

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

To amend An Act To establish a code of law for the District of Columbia to grant domestic partners similar rights and responsibilities currently held by married individuals in the area of property rights; and to amend Chapter 5 of Title 15 of the District of Columbia Official Code to clarify that certain debt instruments upon real property are binding and valid without the signature of a non-titled spouse or a non-titled domestic partner.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Property Interest Amendment Act of 2006".

Sec. 2. Section 1154 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1374; D.C. Official Code § 46-601), is amended to read as follows:

Amend
§ 46-601

“Sec. 1154. Rights enumerated.

“(a) For the purposes of this section, the term:

“(1) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(2) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).

“(b)(1) The fact that a person is or was married or registered as a domestic partner shall not impair the rights and responsibilities of such person, which rights and responsibilities are hereby granted or confirmed, to acquire from anyone, and to hold and dispose of, in any manner, as his or hers, property of any kind, or to accept and be bound by any covenant or agreement relating to any property or debt, or to contract or engage in any trade, occupation, or business arrangement or in any civil litigation of any sort (whether in contract, tort, or otherwise) with or against anyone, including such person's spouse or domestic partner, to the same extent as an unmarried person.

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“(2) A person’s spouse or domestic partner and the property of a person’s spouse or domestic partner shall not be liable because of any contract or tort by that person in which the spouse or domestic partner has not directly or indirectly participated, except that both spouses or domestic partners shall be liable on any debt, contract, or engagement entered into by either of them during their marriage or the term of the domestic partnership for necessities for either of them or for their dependent children.

“(3) Except as otherwise provided by law, a married minor shall be subject to the same disabilities, including the requirement for appointment of a guardian of the minor's estate, as an unmarried minor.

“(c) This section shall not be deemed to affect the law relating to ownership of property held by the spouses as tenants by the entireties, inheritance of property, actions for loss of consortium, family relations, or, except as to necessities purchased during marriage, obligations for marital support.”.

Sec. 3. Chapter 5 of Title 15 of the District of Columbia Official Code is amended as follows:

(a) Section 15-501(a)(14) is amended by striking the phrase "debtor." and inserting the phrase “debtor, except nothing relative to these exemptions shall impair the following debt instruments on real property: deed of trust, mortgage, mechanic’s lien, or tax lien.” in its place.

**Amend
§ 15-501**

(b) Section 15-502(a) is amended by adding the sentence “This section shall not apply to instruments related to property exempted in § 15-501(a)(14).” at the end.

**Amend
§ 15-502**

Sec. 4. Applicability.

Section 3 shall apply as of April 27, 2001.

Sec. 5. Fiscal impact statement.

The Council adopts the December 1, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia