

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Post-Public Health Emergency Protections Extension Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Order 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. In the months following the issuance of this order, the Council passed several pieces of emergency legislation to provide certain benefits, and protections to District residents; for the vast majority of that legislation, the benefits and protections provided were set to expire at the conclusion of the public health emergency.

39 (b) In early summer 2021, the Mayor informed the Council that she did not intend to
40 extend the public health emergency beyond July 2021. In response, on July 13, 2021, the Council
41 passed the Public Emergency Extension and Eviction and Utility Moratorium Phasing
42 Emergency Amendment Act of 2021, effective July 24, 2021 (D.C. Act 24-125; 68 DCR 7342)
43 (“Public Emergency Extension Act”). That legislation amended several pieces of prior
44 emergency legislation to shift the expiration date for many of the benefits and protections from
45 the end of the public health emergency to, for the majority of items, October 12, 2021; other
46 items were delayed until later in the year. Subsequently, on July 24, 2021, the Mayor issued
47 Mayor’s Order 2021-096, extending the District’s public emergency, but ending the public health
48 emergency.

49 (c) As noted by members during the consideration of the Public Emergency Extension
50 Act in July 2021, although the public health emergency is over, many residents are still
51 experiencing significant financial hardship stemming from the pandemic. In turn, a number of
52 residents have family members who cannot receive the vaccine, or they themselves have an
53 underlying condition, and continue to rely on the protections established by the Council. It is
54 clear that the Council must act to extend certain rights, benefits, and protections established
55 during the public health emergency beyond their current expiration date of October 12, 2021.

56 (d) In addition, because restaurants are operating at limited onsite capacity, they have
57 shifted more of their sales to pickup or delivery. Many pickup and delivery orders are facilitated
58 by third-party food delivery platforms, which operate by listing local restaurants on an online
59 platform where diners can view restaurant menus and place orders from the restaurant through
60 the third-party service. Before the public health emergency, third-party food delivery platforms
61 charged very high fees, typically around 30% of an order total, for this service, cutting into
62 restaurants’ already-narrow profit margins. In June 2020, the Council acted to address this

63 practice, passing emergency legislation that temporarily capped commission fees for delivery
64 and pickup at 15%; in a subsequent emergency bill, the Council established a lower 5%
65 commission cap for pickup orders that a third-party food delivery platform processes but does
66 not provide for delivery. Those requirements will expire on November 5, 2021.

67 (d)(1) This legislation would continue to require condominium unit owner’s associations
68 to allow members to participate remotely, including to vote;

69 (2) The legislation also would make several clarifications to the Coronavirus
70 Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR
71 4824), related to utility customer protections. Specifically, the bill would clarify that utilities are
72 to treat a customer as certified as qualified for utility disconnection relief where the name on the
73 list provided by the Mayor matches the name on the customer’s account, where the home address
74 on the Mayor’s list matches a customer account with a different name, or where the customer
75 provides the utility with a copy of the Mayor’s notice of eligibility for their place of residence.
76 This language will ensure that utilities do not treat households in which a different individual
77 than the account holder filed for relief as eligible for disconnection. The legislation also requires
78 that the monthly reports issued by utilities include the number of payment plans that have
79 defaulted. This information will provide the Office of the People’s Counsel (“OPC”), the
80 Council, and the public with a fuller picture of the number of disconnected households, and the
81 basis for and timing of the disconnection. Finally, the legislation would clarify that OPC has 2
82 business days, rather than 48 hours, to provide notice to a utility provider of a customer’s request
83 for OPC to negotiate a payment plan on their behalf, recognizing that OPC could not reasonably
84 provide utilities with notice of requests made after business hours on a Friday within 48 hours;
85 this language will nevertheless ensure that this notice is provided in a timely fashion.

86 (3) With respect to third-party food delivery platforms, this emergency legislation
87 would extend both the 5% and 15% commission fee cap, while allowing third-party delivery
88 platforms to charge additional fees for advertising and special promotions. Restaurants have
89 indicated a need for caps to stay in place to ensure that they can make money on orders placed
90 through these platforms, and this language will extend those protections, while providing needed
91 flexibility to providers to charge additional fees where restaurants are receiving additional
92 promotional services from the platform.

93 (4) This legislation would provide the Department of Public Works with
94 continued authority to administer virtual composting trainings.

95 Sec. 3. The Council of the District of Columbia determines that the circumstances
96 enumerated in section 2 constitute emergency circumstances making it necessary that the Post-
97 Public Health Emergency Protections Extension Emergency Amendment Act of 2021 be adopted
98 after a single reading.

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