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2 Councilmember Brooke Pinto

Councilmember Kenyan R. McDuffie

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4
5 A PROPOSED RESOLUTION
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8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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11 To declare the existence of an emergency with respect to the need to establish clear
12 guidelines for allowing on-premises retailers, class C or D, and Convention
13 Center food and alcohol establishments to continue operations outdoors and to
14 establish safeguards to protect District residents while dining at these
15 establishments that are in accordance with Phase Two of the District’s Reopening.

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17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
18 this resolution may be cited as the “Revised Streatery and Pop Up Locations Programs
19 Clarification Emergency Declaration Resolution Act of 2020”.

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21 Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued
22 Mayor’s Orders 2020-45, 2020-46, and 2020-63, declaring a public emergency and a
23 public health emergency in the District due to the imminent threat to the health, safety,
24 and welfare of District residents posed by the spread of COVID-19.

25 (b)(1) As a result, many District businesses ceased operations in whole or in part.
26 To assist these businesses, while protecting District residents, the Council of the District
27 Columbia has passed emergency legislation to establish guidelines allowing businesses to
28 return to partial operation. *See* COVID-19 Response Emergency Amendment Act of
29 2020, effective March 17, 2020 (A23-247; 67 DCR 3093); Coronavirus Omnibus
30 Emergency Amendment Act of 2020, effective May 13, 2020 (A23-317; 67 DCR 5235;
31 and Coronavirus Support Emergency Amendment Act of 2020, effective May 27, 2020
32 (A23-326; 67 DCR 7045).

1 (3) On May 27, 2020, the Mayor issued Mayor’s Order 2020-67 announcing the
2 District had entered into Phase One of the District’s reopening. Amongst other things, in
3 Phase One, restaurants and taverns could serve patrons on outdoor public or private
4 spaces only. On June 19, 2020, the Mayor issued Mayor’s Order 2020-75, announcing
5 the District had entered into Phase Two of the District’s reopening—superseding
6 Mayor’s Order 2020-67 by allowing restaurants and taverns to resume serving patrons
7 indoors so long as they comply with the issuance’s guidelines.

8 (c) Despite resuming operations, many alcoholic beverage licensed establishments
9 are struggling financially. Many establishments have ceased operations, resulting in
10 vacant storefronts throughout the District. To aid these establishments, they shall be
11 permitted to offer beer, wine, or spirits, on a temporary basis, for on-premises indoor
12 consumption or in closed containers along with at least one prepared food item for
13 carryout or delivery from up to two additional locations.

14 (e) The Mayor’s reopening plan allows restaurants and taverns to serve patrons
15 on outdoor public or private space, but many restaurants and taverns in the District do not
16 have outdoor public or private spaces on their certificates of occupancy or alcoholic
17 beverage licenses. These establishments shall be permitted to register with the Board to
18 to offer beer, wine, or spirits sales, on a temporary basis, on expanded or new ground
19 floor or street level outdoor public or private space.

20 (f) On June 9, 2020, the Council passed the Coronavirus Support Temporary
21 Amendment Act of 2020 (D.C. Act 23-334; 67 DCR 8622), which is still undergoing
22 Congressional Review. The projected law date for the temporary bill is October 8, 2020.
23 After adopting the temporary bill, the Council passed the Coronavirus Support Second

1 Congressional Review Emergency Amendment Act of 2020 (A23-405; 67 DCR 10235).
2 The second congressional review emergency bill expires on November 16, 2020. Both
3 bills allow ABC-licensed establishments that register with the Board to offer beer, wine,
4 or spirits for sale on expanded outdoor space and carryout, amongst other things.

5 (g) On July 7, 2020, this Council passed the Streatery Program and Pop Up
6 Locations Emergency Amendment Act of 2020 (A23-346; D.C. Official 25-
7 113)(“Streatery Program Emergency Bill), which allows alcoholic beverage
8 establishments to offer beer, wine, and spirits for carryout and delivery on a temporary
9 basis from up to two additional locations and, if registered with the Board, to sell, serve,
10 and deliver alcoholic beverages on expanded or additional outdoor public or private
11 space. The hours of sale were from 8 a.m. to midnight as well as the hours of carryout
12 and delivery. The emergency bill expires on October 24, 2020. This Council, however,
13 recognizes that this industry is still in a fragile state particularly as we approach the cold
14 weather months that warrants extending the outdoor Streatery Program until April 30,
15 2021.

16 Sec. 3. The Council of the District of Columbia determines that the circumstances
17 in section 2 constitute emergency circumstances, making it necessary that the Revised
18 Streatery and Pop Up Locations Programs Clarification Emergency Amendment Act of
19 2020 be adopted after a single reading.

20 Sec. 4. This resolution shall take effect immediately.

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