

PUBLIC HEARING ON

Releasing Restrictive Covenants in Deeds Act of 2023, Bill 25-482

**Before the
Committee of the Whole
The Honorable Phil Mendelson, Chairman**

Council of the District of Columbia

**Friday, December 8, 2023, at 12:00 p.m.
Room 412, John A. Wilson Building**



Testimony of

**Daniel Altomare
Recordation Tax Exemption Specialist
Office of the Chief Financial Officer**

**Glen M. Lee
Chief Financial Officer
Government of the District of Columbia**

Good afternoon, Chairman Mendelson and Members of the Committee of the Whole. I am Daniel Altomare, Recordation Tax Exemption Specialist in the office of the Recorder of Deeds (ROD). I am pleased to testify for the Recorder of Deeds and the Office of the Chief Financial Officer on Bill 25-482, the “Releasing Restrictive Covenants in Deeds Act of 2023” (the Bill).

In general, the provisions of the Bill pertain to ROD providing a procedure whereby an owner of real property may record an amending instrument releasing a prohibited restriction to which the property may be subject. A “prohibited restriction” is generally defined as a restriction, covenant or condition that directly or indirectly interferes with or limits the transfer, use or occupancy of real property on the basis of certain enumerated factors, including race, color, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, disability, or that discriminates on another status or condition in violation of the Human Rights Act of 1977.

The amending instrument can only be executed by the property owner and must be acknowledged in the same manner as other recordable instruments. The Bill further describes the provisions required to be included in the amending instrument. The Bill also provides a procedure for the

governing body of a residential condominium or cooperative to amend its governing documents to remove a prohibited restriction and for the recordation of amending instruments with respect to residential condominiums or cooperatives. ROD is to index the amending instrument and is to maintain a database of each prohibited restriction released in this manner. Because ROD does not index documents by property address, we recommend that the word “address” at line 130 of the Bill be replaced by the phrase “square and lot”, the property identifier which is already required to be included in each document submitted for recordation and that is customarily used for indexing purposes. The Bill provides that ROD shall waive any fees associated with recording an amending instrument.

The Bill confirms present law by providing that prohibited restrictions are void and unenforceable and prohibits recordation of a document containing such a restriction. The Bill also provides liability protections for ROD and the District in the event that a document containing such a restriction is recorded, as well as with respect to the recording of an amending instrument that is not authorized under the Bill.

The Bill does not appear to present any administrative issues for ROD.

Thank you for the opportunity to testify. This concludes my testimony, and I am happy to answer any questions you may have at this time.