C. Code §45-1837) is amended as follows:

Section  
45-1837

(1) Subsection (a) is amended by striking the phrase "the right conferred" and adding the phrase "the right conferred by this section" in its place.

(2) Subsection (e) is amended in the lead-in language by striking the phrase "create or".

(3) Subsection (e)(1) is amended by striking the word "Increase" and adding the phrase "Create or increase" in its place.

(4) Subsection (e)(5) is amended by striking the phrase "consent to" and adding the phrase "consent of" in its place.

(5) Subsection (f)(2) is amended by striking the phrase "[two thirds]".

(h) Section 228 (D.C. Code §45-1838) is amended as follows:

Section  
45-1838

(1) Subsection (d) is amended in the 1st sentence by striking the phrase "that the common elements of units" and adding the phrase "that all the common elements and units" in its place.

(2) Subsection (f) is amended in the 5th sentence by striking the phrase "distributed to a unit owner or lien holder as his or her interest may appear" and adding the phrase "distributed to unit owners and lien holders as their interests may appear" in its place, and in the 7th sentence by striking the phrase "for an assessment" and adding the phrase "for any assessment" in its place.

(3) Subsection (g) is amended by striking the phrases "Any lien" and "his or her successor" and adding the phrases "Any liens" and "his or her successors" respectively in their places.

(4) Subsection (h) is amended in the 1st sentence by striking the phrase "as the unit owner's or lien/holders' interests may appear" and adding the phrase "as their interests may appear" in its place.

(i) Section 230 (D.C. Code §45-1839.1) is amended as follows:

Section  
45-1839.1

(1) Subsection (e)(2)(B)(iii) is amended by striking the word "[any]".

(2) Subsection (e)(3) is amended by striking the phrase "of (this act)".

(j) Section 307(a) (D.C. Code §45-1847(a)) is amended in the 3rd sentence by striking the word "owner's and adding the word "owners'" in its place. Section 45-1847

(k) Section 313(a)(2) (D.C. Code §45-1853(a)(2)) is amended by striking the phrase "the effective date of the Condominium Amendment Act" and adding the phrase "March 8, 1991," in its place. Section 45-1853

(l) Section 404(a-1) (D.C. Code §45-1864(a-1)) is amended by repealing the text designated as the 2nd paragraph (4) which reads as follows: Section 45-1864

"(4) A statement of any services not reflected in the budget which declarant provides, or expenses which he pays, and which he expects may become at any subsequent time a common expense of the unit owners' association, and the projected common expense assessment attributable to each of those services or expenses for each time-share estate;".

Section 45-1871

(m) Section 411 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "prior to" and inserting the phrase "on or prior to the 10th business day following" in its place.

(2) Subsection (a-1) is amended to read as follows:

"(a-1)(1) If the condominium instruments and certificate prescribed pursuant to subsection (a) of this section are not furnished to the purchaser on or prior to the 10th business day following the date of execution of the contract of sale by the purchaser, the purchaser shall have the option to cancel the contract by giving notice in writing to the seller prior to receipt of the condominium instruments and certificate.

"(2) Except as provided pursuant to paragraph (5) of this subsection, the purchaser shall have the right for a period of 48 hours following the purchaser's receipt of the condominium instruments and certificate prescribed pursuant to subsection (a) of this section, whether or not such receipt occurs within the time period described in subsection (a) of this section, to cancel the contract by giving notice in writing and returning the condominium instruments and certificate to the seller.

"(3) If the purchaser cancels the contract pursuant to paragraph (1) or (2) of this subsection, the purchaser shall receive back any earnest money or other deposit without delay or deduction.

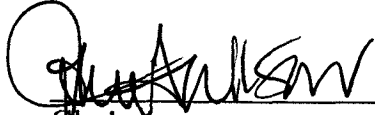
"(4) From and after the expiration of the 48-hour period for review prescribed pursuant to paragraph (2) of this subsection, if the purchaser has not exercised the right to cancel, the contract shall be and remain in full force and effect and binding upon the parties.

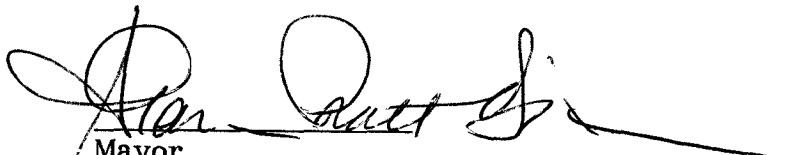
"(5) If the condominium instruments and certificate are furnished to the purchaser on or prior to execution of the contract of sale by the purchaser, the 48-hour period for review prescribed pursuant to paragraph (2) of this subsection shall commence when the contract is executed by the purchaser."

Sec. 3. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and

publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire on the 225th day of its having taken effect or upon the effective date of the Condominium Act of 1976 Technical and Clarifying Amendment Act of 1991, whichever occurs first.

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia

APPROVED: July 24, 1991



# COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

## RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: BILL 9-234

☐ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 06-04-91

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: All Present

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

Shylin /me/

Secretary to the Council

July 10, 1991

Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 07-02-91

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot, Rolark

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

Shylin /me/

Secretary to the Council

July 10, 1991

Date

☐ Item on Consent Calendar

☐ ACTION & DATE: \_\_\_\_\_

☐ VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

☐ ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date