

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to repeal the Condominium Warranty Claims Clarification Temporary Amendment Act of 2022.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Continuity in Condominium Warranty Claims Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On November 15, 2022, the Council passed the Condominium Warranty Claims Clarification Amendment Act of 2022, enacted on December 8, 2022 (D.C. Act 24-689; 69 DCR 15105) (“permanent act”). The permanent act is now pending congressional review. Only one paragraph, section 2(a)(8), is applicable subject to appropriation; the remaining substantive provisions would become applicable upon completion of congressional review.

(b) On December 20, 2022, the Council passed the Condominium Warranty Claims Clarification Temporary Amendment Act of 2022 (Bill 24-1138) (“temporary act”). The Council’s intent in passing the temporary act was to accelerate the applicability of all provisions of the permanent act. However, the temporary act contains substantive differences from the permanent act, including the omission of language that the permanent act would add or amend at D.C. Official Code §§ 42-1903.16(e)(6), 42-1903.16(g)(1-A), 42-1903.17, and 42-1904.17.

(c) The temporary act is now pending Mayoral review. If the Mayor signs the temporary act, it is transmitted to Congress, and Congress takes no action, the temporary act will become

32 law for 225 days. This would result in the changes referenced in subsection (b) of this section
33 that were included in the permanent act but omitted from the temporary act temporarily lapsing.

34 (c) To prevent a temporary inconsistency in the law, it is now necessary to repeal the
35 temporary act.

36 Sec. 3. The Council of the District of Columbia determines that the circumstances
37 enumerated in section 2 constitute emergency circumstances making it necessary that the
38 Continuity in Condominium Warranty Claims Emergency Amendment Act of 2023 must be
39 adopted after a single reading.

40 Sec. 4. This resolution shall take effect immediately.