

A PROPOSED RESOLUTION

PR24-

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Condominium Act of 1976 to clarify standards and procedures governing the resolution of a claim filed upon a condominium developer's warranty against structural defects; to provide that any judicial, non-judicial, regulatory, or administrative proceeding for breach of a warrant that arises under this Act shall be commenced within 5 years after the date the applicable warranty period began; to provide that the filing of a claim with the Mayor shall not preclude the claimant from also seeking to judicially enforce its claim; and to clarify the penalties for violating a provision of this act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Condominium Warranty Claims Clarification Emergency Declaration Resolution of 2022."

Sec. 2. (a) The purpose of the underlying emergency measure is to provide authority for the Department of Housing and Community Development's Rental and Conversion and Sale Division (CASD) to be able to review condominium warranty claims. To date, the CASD has temporarily halted review of condominium structural defect warranty claims as the following measures have lapsed: Condominium Warranty Claims Clarification Emergency Amendment Act of 2020, 2019 Bill Text DC B. 621, B23-0621, Condominium Warranty Claims Clarification Temporary Amendment Act of 2020, 2019 Bill Text DC B. 622, B23-0622, Condominium

30 Warranty Claims Clarification Amendment Act of 2020, 2019 Bill Text DC B. 623, B23-0623,
31 and the Condominium Warranty Claims Clarification Congressional Review Emergency
32 Amendment Act of 2020, 2019 Bill Text DC B. 765, B23-0765.

33 (b) A permanent bill, the Condominium Warranty Clarification Amendment Act
34 of 2022, B24-0934, was introduced on July 11, 2022, and is pending and expected to become
35 effective in early 2023. An emergency enactment is necessary now to prevent a gap in the law and
36 for CASD to be able to issue legally sufficient determinations to warranty claims. To date, there
37 are currently 12 pending warranty claims awaiting a determination by CASD.

38 Sec. 3. The Council of the District of Columbia determines that the circumstances in
39 section 2 constitute emergency circumstances, making in necessary that the “Condominium
40 Warranty Claims Clarification Emergency Declaration Resolution of 2022” be adopted on an
41 emergency basis.

42 Sec. 4. The resolution shall take effect immediately.