

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis due to congressional review, Title 29 of the District of Columbia Official Code to authorize remote meetings of members of foreign corporations and associations; 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 during a period of time for which the Mayor has declared a public health emergency; and to amend the Coronavirus Support Temporary Amendment Act of 2020 to repeal an obsolete provision..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Common Interest Community Virtual Meeting Congressional Review Emergency Amendment Act of 2020”.

Sec. 2. Section 29-936 of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) During a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws, members may participate in regular and special meetings of members remotely.”.

35           Sec. 3. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C.  
36 Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read  
37 as follows:

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

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

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

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

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

59           Sec. 4. Section 507(d) of the Coronavirus Support Temporary Amendment Act of 2020,  
60 effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

61           Sec. 5. Fiscal impact statement.

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

65           Sec. 6. Effective date.

66           This act shall take effect following approval by the Mayor (or in the event of veto by the  
67 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
68 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
69 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
70 D.C. Official Code § 1-204.12(a)).