

A RESOLUTION

**Proposed
Resolution
20-1068**

**See Emergency
D.C. Act 20-457
20 DCStat 4362**

**Grocery Store
Restrictive
Covenant
Prohibition
Emergency
Declaration
Resolution of
2014**

To declare the existence of an emergency with respect to the need to establish 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Grocery Store Restrictive Covenant Prohibition Emergency Declaration Resolution of 2014”.

Sec. 2. (a) It was recently reported that the Safeway at 4865 Macarthur Boulevard has been offered for sale. In previous store and property sales, the company has required that a purchaser of its property agree to a covenant prohibiting reuse of the property for a similar or analogous use; that is, that the property may not be used as a grocery store or retail food establishment of any kind. Such a restriction is harmful to residents. In the Macarthur Boulevard instance, it is harmful to the residents of the neighborhood as the next closest grocer is approximately 2.5 miles away.

(b) Restrictive covenants and other usage restriction policies with respect to grocery stores hurt residents’ access to fresh food.

(c) In city neighborhoods, the reliance on grocery stores within a short distance from one another is particularly necessary as many residents rely on walking as their sole means of access to fresh food.

(d) Seniors and low-income residents especially rely on food retailers in close proximity to their homes as they often face mobility challenges or have limited access to vehicles.

(e) A lack of stores offering healthy food leads to unhealthy food choices and related health problems.

(f) These restrictive covenants are contrary to the American standard of a free market and open competition.

(g) As development in the District continues and the city sees continued population increases, it is vital that every neighborhood has access to essential grocery-store services. Restrictive covenants undermine food-services competition and the advent of revitalized communities with large and small retailers, including independent butchers and bakeries.

(h) The circumstances described in this section underscore the need for the Council to act to prohibit such restrictive covenants and prevent the creation of food deserts in the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

Grocery Store Restrictive Covenant Prohibition Emergency Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.