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2 Councilmember Mary M. Cheh
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_____ Chairman Phil Mendelson

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6 Councilmember Anita Bonds
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9 A BILL
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15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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20 To amend, on an emergency basis, the Condominium Act to authorize Condominium Unit
21 Owners Associations to conduct virtual meetings and clarify voting and quorum
22 requirements for such meetings, during a time for which the Mayor has declared a public
23 health emergency; and to remove a discrepancy in the Coronavirus Support Temporary
24 Amendment Act of 2020 with regard to the Mayor’s public health emergency authority.
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26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the “Common Interest Community Virtual Meeting Emergency Amendment
28 Act of 2020”.

29 Sec. 2. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C.
30 Law 1-89; (D.C. Official Code § 42-1901.03 *et seq.*) is amended by adding new a subsection (h)
31 to read as follows:

32 “(h) Notwithstanding any language contained in this act or in the condominium
33 instruments, during a time during a period of time for which the Mayor has declared a public
34 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
35 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

36 “(1) The executive board may authorize unit owners to submit votes by electronic
37 transmission up to 7 days before the scheduled date of any meeting of the unit owners, and unit
38 owners who submit votes during such period shall be deemed to be present and voting in person
39 at such meeting.

40 “(2)(A) Meetings of the unit owners’ association may be conducted or attended by
41 telephone conference, video conference, or similar electronic means. If a meeting is conducted
42 by telephone conference, video conference, or similar electronic means, the equipment or system
43 used must permit any unit owner in attendance to hear and be heard by, and to communicate
44 what is said by all other unit owners participating in the meeting. Any unit owner, Board
45 Member, or Committee member attending such meeting shall be deemed present for quorum
46 purposes.

47 “(B) A link or instructions on how to access an electronic meeting shall be
48 included in the notice required under subsection (a) of this section.

49 “(C) Any matters requiring a vote of the unit owners’ association at an
50 annual or regular meeting may be set by the Executive board for a vote, and a secret ballot may
51 be delivered with the notice required under subsection (a) of this section, provided that the
52 executive board has a process to ensure the anonymity of the ballots cast. The executive board
53 may set a reasonable deadline for a ballot to be returned to the association.”

54 Sec. 3. Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2020,
55 effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622) is repealed.

56 Sec. 4. This act shall apply as of October 9, 2020.

57 Sec. 5. Fiscal impact statement.

58 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
59 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
60 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

61 Sec. 6. Effective date.

62 This act shall take effect following approval by the Mayor (or in the event of veto by the
63 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
64 90 days, as provided for emergency acts of the Council of the District of Columbia in section
65 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
66 D.C. Official Code § 1-204.12(a)).