

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

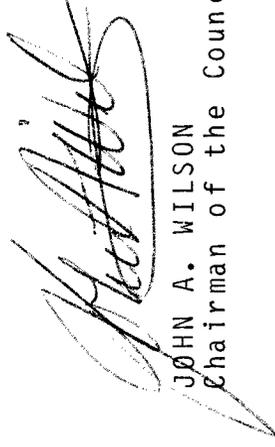
NOTICE

D.C. LAW 9-82

"Condominium Act of 1976 Technical and Clarifying Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-240 on first and second readings, December 17, 1991, and January 7, 1992, respectively. Following the signature of the Mayor on January 28, 1992, this legislation was assigned Act No. 9-140, published in the February 7, 1992, edition of the D.C. Register, (Vol. 39 page 683) and transmitted to Congress on January 30, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-82, effective March 20, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	30,31
February	3,4,5,6,7,18,19,20,21,24,25,26,27,28
March	2,3,4,5,6,9,10,11,12,13,16,17,18,19

AN ACT

Codification

D.C. ACT 9-140

District of Columbia Code

1993 Supplement

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 1992

To amend the Condominium Act of 1976 to make technical and clarifying amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Condominium Act of 1976 Technical and Clarifying Amendment Act of 1992".

Sec. 2. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code §1801 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Code §45-1801) is amended as follows:

Section
45-1801

(1) Subsection (a) is amended to read as follows:

"(a) This act shall apply to all condominiums created in the District of Columbia after the effective date of this act. Sections 103, 104, 105, 106, 203, 206, 207, 208, 209, 230, 305(d), 308(a)(1) through (6), 308(a)(11) through (16), 309, 313, 314, 320, 411, 413, 414, 415, 416, 417, and 102 to the extent necessary in construing any of those sections, shall apply to any condominium and to any horizontal property regime or condominium project created in the District of Columbia before the effective date of this act, except that these sections shall apply only with respect to an event or circumstance that occurs after the effective date of this act and shall not invalidate any existing provision of the condominium instruments of any condominium, horizontal property regime, or condominium project.

(2) Subsection (c) is amended to read as follows:

"(c) This act shall supersede the Horizontal Property Act of the District of Columbia ("Horizontal Property Act"), approved December 21, 1963 (77 Stat. 449; D.C. Code §45-1701 *et seq.*), and Regulation 74-26 of the District of Columbia City Council, enacted October 18, 1974. No condominium shall be established except pursuant to this act after March 28, 1977. This act shall not be construed, however, to affect the validity of any provision of any condominium instrument complying with the requirements of the Horizontal Property Act and recorded prior to March 28, 1977. Except for section 411, title IV shall not apply to any condominium created prior to March 29, 1977. Any amendment to the condominium instruments of any condominium, horizontal property regime, or condominium project created before March 29, 1977, shall be valid and enforceable if the amendment would be permitted by this act and if the amendment was adopted in conformity with the procedures and requirements specified by those condominium instruments and by the

applicable law in effect when the amendment was adopted. If an amendment grants a person any right, power, or privilege permitted by this act, any correlative obligation, liability, or restriction in this act shall apply to that person."

(3) Subsection (d) is amended by striking the phrase "The Condominium Amendment Act" and adding the phrase "This act" in its place.

(4) A new subsection (e) is added to read as follows:

"(e) Except as otherwise provided in this act, amendments to this act shall not invalidate any provision of any condominium instrument which was permitted under this act at the time the provision was recorded."

(b) Section 102(d) (D.C. Code §45-1802(4)) is amended by striking the phrase "the Condominium Amendment Act" and adding the phrase "this act" in its place. Section 45-1802

(c) Section 107 (D.C. Code §45-1807) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place. Section 45-1807

(d) Section 108 (D.C. Code §45-1808) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place. Section 45-1808

(e) Section 213 (D.C. Code §45-1823) is amended as follows: Section 45-1823

(1) Subsection (c)(1) is amended by striking the phrase "method prescribed" and adding the phrase "the method prescribed by" in its place.

(2) Subsection (c)(3) is amended by striking the phrase "the effective date of the Condominium Amendment Act" and adding the phrase "March 8, 1991," in its place.

(f) Section 223(a) (D.C. Code §45-1833(a)) is amended in the 2nd sentence by striking the phrase "affect any obligation" and adding the phrase "affect that obligation" in its place. Section 45-1833

(g) Section 227 (D.C. Code §45-1837) is amended as follows: Section 45-1837

(1) Subsection (a) is amended by striking the phrase "the right conferred" and adding the phrase "the right conferred by this section" in its place.

(2) Subsection (e) is amended in the lead-in language by striking the phrase "create or".

(3) Subsection (e)(1) is amended by striking the word "Increase" and adding the phrase "Create or increase" in its place.

(4) Subsection (e)(5) is amended by striking the phrase "consent to" and adding the phrase "consent of" in its place.

(5) Subsection (f)(2) is amended by striking the phrase "[two thirds]".

(h) Section 228 (D.C. Code §45-1838) is amended as follows: Section 45-1838

(1) Subsection (d) is amended in the 1st sentence by striking the phrase "that the common elements of units" and adding the phrase "that all the common elements and units" in its place.

(2) Subsection (f) is amended in the 5th sentence by striking the phrase "distributed to a unit owner or lien holder as his or her interest may appear" and adding the phrase "distributed to unit owners and lien holders as their interests may appear" in its place, and in the 7th sentence by striking the phrase "for an assessment" and adding the phrase "for any assessment" in its place.

(3) Subsection (g) is amended by striking the phrases "Any lien" and "his or her successor" and adding the phrases "Any liens" and "his or her successors" respectively in their places.

(4) Subsection (h) is amended in the 1st sentence by striking the phrase "as the unit owner's or lien/holders' interests may appear" and adding the phrase "as their interests may appear" in its place.

(i) Section 230 (D.C. Code §45-1839.1) is amended as follows: Section
45-1839.1

(1) Subsection (e)(2)(B)(iii) is amended by striking the word "[any]".

(2) Subsection (e)(3) is amended by striking the phrase "of (this act)".

(j) Section 305(d) (D.C. Code §45-1845(d)) is amended by adding a sentence at the beginning to read as follows: Section
45-1845

"Notwithstanding any contrary provisions of the condominium instruments, this subsection establishes the requirements for the validity of proxies."

(k) Section 313(a)(D.C. Code §45-1853(a)) is amended to read as follows: Section
45-1853

"(a) Any assessment levied against a condominium unit in accordance with the provisions of this act and any lawful provision of the condominium instruments shall, from the time the assessment becomes due and payable, constitute a lien in favor of the unit owners' association on the condominium unit to which the assessment pertains. If an assessment is payable in installments, the full amount of the assessment shall be a lien from the time the 1st installment becomes due and payable.

"(1) The lien shall be prior to any other lien or encumbrance except:

"(A) A lien or encumbrance recorded prior to the recordation of the declaration;

"(B) A 1st mortgage for the benefit of an institutional lender or a 1st deed of trust for the benefit of an institutional lender on the unit recorded before the date on which the assessment sought to be enforced became delinquent; or

"(C) A lien for real estate taxes or municipal assessments or charges against the unit.

"(2) The lien shall also be prior to a mortgage or deed of trust described in subsection (a)(1)(B) of this section and recorded after March 7, 1991, to the extent of the common expense assessments based on the periodic budget adopted by the unit owners' association which would have become due in the absence of acceleration during the 6 months immediately preceding institution of an action to enforce the lien. The provisions of this subsection shall not affect the priority of mechanics' or materialmen's lien."

(l) Section 316(b) (D.C. Code §45-1856(b)) is amended to read as follows: Section
45-1856

"(b) A declarant shall warrant against structural defects in each of the units for 2 years from the date each unit is 1st conveyed to a bona fide purchaser, and all of the common elements for 2 years. The 2 years shall begin as to any portion of the common elements whenever the portion has been completed or, if later:

"(1) If within any additional land or portion thereof that does not contain a unit, at the time the additional land is added to the condominium;

Enrolled Original

"(2) If within any convertible land or portion thereof that does not contain a unit, at the time the convertible land may no longer be converted;

"(3) If within any additional land or convertible land or portion of either that does contain a unit, at the time the 1st unit therein is 1st conveyed to a bona fide purchaser; or

"(4) If within any other portion of the condominium, at the time the 1st unit is 1st conveyed to a bona fide purchaser."

(m) Section 317 (D.C. Code § 45-1857) is amended to read as follows:

Section
45-1857

"A judicial proceeding for breach of any warranty that arises under section 316 shall be commenced within 5 years after the date the warranty period began."

(n) Section 404(a-1) (D.C. Code §45-1864(a-1)) is amended by repealing the text designated as the 2nd paragraph (4) which reads as follows:

Section
45-1864

"(4) A statement of any services not reflected in the budget which declarant provides, or expenses which he pays, and which he 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 each time-share estate;"

(o) Section 411 (D.C. Code §45-1871) is amended as follows:

Section
45-1871

(1) Subsection (a) is amended by striking the phrase "prior to" and inserting the phrase "on or prior to the 10th business day following" in its place.

(2) Subsection (a)(1) is amended to read as follows:

"(1) Appropriate statements pursuant to section 313(h) and, if applicable, section 315, which need not be in recordable form;"

(3) Subsection (a-1) is amended to read as follows:

"(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 paragraphs (1) or (2) of this subsection, the purchaser shall receive back any earnest money or other deposit without delay or deduction.

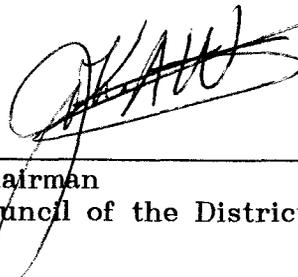
"(4) From and after the earlier of (i) the expiration of the 3 business-day period for review prescribed pursuant to paragraph (2) of this subsection, or an extension of the 3 business-day period agreed to by the parties in a signed writing, or (ii) conveyance under the contract,

Enrolled Original

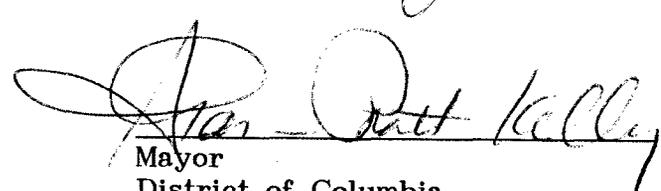
if the purchaser has not exercised the right to cancel, the contract shall not be cancellable by the purchaser under this subsection.

"(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."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 28, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-240

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-17-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Shylin Jones
Secretary to the Council

January 15, 1992
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 01-07-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Shylin Jones
Secretary to the Council

January 15, 1992
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-82

"Condominium Act of 1976 Technical and Clarifying Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-240 on first and second readings, December 17, 1991, and January 7, 1992, respectively. Following the signature of the Mayor on January 28, 1992, this legislation was assigned Act No. 9-140, published in the February 7, 1992, edition of the D.C. Register, (Vol. 39 page 683) and transmitted to Congress on January 30, 1992 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-82, effective March 20, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	30,31
February	3,4,5,6,7,18,19,20,21,24,25,26,27,28
March	2,3,4,5,6,9,10,11,12,13,16,17,18,19

AN ACT

Codification

D.C. ACT 9-140

District of Columbia Code

1993 Supplement

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 1992

To amend the Condominium Act of 1976 to make technical and clarifying amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Condominium Act of 1976 Technical and Clarifying Amendment Act of 1992".

Sec. 2. The Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code §1801 et seq.), is amended as follows:

(a) Section 101 (D.C. Code §45-1801) is amended as follows:

Section 45-1801

(1) Subsection (a) is amended to read as follows:

"(a) This act shall apply to all condominiums created in the District of Columbia after the effective date of this act. Sections 103, 104, 105, 106, 203, 206, 207, 208, 209, 230, 305(d), 308(a)(1) through (6), 308(a)(11) through (16), 309, 313, 314, 320, 411, 413, 414, 415, 416, 417, and 102 to the extent necessary in construing any of those sections, shall apply to any condominium and to any horizontal property regime or condominium project created in the District of Columbia before the effective date of this act, except that these sections shall apply only with respect to an event or circumstance that occurs after the effective date of this act and shall not invalidate any existing provision of the condominium instruments of any condominium, horizontal property regime, or condominium project.

(2) Subsection (c) is amended to read as follows:

"(c) This act shall supersede the Horizontal Property Act of the District of Columbia ("Horizontal Property Act"), approved December 21, 1963 (77 Stat. 449; D.C. Code §45-1701 et seq.), and Regulation 74-26 of the District of Columbia City Council, enacted October 18, 1974. No condominium shall be established except pursuant to this act after March 28, 1977. This act shall not be construed, however, to affect the validity of any provision of any condominium instrument complying with the requirements of the Horizontal Property Act and recorded prior to March 28, 1977. Except for section 411, title IV shall not apply to any condominium created prior to March 29, 1977. Any amendment to the condominium instruments of any condominium, horizontal property regime, or condominium project created before March 29, 1977, shall be valid and enforceable if the amendment would be permitted by this act and if the amendment was adopted in conformity with the procedures and requirements specified by those condominium instruments and by the

applicable law in effect when the amendment was adopted. If an amendment grants a person any right, power, or privilege permitted by this act, any correlative obligation, liability, or restriction in this act shall apply to that person."

(3) Subsection (d) is amended by striking the phrase "The Condominium Amendment Act" and adding the phrase "This act" in its place.

(4) A new subsection (e) is added to read as follows:

"(e) Except as otherwise provided in this act, amendments to this act shall not invalidate any provision of any condominium instrument which was permitted under this act at the time the provision was recorded."

(b) Section 102(d) (D.C. Code §45-1802(4)) is amended by striking the phrase "the Condominium Amendment Act" and adding the phrase "this act" in its place.

Section
45-1802

(c) Section 107 (D.C. Code §45-1807) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place.

Section
45-1807

(d) Section 108 (D.C. Code §45-1808) is amended by striking the phrase "the Condominium Amendment Act" wherever it appears and adding the phrase "this act" in its place.

Section
45-1808

(e) Section 213 (D.C. Code §45-1823) is amended as follows:

Section
45-1823

(1) Subsection (c)(1) is amended by striking the phrase "method prescribed" and adding the phrase "the method prescribed by" in its place.

(2) Subsection (c)(3) is amended by striking the phrase "the effective date of the Condominium Amendment Act" and adding the phrase "March 8, 1991," in its place.

(f) Section 223(a) (D.C. Code §45-1833(a)) is amended in the 2nd sentence by striking the phrase "affect any obligation" and adding the phrase "affect that obligation" in its place.

Section
45-1833

(g) Section 227 (D.C. Code §45-1837) is amended as follows:

Section
45-1837

(1) Subsection (a) is amended by striking the phrase "the right conferred" and adding the phrase "the right conferred by this section" in its place.

(2) Subsection (e) is amended in the lead-in language by striking the phrase "create or".

(3) Subsection (e)(1) is amended by striking the word "Increase" and adding the phrase "Create or increase" in its place.

(4) Subsection (e)(5) is amended by striking the phrase "consent to" and adding the phrase "consent of" in its place.

(5) Subsection (f)(2) is amended by striking the phrase "[two thirds]".

(h) Section 228 (D.C. Code §45-1838) is amended as follows:

Section
45-1838

(1) Subsection (d) is amended in the 1st sentence by striking the phrase "that the common elements of units" and adding the phrase "that all the common elements and units" in its place.

(2) Subsection (f) is amended in the 5th sentence by striking the phrase "distributed to a unit owner or lien holder as his or her interest may appear" and adding the phrase "distributed to unit owners and lien holders as their interests may appear" in its place, and in the 7th sentence by striking the phrase "for an assessment" and adding the phrase "for any assessment" in its place.

(3) Subsection (g) is amended by striking the phrases "Any lien" and "his or her successor" and adding the phrases "Any liens" and "his or her successors" respectively in their places.

(4) Subsection (h) is amended in the 1st sentence by striking the phrase "as the unit owner's or lien/holders' interests may appear" and adding the phrase "as their interests may appear" in its place.

(1) Section 230 (D.C. Code §45-1839.1) is amended as follows:

Section
45-1839

(1) Subsection (e)(2)(B)(iii) is amended by striking the word "[any]".

(2) Subsection (e)(3) is amended by striking the phrase "of (this act)".

(j) Section 305(d) (D.C. Code §45-1845(d)) is amended by adding a sentence at the beginning to read as follows:

Section
45-1845

"Notwithstanding any contrary provisions of the condominium instruments, this subsection establishes the requirements for the validity of proxies."

(k) Section 313(a)(D.C. Code §45-1853(a)) is amended to read as follows:

Section
45-1853

"(a) Any assessment levied against a condominium unit in accordance with the provisions of this act and any lawful provision of the condominium instruments shall, from the time the assessment becomes due and payable, constitute a lien in favor of the unit owners' association on the condominium unit to which the assessment pertains. If an assessment is payable in installments, the full amount of the assessment shall be a lien from the time the 1st installment becomes due and payable.

"(1) The lien shall be prior to any other lien or encumbrance except:

"(A) A lien or encumbrance recorded prior to the recordation of the declaration;

"(B) A 1st mortgage for the benefit of an institutional lender or a 1st deed of trust for the benefit of an institutional lender on the unit recorded before the date on which the assessment sought to be enforced became delinquent; or

"(C) A lien for real estate taxes or municipal assessments or charges against the unit.

"(2) The lien shall also be prior to a mortgage or deed of trust described in subsection (a)(1)(B) of this section and recorded after March 7, 1991, to the extent of the common expense assessments based on the periodic budget adopted by the unit owners' association which would have become due in the absence of acceleration during the 6 months immediately preceding institution of an action to enforce the lien. The provisions of this subsection shall not affect the priority of mechanics' or materialmen's lien."

(1) Section 316(b) (D.C. Code §45-1856(b)) is amended to read as follows:

Section
45-1856

"(b) A declarant shall warrant against structural defects in each of the units for 2 years from the date each unit is 1st conveyed to a bona fide purchaser, and all of the common elements for 2 years. The 2 years shall begin as to any portion of the common elements whenever the portion has been completed or, if later:

"(1) If within any additional land or portion thereof that does not contain a unit, at the time the additional land is added to the condominium;

Enrolled Original

"(2) If within any convertible land or portion thereof that does not contain a unit, at the time the convertible land may no longer be converted;

"(3) If within any additional land or convertible land or portion of either that does contain a unit, at the time the 1st unit therein is 1st conveyed to a bona fide purchaser; or

"(4) If within any other portion of the condominium, at the time the 1st unit is 1st conveyed to a bona fide purchaser."

(m) Section 317 (D.C. Code § 45-1857) is amended to read as follows:

Section
45-1857

"A judicial proceeding for breach of any warranty that arises under section 316 shall be commenced within 5 years after the date the warranty period began."

(n) Section 404(a-1) (D.C. Code §45-1864(a-1)) is amended by repealing the text designated as the 2nd paragraph (4) which reads as follows:

Section
45-1864

"(4) A statement of any services not reflected in the budget which declarant provides, or expenses which he pays, and which he 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 each time-share estate;"

(o) Section 411 (D.C. Code §45-1871) is amended as follows:

Section
45-1871

(1) Subsection (a) is amended by striking the phrase "prior to" and inserting the phrase "on or prior to the 10th business day following" in its place.

(2) Subsection (a)(1) is amended to read as follows:

"(1) Appropriate statements pursuant to section 313(h) and, if applicable, section 315, which need not be in recordable form;"

(3) Subsection (a-1) is amended to read as follows:

"(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.

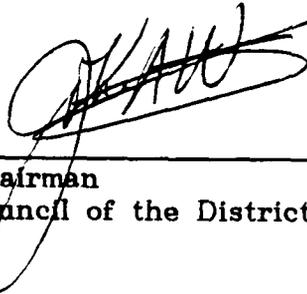
"(3) If the purchaser cancels the contract pursuant to paragraphs (1) or (2) of this subsection, the purchaser shall receive back any earnest money or other deposit without delay or deduction.

"(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,

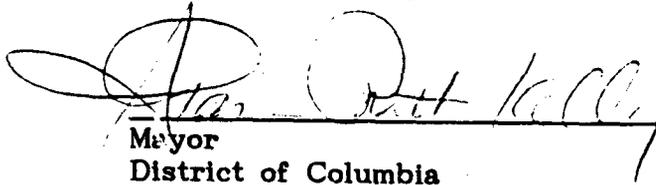
if the purchaser has not exercised the right to cancel, the contract shall not be cancellable by the purchaser under this subsection.

"(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."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 28, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-240

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-17-91

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Stephine Jones
Secretary to the Council

January 15, 1992
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 01-07-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

ROLL CALL VOTE: -- RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Stephine Jones
Secretary to the Council

January 15, 1992
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: -- RESULT _____ (_____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X -- Indicates Vote A.B. -- Absent N.V. -- Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date