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10 Councilmember Mary M. Cheh

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14 A BILL
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26 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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29 To amend, on a temporary basis, the Condominium Act of 1976 to authorize condominium unit
30 owners' associations to conduct virtual meetings and to clarify voting and quorum
31 requirements for such meetings; to amend section 29-910 of the District of Columbia
32 Official Code to allow cooperatives to conduct remote meetings; to amend the
33 Sustainable Solid Waste Management Amendment Act of 2014 to permit the Mayor to
34 administer virtual compost training; to amend the Open Meetings Act to provide that, for
35 the period of time from March 11, 2020, until December 31, 2023, a meeting shall be
36 deemed open to the public if the public body takes steps reasonably calculated to allow
37 the public to view or hear the meeting while the meeting is taking place, or, if doing so is
38 not technologically feasible, as soon thereafter as reasonably practicable; and to set
39 standards for operators of third-party food platforms for the setting of commission fees
40 and compensation rates for delivery service drivers.

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42 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
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44 act may be cited as the "Post-Public Health Emergency Protections Extension Temporary
45 Amendment Act of 2022".

46 Sec. 2. Section 303 of the Condominium Act of 1976, effective March 29, 1977 (D.C.

47 Law 1-89; D.C. Official Code § 42-1903.03), is amended by adding new a subsection (f) to read
48 as follows:

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50 "(f) Notwithstanding any language contained in this act or in the condominium
51 instruments:

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

37 owners who submit votes during such period shall be deemed to be present and voting in person
38 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 shall be
47 included in the notice required under subsection (a) of this section.

48 “(C) Any matters requiring a vote of the unit owners’ association at an
49 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. Section 29-910 of the District of Columbia Official Code is amended by striking
53 the phrase “If authorized by the articles or bylaws” and inserting the phrase “Regardless of
54 whether remote regular and special meetings of members are authorized by the articles or
55 bylaws” in its place.

56 Sec. 4. Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of
57 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is
58 amended by adding a new paragraph (1A) to read as follows:

59 “(1A) Notwithstanding paragraph (1) of this subsection, the Mayor, or a
60 contractor selected by the Mayor, may provide the training required by paragraph (1) of this
61 subsection remotely through videoconference or pre-recorded training video.”.

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

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

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

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

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

70 “(4) During the period from March 11, 2020, until December 31, 2023, the public
71 body takes steps reasonably calculated to allow the public to view or hear the meeting while the
72 meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as
73 reasonably practicable.”.

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

76 “(6) The public posting requirements of paragraph (2)(A) of this section shall not
77 apply during the period from March 11, 2020, through December 31, 2023.”.

78 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the
79 phrase “attend the meeting,” and inserting the phrase “attend the meeting, or in the case of a
80 meeting held during the period from March 11, 2020, until December 31, 2023, steps are taken
81 that are reasonably calculated to allow the public to view or hear the meeting while the meeting

82 is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably
83 practicable;" in its place.

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

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

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

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

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

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

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

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

105 (f)(1) A person who violates this section shall be subject to a fine of not less than \$250

106 and not more than \$1,000 for each such violation.

107 (2) A violation of this section shall be a civil infraction for purposes of the

108 Department of Consumer and Regulatory Affairs Civil Infections Act of 1985, effective October

109 5, 1985 (D.C. Law 6-472; D.C. Official Code § 2-1801.01 *et seq.*).

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

111 (1) “Online order” means an order placed by a customer through a platform

112 provided by the third-party food delivery service for delivery or pickup within the District.

113 (2) “Purchase price” means the menu price of an online order, excluding taxes,

114 gratuities or any other fees that may make up the total cost to the customer of an online order.

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

116 (4) “Third-party food delivery platform” means any website, mobile application,

117 or other internet service that offers or arranges for the sale of food and beverages prepared by,

118 and the same-day delivery or same-day pickup of food and beverages from, restaurants.

119 (h) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure

120 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue

121 rules to implement the provisions of this section.

122 (i) Nothing in this section limits or otherwise impacts the requirement of a third-party

123 food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the

124 District of Columbia Official Code.

125 Sec. 7. Fiscal impact statement.

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

129 Sec. 8. Effective date.

130 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
131 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
132 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
133 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
134 Columbia Register.

135 (b) This act shall expire after 225 days of its having taken effect.