

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 the Office of the People’s Counsel (“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; to amend the Sustainable Solid Waste Management Amendment Act of 2014 to permit the Mayor to administer virtual compost training; to amend the Open Meetings Act to provide that, for the period of time from March 11, 2020, until December 31, 2022, a meeting shall be deemed open to the public if the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable; to amend the Public Emergency Extension and Eviction and Utility Moratorium Phasing Temporary Amendment Act of 2021 to repeal provisions that are no longer necessary; and to set standards for operators of third-party food platforms for the setting of commission fees and compensation rates for delivery service drivers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Post-Public Health Emergency Protections Congressional Review Emergency Amendment Act of 2022”.

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

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

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

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

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

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

63           Sec. 3. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24,  
64 2021 (D.C. Law 24-9; 68 DCR 6913), is amended as follows:

65           (a) Section 307(m) is amended as follows:

66                   (1) Paragraph (1) is amended by striking the phrase “payment plans” and inserting  
67 the phrase “payment plans, including the number of payment plans that have defaulted” in its  
68 place.

69                   (2) Paragraph (2) is amended by striking the phrase “payment plans” and inserting  
70 the phrase “payment plans, including the number of payment plans that have defaulted” in its  
71 place.

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

74           (c) Section 809 is repealed.

75           Sec. 4. Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of  
76 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is  
77 amended by adding a new paragraph (1A) to read as follows:

78                   “(1A) Notwithstanding paragraph (1) of this subsection, the Mayor, or a  
79 contractor selected by the Mayor, may provide the training required by paragraph (1) of this  
80 subsection remotely through videoconference or pre-recorded training video.”.

81           Sec. 5. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C.  
82 Official Code § 2-571 et seq.), is amended as follows:

83           (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

84                   (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a  
85 semicolon in its place.

86 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”  
87 in its place.

88 (3) A new paragraph (4) is added to read as follows:

89 “(4) During the period from March 11, 2020, until December 31, 2022, the public  
90 body takes steps reasonably calculated to allow the public to view or hear the meeting while the  
91 meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as  
92 reasonably practicable.”.

93 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)  
94 to read as follows:

95 “(6) The public posting requirements of paragraph (2)(A) of this section shall not  
96 apply during the period from March 11, 2020, through December 31, 2022.”.

97 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the  
98 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a  
99 meeting held during the period from March 11, 2020, until December 31, 2022, steps are taken  
100 that are reasonably calculated to allow the public to view or hear the meeting while the meeting  
101 is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably  
102 practicable;” in its place.

103 Sec. 6. Section 3 of the Public Emergency Extension and Eviction and Utility  
104 Moratorium Phasing Temporary Amendment Act of 2021, effective October 27, 2021 (D.C. Law  
105 24-39; 68 DCR 9487), is amended as follows:

106 (a) Subsection (h) is repealed.

107 (b) Subsection (m) is repealed.

108 Sec. 7. Third-party food delivery platforms.

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

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

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

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

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

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

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

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

131 (2) A violation of this section shall be a civil infraction for purposes of the  
132 Department of Consumer and Regulatory Affairs Civil Infections Act of 1985, effective October  
133 5, 1985 (D.C. Law 6-472; D.C. Official Code § 2-1801.01 et seq.).

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

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

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

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

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

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

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

149 Sec. 8. Fiscal impact statement.

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

153 Sec. 9. Effective date.

154           This act shall take effect following approval by the Mayor (or in the event of veto by the  
155 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
156 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
157 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
158 D.C. Official Code § 1-204.12(a)).