



Council of the **DISTRICT OF COLUMBIA**

Code of the District of Columbia

Subchapter IV. Registration and Offering of Condominiums.

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§ 42-1904.01. Exemptions.

Unless the method of offer or disposition is adopted for the purpose of evasion of this chapter, the provisions of §§ [42-1904.02](#), [42-1904.03](#), [42-1904.04](#), [42-1904.05](#), [42-1904.06](#), [42-1904.07](#), [42-1904.08](#), [42-1904.09](#), and [42-1904.12](#) do not apply to:

- (1)** Dispositions in a condominium in which all units are restricted to commercial, industrial, or other nonresidential use;
- (2)** Dispositions pursuant to court order;
- (3)** Dispositions by any government or government agency;
- (4)** Solicitation and acquisition by the declarant of nonbinding reservation agreements;
- (5)** Gratuitous dispositions; or

(6) Dispositions by foreclosure or deed in lieu of foreclosure.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 401, 23 DCR 9532b](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(pp\), 38 DCR 261.](#))

Prior Codifications

1981 Ed., § 45-1861.

1973 Ed., § 5-1261.

Section References

This section is referenced in [§ 42-1901.01](#) and [§ 42-1904.11](#).

§ 42–1904.02. No offer or disposition of unit prior to registration; current public offering statement; right of cancellation by purchaser; form therefor prescribed by Mayor.

(a) Neither declarant nor any person on behalf of declarant may offer or dispose of any interest in a condominium unit located in the District of Columbia, nor dispose in the District of Columbia of any interest in a condominium unit located without the District of Columbia prior to the time the condominium including such unit is registered in accordance with this chapter.

(b) During any period when registration of a condominium is required by this chapter or until the time that all units in the condominium have been initially disposed of to the bona fide purchasers, a declarant may not dispose of any interest in a condominium unit not previously disposed of unless there is delivered to the purchaser a current public offering statement by the time of the disposition. The disposition shall be expressly and without qualification or condition subject to cancellation by the purchaser before conveyance of the unit, within 15 days after the date of execution of the contract for the disposition, or within 15 days after delivery of the current public offering statement, whichever is later. A public offering statement shall not be current unless any necessary amendment is incorporated or attached. If the purchaser elects to cancel, he or she may cancel by notice hand-delivered or sent by United States mail, return receipt requested, to the seller. The cancellation shall be without penalty, and any deposit made by the purchaser shall be promptly refunded in its entirety.

(c) The public offering statement and sales contract shall contain a clause and its Spanish equivalent in a form prescribed by the Mayor which shall clearly state the purchaser's right to cancel.

(d) A declarant shall be liable under this chapter for any false or misleading statement in a public offering statement or for any omission of a material fact with respect to the portion of the public offering statement that he or she prepared or caused to be prepared. If a declarant did not prepare or cause to be prepared any part of a public offering statement that he or she delivers, the declarant shall not be liable for any false or misleading statement or any omission of a material fact unless he or she had actual knowledge of the statement or omission or, in the exercise of reasonable care, should have known of the statement or omission.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 402, 23 DCR 9532b](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(qq\), 38 DCR 261](#).)

Prior Codifications

1981 Ed., § 45-1862.

1973 Ed., § 5-1262.

Section References

This section is referenced in [§ 42-1901.01](#) and [§ 42-1904.01](#).

§ 42–1904.03. Application for registration; contents; later registration of additional units; availability for public inspection; fee to be determined by Mayor.

(a) The application for registration of the condominium shall be filed as prescribed by the Mayor's rules and shall contain the following documents and information:

(1) An irrevocable appointment of an agent in the District of Columbia, and in the absence of such an agent, the agency to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or applicant's personal representative;

(2) The states or jurisdictions in which an application for registration or similar document pertaining to the condominium has been filed, and any adverse order, judgment, or decree by any regulatory authority or by any court entered against declarant or any other person referred to in paragraph (3) of this subsection in connection with:

(A) Any registration, offer of sale of any condominium or condominium units;

(B) Any violation of any condominium statute or any lack of compliance with a condominium instrument; and

(C) Any breach of contract, fraud or misrepresentation perpetrated against any unit owner, unit owner association or unit purchaser;

(3) The name, address, and principal occupation for the past 5 years of every officer of the applicant or person occupying a similar status or performing similar functions; the extent and nature of such person's interest in the applicant or the condominium as of a specified date within 30 days of the filing of the application;

(4) A statement, in a form acceptable to the Mayor, of the condition of the title to the condominium project including encumbrances as of a specified date within 30 days of the date of application by a title opinion of a licensed attorney, not a salaried employee, officer or director of the applicant or owner, or by other evidence of title acceptable to the Mayor;

(5) Copies of any management agreements, employment contracts or other contracts or agreements affecting the use or maintenance of, or access to, all or a part of the condominium;

(6) Plats and plans of the condominium that comply with the provisions of [§ 42-1902.14](#) other than the certification requirements thereof, and which show all units and buildings containing units to be built anywhere within the submitted land other than within the boundaries of any convertible lands; except that the Mayor may by regulation or order waive or modify this requirement or the requirements of [§ 42-1902.14](#) for plats and plans of a condominium located outside the District of Columbia;

(7) The proposed public offering statement; and

(8) Any other information, including any current financial statement, which the Mayor by his regulations requires for the protection of purchasers.

(b) If the declarant registers additional units to be offered for disposition in the same condominium he may consolidate the subsequent registration with any earlier registration offering units in the condominium for disposition under the same promotional plan.

(c) The declarant shall maintain a copy of the application for registration at the declarant's principal office at the condominium. The application for registration shall be made available for public inspection upon request at reasonable times; provided, however, that the Mayor may grant confidential status to any information required pursuant to [§ 42-1904.04\(a\)\(11\)](#). The declarant shall promptly report any material changes in the information contained in an application for registration and amend the application accordingly.

(d) Each application shall be accompanied by a fee in an amount determined by the Mayor. The amount of such fee shall be established at a rate adequate to cover the costs related to processing such application and to provide additional funds to be available to defray the costs of administering this chapter, except that the fee shall not be less than \$ 100. Monies collected pursuant to this subsection shall be deposited in the Department of Housing and Community Development Unified Fund, established pursuant to [§ 42-2857.01](#).

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 403, 23 DCR 9532b](#); [Apr. 9, 1997, D.C. Law 11-255, § 49\(b\), 44 DCR 1271](#); [Sept. 24, 2010, D.C. Law 18-223, § 2102, 57 DCR 6242](#).)

Prior Codifications

1981 Ed., § 45-1863.

1973 Ed., § 5-1263.

Section References

This section is referenced in [§ 42-1904.01](#), [§ 42-1904.12](#), [§ 42-2857.01](#), and [§ 42-3402.11](#).

Effect of Amendments

[D.C. Law 18-223](#) rewrote subsec. (d), which had read as follows: “(d) Each application shall be accompanied by a fee in an amount determined by the Mayor. The amount of such fee shall be established at a rate adequate to cover the costs related to processing such application and to provide additional funds to be available to defray the costs of administering this chapter.”

Emergency Legislation

For temporary (90 day) amendment of section, see § 2102 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Short Title

Short title: Section 2101 of [D.C. Law 18-223](#) provided that subtitle J of title II of the act may be cited as the “Housing Regulatory Administration Fees Amendment Act of 2010”.

§ 42–1904.04. Public offering statement; form prescribed by Mayor; contents; use in promotions; material change in information and amendment of statement.

(a) A public offering statement shall disclose fully and accurately the characteristics of the condominium and the units therein offered and shall make known to prospective purchasers all unusual and material circumstances or features affecting the condominium. The proposed public offering statement submitted to the Mayor shall be in a form prescribed by his rules and shall include:

(1) The name and principal address of the declarant and the condominium;

(2) The applicant's name, address, and the form, date, and jurisdiction of organization, the address of each of its offices in the District of Columbia, the names and addresses of all general partners if applicant is a partnership, and all directors and owners of 10% or more of the beneficial interest in the stock of applicant if applicant is a corporation;

(3) To the extent that such information is reasonably available to applicant, the names and addresses of the attorney primarily responsible for the preparation of the condominium documents, the general contractor, if any, all contractors who are primarily responsible for the construction, reconstruction or renovation of the electrical, plumbing or mechanical systems or the roof of the condominium, and the architect and engineer primarily responsible for the design, construction or renovation of the condominium;

(4) A general narrative description of the condominium stating the total number of units in the offering; the total number of units planned to be sold and the number of units to be rented; the total number of units that may be included in the condominium by reason of future expansion or merger of the project by the declarant;

(5) A copy of the condominium instruments, with a brief narrative statement describing each and including:

(A) Information on declarant control;

(B) A projected budget for at least the first year of the condominium's operation (including projected common expense assessments for each unit);

(C) Provisions for enforcement of liens for assessments;

(D) A statement of the amount, or a statement that there is no amount, included in the projected budget as a reserve for repairs and replacement;

(E) The estimated amount of any initial or special condominium fee due from the purchaser on or before settlement of the purchase contract and the basis of such fees;

(F) A description of any restraints on alienation, including restrictions on the rental of units; and

(G) A description of any service not reflected in the proposed budget that the declarant shall provide or expenses that he or she shall pay, and that he or she 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 the association and for each type of unit;

(6) Copies of the deed that shall be delivered to a purchaser to evidence his or her interest in the unit and of the contract of sale that a purchaser shall be required to sign;

(7) A copy of any management contract, lease of recreational areas, and any other contract or agreement substantially affecting the use or maintenance of, or access to all or any part of the condominium with a brief narrative statement of the effect of each such agreement upon a purchaser, the condominium unit owners and the condominium, and a statement of the relationship, if any, between the declarant and the managing agent or firm;

(8) A general statement of:

(A) The status of construction;

(B) The project's compliance with zoning, site plan and building permit regulations;

(C) Source of financing available and the estimated amount necessary to complete all improvements shown on the plats and plans as "not yet completed" or "not yet begun" which declarant is obligated to complete; and

(D) The projected date of completion of construction or renovation of the major amenities of the condominium;

(9) The significant terms of any encumbrances, easements, liens and matters of title affecting the condominium;

(10) The significant terms of any financing offered by or through the declarant to purchasers of units in the condominium;

(11) The provisions and any significant limitations of any warranties provided by the declarant on the units and the common elements, other than the warranty prescribed by [§ 42-1903.07\(b\)](#) [(b) repealed];

(12) A statement that the contract purchaser of a condominium unit may, prior to conveyance, cancel the purchase transaction within 15 days following the date of execution of the contract by the purchaser or the receipt of a current public offering statement, whichever is later;

(13) A statement as to whether or not the condominium satisfies, or is expected to satisfy, the special requirements pertaining to condominiums established by federal, federally chartered or District of Columbia institutions which insure, guarantee or maintain a secondary market for condominium unit mortgages;

(14) Additional information required by the Mayor to assure full and fair disclosure to prospective purchasers; and

(15) Repealed.

(a-1) If the declaration provides that ownership or occupancy of the units are or may be owned in time-shares, the public offering statement shall disclose in addition to the information required by subsection (a) of this section:

(1) The total number of units in which time-share estates may be created;

(2) The total number of time-share estates that may be created in the condominium;

(3) The projected common expense assessment for each time-share estate and whether the assessment may vary seasonally;

(4) A statement that shall include:

(A) Any service that the declarant shall provide or any expense that the declarant shall pay, if the service or expense is not reflected in the budget and the declarant expects that the expense or service may later become a common expense of the unit owners' association; and

(B) The projected common expense assessment attributable to any expense or service listed pursuant to subparagraph (A) of this paragraph for each time-share estate;

(5) Repealed;

(6) The extent to which the time-share owners of a unit are jointly and severally liable for the payment of real estate taxes and all assessments and other charges levied against the unit;

(7) The extent to which a suit for partition may be maintained against a unit owned in time-share estates; and

(8) The extent to which a time-share estate may become subject to a tax or other lien that arises out of claims against other time-share owners of the same unit.

(b) The public offering statement shall not be used for any promotional purposes before registration of the condominium project and afterwards only if it is used in its entirety. No person may advertise or represent that the Mayor approves or recommends the condominium or disposition thereof. No portion of the public offering statement may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement if such emphasis is intended to mislead the prospective purchaser or to otherwise conceal material facts, except that there may be a cover sheet for such public offering statement using such design, pictures and words as the Mayor may deem reasonable. The form, content, and layout of the public offering statement shall be subject to approval by the Mayor.

(c) The declarant shall file with the Mayor a statement of any material change in the information contained in the public offering statement. Such statement shall be filed within 15 days after the date on which the declarant knows or should have known about the change. The Mayor may require the declarant to amend the public offering statement if necessary to assure full and fair disclosure to prospective purchasers. A public offering statement is not current unless any necessary amendments are incorporated therein or attached thereto. Such amendments must be mailed by United States registered mail, return receipt requested. Such receipt shall be kept on file for review.

(d) The provisions of this section shall be deemed to be complied with if the public offering statement filed pursuant to the provisions of paragraph (9) of subsection (a) of this section is for offers of units currently registered as securities with the Securities and Exchange Commission.

(e) In the case of a condominium situated wholly outside the District of Columbia, an application for registration or a proposed public offering statement filed with the Mayor, which has been approved by an agency in the state where the condominium is located and substantially complies with the requirements of this chapter, may not be rejected by the Mayor on the grounds of noncompliance with any different or additional requirements imposed by this chapter or by rules and regulations issued by the Mayor pursuant to this chapter. The Mayor may require additional documents or information in a particular case to assure adequate and accurate disclosure to prospective purchasers.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 405, 23 DCR 9532b](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(rr\), 38 DCR 261](#); [Mar. 20, 1992, D.C. Law 9-82, § 2\(n\), 39 DCR 683](#); [Mar. 24, 1998, D.C. Law 12-81, § 54, 45 DCR 745](#); [June 21, 2014, D.C. Law 20-109, § 2\(n\), 61 DCR 4304.](#))

Prior Codifications

1981 Ed., § 45-1864.

1973 Ed., § 5-1264.

Section References

This section is referenced in [§ 42-1903.12](#), [§ 42-1904.01](#), [§ 42-1904.03](#), and [§ 42-1904.08](#).

Effect of Amendments

The 2014 amendment by [D.C. Law 20-109](#) added “including restrictions on the rental of units” in (a)(5)(F).

Temporary Legislation

For temporary (225 day) amendment of section, see § 2(l) of Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Law 9-38, August 17, 1991, law notification 38 DCR 5805).

§ 42–1904.05. Application for registration — Investigation by Mayor upon receipt.

Upon receipt of an application for registration in proper form, the Mayor may forthwith initiate an investigation to determine:

(1) That there is reasonable assurance that the declarant can convey or cause to be conveyed the units offered for disposition if the purchaser complies with the terms of the offer;

(2) That there is reasonable assurance that all proposed improvements will be completed as represented;

(3) That the advertising material and the general promotional plan are not false or misleading and comply with the standards prescribed by the Mayor in its rules and afford full and fair disclosures;

(4) Whether the declarant has, or if a corporation its officers and principals have, been convicted of a crime involving condominium unit dispositions or any aspect of the land sales business in the United States or any foreign country within the past 10 years, or has been subject to any injunction or administrative order restraining a false or misleading promotional plan involving land dispositions; and

(5) The public offering statement requirements of this chapter have been satisfied.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 405, 23 DCR 9532b.](#))

Prior Codifications

1981 Ed., § 45-1865.

1973 Ed., § 5-1265.

Section References

This section is referenced in [§ 42-1904.01](#) and [§ 42-1904.06](#).

§ 42–1904.06. Application for registration — Notice of filing; registration or rejection; notice of need for rejection; hearing.

(a) Upon receipt of the application for registration in proper form, the Mayor shall, within 5 business days, issue a notice of filing to the applicant. Within 60 days from the date of the notice of filing, the Mayor shall enter an order registering the condominium or rejecting the registration. If no order of rejection is entered within 60 days from the date of notice of filing, the condominium shall be deemed registered unless the applicant has consented in writing to a delay.

(b) If the Mayor affirmatively determines, upon inquiry and examination, that the requirements of [§ 42-1904.05](#) have been met, he shall enter an order registering the condominium and may require any additions, deletions, or modifications in and to the public offering statement in order to assure full and fair disclosure.

(c) If the Mayor determines upon inquiry and examination, that any of the requirements of [§ 42-1904.05](#) have not been met, he shall notify the applicant that the application for registration must be corrected in the particulars specified within 15 days or such longer period as he may prescribe. If the requirements are not met within the time allowed the Mayor shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for 20 days after the lapse of the aforesaid period during which 20-day period the applicant may petition for reconsideration and shall be entitled to a hearing to contest the particulars specified in the Mayor's notice. Such order of rejection shall not take effect during the pendency of a hearing, if requested.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 406, 23 DCR 9532b.](#))

Prior Codifications

1981 Ed., § 45-1866.

1973 Ed., § 5-1266.

Section References

This section is referenced in [§ 42-1903.02](#), [§ 42-1904.01](#), [§ 42-1904.16](#), [§ 42-3401.03](#), and [§ 42-3402.11](#).

Cross References

Rental housing conversion and sale, applicability to prior housing accommodations conversions, see [§ 42-3402.11](#).

Rental housing conversion and sale, condominium conversion as issuance of notice of filing pursuant to this section, see [§ 42-3401.03](#).

§ 42–1904.07. Registration; annual updating report by declarant; termination.

The declarant shall, during any period of control of the condominium by the declarant pursuant to [§ 42-1903.02](#) file a report in the form prescribed by the rules of the Mayor within 30 days of each anniversary date of the order registering the condominium. The report shall reflect any material changes in information contained in the original application for registration. In the event that the annual report reveals that all of the units in the condominium have been disposed of, and that all periods for conversion or expansion have expired, the Mayor shall issue an order terminating the registration of the condominium.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 407, 23 DCR 9532b.](#))

Prior Codifications

1981 Ed., § 45-1867.

1973 Ed., § 5-1267.

Section References

This section is referenced in [§ 42-1904.01](#).

§ 42–1904.08. Conversion condominiums; additional contents of public offering statement; notice of intent to convert; tenant’s and subtenant’s right to purchase; notice to vacate.

(a) Any declarant of a conversion condominium shall include in his public offering statement, in addition to the requirements of [§ 42-1904.04](#):

(1) Repealed;

(2)(A) A statement by the declarant based upon a report of a qualified architect or engineer as to the present condition of all structural components and major utility installations in the condominium. The statement shall include:

(i) The approximate dates of construction, installation, and major repairs of structural components and major utility installations and a general description of each installed system as particularly suitable or unsuitable for use in a conversion condominium;

(ii) An evaluation of the adequacy of each system to perform its intended function both before and after completion of the condominium conversion; and

(iii) The estimated life of the system components, and the estimated cost (in current dollars) of replacing each component that has a rated life that is evaluated to be less than the rated life of the entire structure.

(B) The architect's or engineer's report upon which the statement required by this subsection is based shall be filed with the Mayor as a part of the application for registration.

(b) In the case of a conversion condominium:

(1) The declarant shall give each of the tenants or subtenants of the building or buildings which the declarant submits to the provisions of this chapter at least 120 days notice of the conversion before any such tenant or subtenant may be served with notice to vacate. Such notice of conversion shall be given no sooner than 10 days after the date the declarant's application for registration of the condominium units is approved. The notice shall be in such form as the Mayor may require and shall set forth generally the rights of tenants and subtenants pursuant to this section. Such notice shall be hand-delivered or sent by United States mail, return receipt requested. Such notice shall contain a statement indicating that such notice shall not be construed as abrogating any rights any tenant may have under a valid existing written lease;

(2) During the first 60 days of the 120-day notice period, each of the tenants who entered into an agreement with declarant or declarant's predecessor in interest to lease the apartment unit shall have the exclusive right to contract for the purchase of such apartment unit. If the tenants do not contract for the purchase of their apartment unit, during the second 60 days of such 120-day period, each of the subtenants, if any, who occupy the apartment unit under an agreement with the tenants shall have the exclusive right to contract for the purchase of such apartment unit. The exclusive right to contract for the purchase of such apartment units shall be on terms and conditions at least as favorable to the tenants or subtenants as those being offered by declarant to the general public. The right to contract for purchase granted to the tenants and subtenants, if any, of an apartment unit shall be granted only where the tenant or subtenant has remained, and on the date of the notice is, in substantial compliance with the terms of the lease or sublease agreement, and if such apartment unit is to be retained in the conversion condominium without substantial renovation or alteration in its physical layout. If there is more than 1 tenant, then each such tenant shall be entitled to contract for the purchase of a proportionate share of the apartment unit and of a proportionate share of the share of any tenant who elects not to purchase. If the tenants do not contract for the purchase of the apartment unit and if there is more than 1 subtenant occupying the apartment unit, then each such subtenant shall be entitled to contract for the purchase of a proportionate share of the apartment unit occupied, and of a proportionate share of the share of any subtenant who elects not to purchase. In no case shall this subsection be deemed to authorize the purchase of less than the entire interest in the apartment unit to be conveyed;

(3) If the notice of conversion specifies a date by which the apartment unit shall be vacated, then such notice shall constitute and be the equivalent of a valid statutory notice to vacate. Otherwise, the declarant shall give the tenant or subtenant occupying the apartment unit to be vacated the statutory notice to vacate where required by law in compliance with the requirements applicable thereto.

(c) Each declarant of a conversion condominium shall assure that the budget established for the unit owners' association and upon which common expense assessments are made shall include an adequate provision for reasonable reserves to cover future maintenance, repair, or replacement costs associated with the common elements.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 408, 23 DCR 9532b](#); [Sept. 10, 1980, D.C. Law 3-86, § 207, 27 DCR 2975](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(tt\), 38 DCR 261.](#))

Prior Codifications

1981 Ed., § 45-1868.

1973 Ed., § 5-1268.

Section References

This section is referenced in [§ 42-1904.01](#) and [§ 42-3402.11](#).

Cross References

Cooperative conversion, see [§ 42-3402.06](#).

Rental housing conversion and sale, applicability to prior housing accommodations conversions, see [§ 42-3402.11](#).

§ 42–1904.09. Escrow of deposits; to bear interest; not subject to attachment.

(a) Any deposit made in regard to any disposition of a unit, including a nonbinding reservation agreement, shall be held in escrow until either delivered at settlement or returned to the prospective purchaser. Such escrow funds shall be deposited in a separate account for each condominium in a financial institution the accounts of which are insured by a federal or state agency. These deposits shall bear interest at the passbook rate then prevailing in the District of Columbia beginning with the first business day after the date deposited with declarant or declarant's agent. Earned interest shall be credited to the prospective purchaser's deposit. Such escrow funds shall not be subject to attachment by the creditors of either the purchaser or the declarant.

(b) The declarant of a condominium may:

(1) Obtain and maintain a corporate surety bond issued by a surety authorized to do business in the District, in the form and amount set forth in subsection (e) of this section; or

(2) Obtain and maintain an irrevocable letter of credit issued by a financial institution insured by the federal government, in the form and amount set forth in subsection (f) of this section.

(c) Except as provided in subsection (d) of this section, the declarant shall maintain the surety bond or letter of credit until the first of the following occurs:

(1) A deed to the unit is granted to the purchaser;

(2) The purchaser defaults under a purchase contract for the unit entitling the declarant to retain the deposit; or

(3) The deposit is refunded to the purchaser.

(d) The declarant may make withdrawals from an escrow account established under subsection (a) of this section that consists of sum received to finance the construction of a unit to pay, in accordance with a draw schedule agreed to by the purchaser in writing, documented claims of persons who have furnished labor or material for the construction of the unit.

(e) The surety bond shall be payable to the District for the use and benefit of every person protected under the provisions of this chapter. The declarant shall file the bond with the Department of Housing and Community Development. The surety bond may either be in the form of an individual bond for each deposit the declarant accepts or, if the total amount of the deposits the declarant accepts under this chapter exceeds \$ 10,000, it may be in the form of a blanket bond. If the bond is a blanket bond, the amount of the bond shall be equal to the amount of the deposits.

(f) The letter of credit shall be payable to the District for the use and benefit of persons protected under the provisions of this chapter. The declarant shall file the letter of credit with the Department of Housing and Community Development. The letter of credit may be in the form of an individual letter of credit for each deposit the declarant accepts or, if the total amount of the deposits the declarant accepts under this chapter exceeds \$ 10,000, it may be in the form of a blanket letter of credit. If the letter of credit is a blanket letter of credit, the amount of the letter of credit shall be equal to the amount of the deposits.

(g) For the purpose of determining the amount of any blanket bond or blanket letter of credit that a declarant maintains, the total amount of deposits considered held by the declarant shall be determined as of May 31 of any given calendar year, and the amount of the bond or letter of credit shall be in accordance with the amount of deposits held as of that May 31 until May 31 of the following calendar year.

(g) For the purpose of determining the amount of any blanket bond or blanket letter of credit that a declarant maintains, the total amount of deposits considered held by the declarant shall be determined as of May 31 of any given calendar year, and the amount of the bond or letter of credit shall be in accordance with the amount of deposits held as of that May 31 until May 31 of the following calendar year.

(h) Nothing in this section shall be construed to modify or limit the requirements imposed on a declarant by [§ 42-1903.16](#).

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 409, 23 DCR 9532b](#); [June 21, 2014, D.C. Law 20-109, § 2\(o\), 61 DCR 4304](#).)

Prior Codifications

1981 Ed., § 45-1869.

1973 Ed., § 5-1269.

Section References

This section is referenced in [§ 42-1904.01](#).

Effect of Amendments

The 2014 amendment by [D.C. Law 20-109](#) added (b) through (h).

§ 42–1904.10. Copies of documents to be furnished to purchaser by declarant; Department of Housing and Community Development website publication.

(a) Unless previously furnished, an exact copy of the recorded declaration, bylaws, and Condominium Association Bill of Rights and Responsibilities shall be furnished to each purchaser by the declarant within 10 days of recordation thereof as provided for in §§ [42-1902.01](#) and [42-1902.05](#).

(b) The Condominium Association Bill of Rights and Responsibilities shall read as follows:

"Condominium Association Bill of Rights and Responsibilities

"Every unit owner who is a member in a unit owners' association has certain rights and responsibilities under the D.C. Condominium Act, with some of those rights and responsibilities restated here:

"1. The right to attend and participate in meetings of the unit owners' association held in accordance with the provisions of the unit owners' association's condominium instruments at least once each year, according to and subject to the provisions of D.C. Official Code § 42-1903.03(a).

"2. The right to observe all meetings of the unit owners' association, committees of the unit owners' association, and the executive board, except for those meetings held lawfully in executive session, and to examine and copy minutes recorded at meetings, according to and subject to the provisions of D.C. Official Code § 42-1903.03(b).

"3. The right to an opportunity to comment on any matter relating to the unit owners' association during each regularly scheduled meeting, according to and subject to the provisions of D.C. Official Code § 42-1903.03(c).

"4. The right to have meetings of the unit owners' association and executive board only be conducted with a quorum present as provided in the governing documents of the association.

"5. The right to cast a vote on any matter requiring a vote by the unit owners' association membership in proportion to the unit owner's voting interest, according to and subject to the provisions of D.C. Official Code § 42-1903.05.

"6. The right to an executive board that in the performance of its duties, is obligated to exercise the care required of a fiduciary consistent with business judgment standard, subject to the provisions of D.C. Official Code § 42-1903.08(d) and § 42-1903.09(b).

"7. The right to cure any default in payment of an assessment at any time prior to the foreclosure sale by tendering payment in full of past due amounts owed, according to and subject to the provisions of D.C. Official Code § 42-1903.13(c).

"8. The right to request a statement that sets forth the amount of unpaid assessments currently levied against the unit owner, according to and subject to the provisions of D.C. Official Code § 42-1903.13(h).

"9. The right of access to all books and records kept by or on behalf of the unit owners' association, subject to the provisions and limitations of D.C. Official Code § 42-1903.14 and the unit owners' associations' condominium instruments."

(c) A copy of a Condominium Association Bill of Rights and Responsibilities shall be made available on the Department of Housing and Community Development website, in at least 12 point type.

[\(Mar. 29, 1977, D.C. Law 1-89, title IV, § 410, 23 DCR 9532b; Apr. 7, 2017, D.C. Law 21-241, § 2\(e\), 64 DCR 1602.\)](#)

Prior Codifications

1981 Ed., § 45-1870.

1973 Ed., § 5-1270.

Editor's Notes

Section 3 of D.C. Law 21-241 stated that within 180 days after April 7, 2017, the Mayor, pursuant subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of Law 21-241.

§ 42–1904.11. Resale by unit owner; seller to obtain appropriate statements from association and furnish to purchaser; scope of provisions.

(a) In the event of a resale of a condominium unit by a unit owner other than the declarant, the unit owner shall obtain from the unit owners' association and furnish to the purchaser, on or prior to the 10th business day following the date of execution of the contract of sale by the purchaser, a copy of the condominium instruments and a certificate setting forth the following:

(1) Appropriate statements pursuant to [§ 42-1903.13\(h\)](#) and, if applicable, [§ 42-1903.15](#), which need not to be in recordable form;

(2) A statement of any capital expenditures approved by the unit owners' association planned at the time of the conveyance that are not reflected in the current operating budget disclosed under paragraph (4) of this subsection;

(3) A statement of the status and amount of any reserves for capital expenditures, contingencies, and improvements, and any portion of such reserves earmarked for any specified project by the executive board;

(4) A copy of the statement of financial condition for the unit owners' association for the then most recent fiscal year for which such statement is available and the current operating budget, if any;

(5) A statement of the status of any pending suits or any judgments to which the unit owners' association is a party;

(6) A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association and a statement whether such coverage includes public liability, loss or damage, or fire and extended coverage insurance with respect to the unit and its contents;

(7) A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, by the prior unit owner are not in violation of the condominium instruments;

(8) A statement of the remaining term of any leasehold estate affecting the condominium or the condominium unit and the provisions governing any extension or renewal thereof; and

(9) The date of issuance of the certificate.

(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 right to cancel the contract by giving notice in writing to the seller prior to receipt of the condominium instruments and certificate, but not after conveyance under the contract.

(2) Except as provided pursuant to paragraph (5) of this subsection, the purchaser shall have the right for a period of 3-business days 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, provided that the purchaser may not so cancel the contract after conveyance under the contract.

(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 earlier of (i) the expiration of the 3-business-day period for review prescribed pursuant to paragraph (2) of this subsection, or an extension of the 3-business-day period agreed to by the parties in a signed writing, or (ii) conveyance under the contract, if the purchaser has not exercised the right to cancel, the contract shall not be cancellable by the purchaser under this subsection.

(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 3 business-day period for review prescribed pursuant to paragraph (2) of this subsection shall commence when the contract is executed by the purchaser.

(b) The principal officer of the unit owners' association or such other officer or officers as the condominium instruments may specify, shall furnish the certificate prescribed by subsection (a) of this section upon the written request of any unit owner or purchaser within 10 days of the receipt of such request.

(c) Subject to the provisions of [§ 42-1904.01](#), but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of [Chapter 20 of this title](#).

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 411, 23 DCR 9532b](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(uu\), 38 DCR 261](#); [Mar. 20, 1992, D.C. Law 9-82, § 2\(o\), 39 DCR 683](#); [June 21, 2014, D.C. Law 20-109, § 2\(p\), 61 DCR 4304](#).)

Prior Codifications

1981 Ed., § 45-1871.

1973 Ed., § 5-1271.

Section References

This section is referenced in [§ 42-1901.01](#) and [§ 42-1903.08](#).

Effect of Amendments

The 2014 amendment by [D.C. Law 20-109](#) rewrote (a)(2).

Cross References

Application of this chapter, prior law superseded, see [§ 42-1901.01](#).

Temporary Legislation

For temporary (225 day) amendment of section, see § 2(m) of Condominium Act of 1976 Technical and Clarifying Temporary Amendment Act of 1991 (D.C. Law 9-38, August 17, 1991, law notification 38 DCR 5805).

§ 42–1904.12. Mayor to administer chapter; rules and regulations; advertising materials; abbreviated public offering statement; court actions; intervention in suits involving condominiums; notice relating to conversion condominiums.

(a) This chapter shall be administered by the Mayor or his designee. The Mayor shall prescribe reasonable rules which shall be adopted, amended or repealed in accordance with the provisions of the District of Columbia Administrative Procedure Act ([§ 2-501](#) et seq.). The rules shall include but not be limited to provisions for advertising standards to assure full and fair disclosure; provisions for operating procedures; and such other rules as are necessary and proper to accomplish the purposes of this chapter. The initial such regulations shall be promulgated by the Mayor within 120 days after March 29, 1977.

(b) The Mayor by regulation, rule or order, after reasonable notice and hearing may require the filing of advertising material relating to condominiums prior to the distribution of such material.

(c) The Mayor may by regulation, rule or order approve the filing and use of an abbreviated public offering statement if the agency determines that the public interest and the interests of purchasers would best be served thereby. The Mayor shall determine whether or not such abbreviated disclosure will be permitted based upon consideration of the following factors among others:

(1) The total number of units being offered is small, which shall mean generally less than 10;

(2) Adequate disclosure of relevant information will otherwise be readily available to prospective purchasers;

(3) The class of purchasers will be comprised substantially of persons having the ability to protect their own interests (such as the present tenants); and

(4) In the case of a conversion condominium, no substantial renovation or remodeling of the units will be done.

(d) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule, regulation or order hereunder, the Mayor, with or without prior administrative proceedings may bring an action in the Superior Court of the District of Columbia to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted. The Mayor is not required to post a bond in any court proceedings or prove that any other adequate remedy at law exists.

(e) The Mayor may intervene in any suit involving the rights and liabilities of declarant with respect to the condominium being registered and any transactions related thereto. The Mayor may require the declarant to notify the Mayor of any suit by or against the declarant involving a condominium established or sold by the declarant.

(f) The Mayor may:

(1) Accept registrations filed in other jurisdictions or with the federal government;

(2) Contract with similar agencies in this or other jurisdictions to perform investigative functions; and

(3) Accept grants-in-aid from any governmental source.

(g) The Mayor shall notify the Rental Accommodations Commission whenever an application is made to register a conversion condominium and at such time as any application to register a conversion condominium is approved.

(h) With respect to any lawful process served upon the agency pursuant to the appointment made in accordance with [§ 42-1904.03](#), the agency shall send the lawful process by registered or certified mail to any of the principals, officers, directors, partners, or trustees of the declarant listed in the application for registration at the last address listed in the application or any annual report.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 412, 23 DCR 9532b](#); [Mar. 8, 1991, D.C. Law 8-233, § 2\(vv\), 38 DCR 261.](#))

Prior Codifications

1981 Ed., § 45-1872.

1973 Ed., § 5-1272.

Section References

This section is referenced in [§ 42-1901.01](#), [§ 42-1904.01](#), and [§ 42-1904.17](#).

§ 42–1904.13. Investigations and proceedings; powers of Mayor; enforcement through courts.

(a) The Mayor may make necessary public or private investigations in accordance with law within or outside of the District of Columbia to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder.

(b) For the purpose of any investigation or proceeding under this chapter, the Mayor or any officer designated by rule may administer oaths or affirmations, and upon the Mayor's own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

(c) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the Mayor may apply to the Superior Court of the District of Columbia for an order compelling compliance.

[\(Mar. 29, 1977, D.C. Law 1-89, title IV, § 413, 23 DCR 9532b.\)](#)

Prior Codifications

1981 Ed., § 45-1873.

1973 Ed., § 5-1273.

Section References

This section is referenced in [§ 42-1901.01](#).

§ 42–1904.14. Cease and desist and affirmative action orders; temporary cease and desist orders; prior notice thereof.

(a) If the Mayor determines after notice and hearing that a person has: (1) violated any provision of this chapter; (2) directly or through an agent or employee knowingly engaged in any false, deceptive or misleading advertising, promotional, or sales method to offer or dispose of a unit; (3) made any substantial change in the plan of disposition and development of the condominium subsequent to the order of registration without notifying the agency; (4) disposed of any units which have not been registered with the agency; or (5) violated any lawful order or rule of the agency, the Mayor may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in his judgment will carry out the purposes of this chapter.

(b) If the Mayor makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order the Mayor may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the Mayor shall give notice of the proposal to issue a temporary cease and desist order to the person affected. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not such order becomes permanent.

[\(Mar. 29, 1977, D.C. Law 1-89, title IV, § 414, 23 DCR 9532b.\)](#)

Prior Codifications

1981 Ed., § 45-1874.

1973 Ed., § 5-1274.

§ 42–1904.15. Revocation of registration; notice; hearing; written finding of fact; cease and desist order as alternative.

(a)(1) A registration may be revoked after notice and hearing upon a written finding of fact that the declarant has:

(A) Failed to comply with the terms of a cease and desist order;

(B) Been convicted in any court subsequent to the filing of the application for registration for a crime involving fraud, deception, false pretenses, misrepresentation, false advertising, or dishonest dealing in real estate transactions;

(C) Disposed of, concealed, or diverted any funds or assets of any person so as to defeat the rights of unit purchasers;

(D) Failed faithfully to perform any stipulation or agreement made with the Mayor as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or public offering statement; or

(E) Made intentional misrepresentations or concealed material facts in an application for registration.

(2) Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(b) If the Mayor finds after notice and hearing that the declarant has been guilty of a violation for which revocation could be ordered, the Office of Administrative Hearings may issue a cease and desist order instead.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 415, 23 DCR 9532b](#); [June 9, 2018, D.C. Law 22-112, § 3\(a\), 65 DCR 4600](#).)

Prior Codifications

1981 Ed., § 45-1875.

1973 Ed., § 5-1275.

Applicability

Applicability of [D.C. Law 22-112: § 7147 of D.C. Law 23-16](#) repealed [§ 4 of D.C. Law 22-112](#). Therefore the amendment of this section by [D.C. Law 22-112](#) has been implemented.

Applicability of [D.C. Law 22-112: § 4 of D.C. Law 22-112](#) provided that the change made to this section by [§ 3\(a\) of D.C. Law 22-112](#) is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

§ 42–1904.16. Judicial review of mayoral actions.

Proceedings for judicial review of mayoral actions shall be subject to and be in accordance with the District of Columbia Administrative Procedure Act ([§ 2-501](#) et seq.) applicable to “rule-making”; provided, however, that review of mayoral actions pursuant to [§ 42-1904.06](#) shall be subject to provisions applicable to “contested cases.”

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 416, 23 DCR 9532b.](#))

Prior Codifications

1981 Ed., § 45-1876.

1973 Ed., § 5-1276.

§ 42–1904.17. Penalties; prosecution by Attorney General.

(a) Notwithstanding [§ 22-3571.01](#), a person shall be fined not less than \$1,000 or double the amount of gain from the transaction, whichever is the larger, but not more than \$50,000, or may be imprisoned for not more than 6 months, or both, for each offense, who knowingly or recklessly:

(1) Violates any provision of [this chapter](#) or any rule adopted and published under or order issued pursuant to [§ 42-1904.12](#);

(2) Makes any untrue statement of a material fact or omits to state a material fact in an application for registration; or

(3) Materially misrepresents the estimated construction or conversion costs in the posting of a bond or letter of credit or other security posted pursuant to [§ 42-1903.16](#).

(b) Prosecution for violations of [this chapter](#) shall be brought in the name of the District of Columbia by the Attorney General.

(c)(1) Notwithstanding the provisions of subsection (a) of this section, the Mayor may suspend any declarant, officer, director, shareholder, partner, employee, or other individual associated with a declarant from:

(A) Participating in the recordation of any condominium instrument creating a condominium; or

(B) Selling, conveying, or participating in the sale or conveyance of condominium units upon receipt of facts that demonstrate to the satisfaction of the Mayor that the person was directly involved in:

(i) Fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, criminal tax evasion, or violating criminal tax laws;

(ii) An unfair or deceptive trade practice pursuant to [Chapter 39 of Title 28](#);

(iii) The knowing uttering of an untrue statement of material fact in connection with:

(I) The creation or marketing of a condominium;

(II) Estimated construction or conversion costs of a condominium; or

(III) Costs of construction to substantiate the amount of a bond, letter of credit or other security posted pursuant to [§ 42-1903.16](#).

(2) The Mayor shall advise by certified mail, return receipt requested, a person that is suspended pursuant to this subsection, that:

(A) The person has been suspended;

(B) The suspension shall remain pending the completion of an investigation; and

(C) The person may within 30 calendar days after the mailing of the notice submit, in person, in writing, or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over the material facts or the application of the law.

(3) If it is determined that the suspended person's submission in opposition raises a genuine dispute over facts material to the suspension or the application of the law, the suspended person shall be afforded an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any appearing witness.

(4) The Mayor:

(A) Shall render a decision based on all the information in the administrative record, including any submission made by the suspended person, after the conclusion of the proceedings; and

(B) May terminate, modify, or leave in force the suspension for a period up to, but not to exceed, 36 months. Prompt written notice of the decision shall be sent to the suspended person by certified mail, return receipt requested.

(5) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a declarant may be imputed to:

(A) The declarant when the conduct occurred in connection with the individual's performance of duties for or on behalf of the declarant, or with the declarant's knowledge, approval, or acquiescence; or

(B) Any officer, director, shareholder, partner, employee, or other individual associated with the declarant who participated in, knew of, or had reason to know of the declarant's conduct.

(6) The acceptance of a benefit derived from fraudulent, criminal, or other seriously improper conduct shall be evidence of such knowledge, approval, or acquiescence.

(7) The declarant may appeal a determination by the Mayor under this section to the Office of Administrative Hearings.

(d)(1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of [this subchapter](#), or any rules or regulations issued under the authority of [this subchapter](#), pursuant to [Chapter 18 of Title 2](#).

(2) Adjudication of any infraction of [this subchapter](#) shall be pursuant to [Chapter 18 of Title 2](#).

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 417, 23 DCR 9532b](#); [Oct. 5, 1985, D.C. Law 6-42, § 420, 32 DCR 4450](#); [Feb. 23, 2023, D.C. Law 24-262, § 2\(c\), 69 DCR 15105](#).)

Prior Codifications

1981 Ed., § 45-1877.

1973 Ed., § 5-1277.

§ 42–1904.18. Severability.

If any provision of this chapter, or any paragraph, section, sentence, clause, phrase or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of this chapter, and of the application of any such provision, paragraph, section, sentence, clause, phrase or word in any circumstances shall not be affected thereby and to this end, the provisions of this chapter are declared severable.

([Mar. 29, 1977, D.C. Law 1-89, title IV, § 418, 23 DCR 9532b.](#))

Prior Codifications

1981 Ed., § 45-1878.

1973 Ed., § 5-1278.

PUBLICATION INFORMATION

Current through

Mar. 10, 2023

Last codified Emergency Law:

[Act 25-9 effective Feb. 1, 2023](#)

Last codified D.C. Law:

[Law 24-314 effective Mar. 10, 2023](#)

Last codified Federal Law:

[Public Law 115-334 approved Dec. 20, 2018](#)

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