

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Condominium Act of 1976 to authorize condominium unit owners’ associations to conduct virtual meetings and to clarify voting and quorum requirements for such meetings; to amend the Coronavirus Support Temporary Amendment Act of 2021 to clarify when utility companies must consider a customer as certified as qualified for utility disconnection relief, to require utility companies to provide monthly data on the number of payment plans in default, and to clarify that OPC has 2 business days to provide notice to a utility company of a customer’s request for OPC to negotiate a payment plan on their behalf; and to set standards for operators of third-party food platforms for the setting of commission fees and compensation rates for delivery service drivers; and to amend the Sustainable Solid Waste Management Amendment Act of 2014 to permit the Mayor to administer virtual compost training.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Post-Public Health Emergency Protections Extension Emergency Amendment Act of 2021”.

Sec. 2. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read as follows:

“(f) Notwithstanding any language contained in this act or in the condominium instruments:

“(1) The executive board may authorize unit owners to submit votes by electronic transmission up to 7 days before the scheduled date of any meeting of the unit owners,

37 and unit owners who submit votes during such period shall be deemed to be present and voting
38 in person at such meeting.

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

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

48 “(C) Any matters requiring a vote of the unit owners’ association
49 at an annual or regular meeting may be set by the executive board for a vote, and a ballot may be
50 delivered with the notice required under subsection (a) of this section. The executive board may
51 set a reasonable deadline for a ballot to be returned to the association.”.

52 Sec. 3. The Coronavirus Support Temporary Amendment Act of 2021, enacted May 3,
53 2021 (D.C. Act 24-62; 68 DCR 4824), is amended as follows:

54 (a) Section 307 is amended as follows:

55 (1) Subsection (j) is amended as follows:

56 (A) Paragraph (2)(B) is amended by striking the phrase “Emergency
57 Relief Program” and inserting the phrase “Customer Assistance Program” in its place.

58 (B) A new paragraph (3A) is added to read as follows:

59 “(3A) A company shall consider a customer as certified as qualified for utility
60 disconnection relief under this subsection where:

61 “(A) The customer’s name is included on the list provided to a company
62 under paragraph (3)(B) of this subsection;

63 “(B) The customer’s home address is included on the list provided to a
64 company under paragraph (3)(B) of this subsection, but the name of the individual certified does
65 not match the name of the customer on the account; or

66 “(C) The customer provides the company with a copy of the notice of
67 certification provided by the Mayor under paragraph (3)(A) of this subsection by mail, email,
68 fax, or other reasonable method.”.

69 (3) Subsection (m) is amended as follows:

70 (A) Paragraph (1) is amended by striking the phrase “payment plans” and
71 inserting the phrase “payment plans, including the number of payment plans that have defaulted”
72 in its place.

73 (B) Paragraph (2) is amended by striking the phrase “payment plans” and
74 inserting the phrase “payment plans, including the number of payment plans that have defaulted”
75 in its place.

76 (b) Section 308(c)(2)(A)(ii) is amended by striking the phrase “48 hours” and inserting
77 the phrase “2 business days” in its place.

78 Sec. 4. Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of
79 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is
80 amended by adding a new paragraph (1A) to read as follows:

81 “(1A) Notwithstanding paragraph (1) of this subsection, the Mayor, or a
82 contractor selected by the Mayor, may provide the training required by paragraph (1) of this
83 subsection remotely through videoconference.”.

84 Sec. 5. Section 3 of the Public Emergency Extension and Eviction and Utility
85 Moratorium Phasing Temporary Amendment Act of 2021, enacted on September 1, 2021 (D.C.
86 Act 24-168; 68 DCR 9487), is amended as follows:

87 (a) Subsection (h) is repealed.

88 (b) Subsection (m) is repealed.

89 Sec. 6. Third-party food delivery platforms.

90 (a) A person, corporation, partnership, or association operating a third-party food delivery
91 platform within the District shall register with the Department.

92 (b) Notwithstanding any provision of District law, it shall be unlawful for a person to
93 cause a third-party food delivery platform to charge a restaurant:

94 (1) A commission fee for use of the platform’s services for delivery that totals
95 more than 15% of the purchase price per online order; or

96 (2) A commission fee for use of the platform’s services that totals more than 5%
97 of the purchase price per online order where the platform does not provide delivery of an order,
98 including orders that are picked up from the restaurant by the customer, or for which the
99 restaurant provides its own delivery service.

100 (c) The limits on fees in subsection (b) of this section shall not apply to fees for
101 advertising or promotions.

102 (d) It shall be unlawful for a person to cause a third-party food delivery platform to
103 reduce the compensation rate paid to a delivery service driver, or garnish gratuities, in order to
104 comply with subsection (b) of this section.

105 (e) At the time a final price is disclosed to a customer for the intended purchase and
106 delivery of food from a restaurant through a third-party food delivery platform, and before that
107 transaction is completed by the customer, the third-party food delivery platform shall disclose to
108 the customer, in plain language and in a conspicuous manner, any commission, fee, or any other
109 monetary payment charged to the customer by the third-party food delivery platform.

110 (f)(1) A person who violates this section shall be subject to a fine of not less than \$250
111 and not more than \$1,000 for each such violation.

112 (2) A violation of this section shall be a civil infraction for purposes of the
113 Department of Consumer and Regulatory Affairs Civil Infections Act of 1985, effective October
114 5, 1985 (D.C. Law 6-472; D.C. Official Code § 2-1801.01 *et seq.*).

115 (g) For the purposes of this section, the term:

116 (1) “Online order” means an order placed by a customer through a platform
117 provided by the third-party food delivery service for delivery or pickup within the District.

118 (2) “Purchase price” means the menu price of an online order, excluding taxes,
119 gratuities or any other fees that may make up the total cost to the customer of an online order.

120 (3) “Restaurant” shall have the same meaning as provided in § 25-101(43).

121 (4) “Third-party food delivery platform” means any website, mobile application,
122 or other internet service that offers or arranges for the sale of food and beverages prepared by,
123 and the same-day delivery or same-day pickup of food and beverages from, restaurants.

124 (h) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
125 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
126 rules to implement the provisions of this section.

127 (i) Nothing in this section limits or otherwise impacts the requirement of a third-party
128 food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the
129 District of Columbia Official Code.

130 Sec. 7. Fiscal impact statement.

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

134 Sec. 8. Effective date.

135 This act shall take effect following approval by the Mayor (or in the event of veto by the
136 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
137 90 days, as provided for emergency acts of the Council of the District of Columbia in section
138 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
139 D.C. Official Code § 1-204.12(a)).