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2 Councilmember Marion Barry

3  
4 A BILL

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7  
8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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12 Councilmember Marion Barry introduced the following bill, which was referred to the  
13 Committee on \_\_\_\_\_.

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15 To amend the Historic Landmark and Historic District Protection Act of 1978 to conform  
16 with the Religious Freedom Restoration Act and the Religious Land Use and  
17 Institutionalized Persons Act by exempting property owned and used by a  
18 religious institution from historic designation where the religious institution  
19 objects to historic designation because the historic designation would impose a  
20 substantial burden on that institution's religious exercise.

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22 BE IT ENACTED BY THE DISTRICT OF COLUMBIA, That this act may be  
23 cited as the "Religious Freedom and Historic Preservation Conformance Amendment Act  
24 of 2009".

25 Sec. 2. The Historic Landmark and Historic District Protection Act of 1978,  
26 effective March 3, 1979, (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is  
27 amended as follows:

28 (a) Section 3(f)(2) (D.C. Official Code § 6-1102(6)(B)) is amended by striking  
29 the word "Listed" at the beginning of the subparagraph and inserting the phrase "Except  
30 as provided in section 4(c) herein, listed" in its place.

31 (b) Section 3 (D.C. Official Code § 6-1102(6)(B)) is amended by inserting the  
32 following new defined terms alphabetically into the section and re-lettering the  
33 subsections accordingly:

34 “(x) “Religious exercise” has the meaning given that term in section 8(7)

1 of the Religious Land Use and Institutionalized Persons Act (42 U.S.C. 2000cc-5(7)).”;

2 “(x) “Religious institution” means an institution or assembly that avows  
3 beliefs that are sincerely held and religious in nature.”; and

4 “(x) “Substantial religious burden statement” means a statement, attested  
5 to by a duly authorized official of a religious institution owning and using a property for  
6 religious exercise that is subject to designation as an historic landmark or a contributing  
7 building to an historic district, that such a designation or proposed designation by the  
8 District of Columbia pursuant to this act would impose a substantial burden on that  
9 institution's religious exercise.”.

10 (c) Section 4(c)(3) (D.C. Official Code § 6-1103(c)(3)) is amended by inserting  
11 after the semi-colon at the end of the subsection “provided, however, that the Review  
12 Board shall not designate the property owned and used by a religious institution for  
13 religious exercise as an historic landmark or a contributing building to an historic district  
14 if the religious institution submits, at least twenty days prior to any designation hearing, a  
15 substantial religious burden statement objecting to such designation; and”.

16 (d) A new section is added to read as follows:

17 “(X)(1) Any property owned and used by a religious institution for religious  
18 exercise that was designated an historic landmark after November 16, 1993, over the  
19 objection of the religious institution based on the substantial burden such designation  
20 would impose on its religious exercise shall be removed from and not be listed in the  
21 D.C. Inventory of Historic Sites, and shall be exempt from the provisions of the Historic  
22 Landmark and Historic District Protection Act, if the religious institution submits a  
23 substantial religious burden statement to the Historic Preservation Review Board and the

1 Deputy Mayor for Planning and Economic Development within 90 days after the  
2 effective date of this act.

3 “(2) Any property owned and used by a religious institution for religious exercise  
4 that was designated a contributing building to an historic district after November 16,  
5 1993, over the objection of the religious institution based on the substantial burden such  
6 designation would impose on its religious exercise shall be reclassified as a  
7 noncontributing building to that historic district, if the religious institution submits a  
8 substantial religious burden statement to the Historic Preservation Review Board and the  
9 Deputy Mayor for Planning and Economic Development within 90 days after the  
10 effective date of this act. If any term is used in this section and in the Historic Landmark  
11 and Historic District Protect Act (as amended by this act), such term shall have the  
12 meaning given such term by that Act.”.

13 Sec. 3. Fiscal impact statement.

14 The Council adopts the fiscal impact statement in the committee report as the  
15 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home  
16 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
17 206.02(c)(3)).

18 Sec. 4. Effective date.

19 This act shall take effect following approval by the Mayor (or in the event of veto  
20 by the Mayor, action by the Council to override the veto), a 30-day Congressional review  
21 as provided in section 602(c)(1) of the District of Columbia Home Rule act, approved  
22 December 24, 1973 (87 Stat. 831; D.C. Official Code 1-206.02(c)(1)), and publication in  
23 the District of Columbia Register.