

A RESOLUTION

23-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to establish clear guidelines for allowing on-premises retailers, class C or D, and Convention Center food and alcohol establishments to continue operations outdoors, and to establish safeguards that are in accordance with Phase Two of the District’s Reopening to protect residents and visitors while dining at these establishments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Revised Streatery and Pop Up Locations Programs Clarification Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Orders 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.

(b) As a result of the public health emergency, many District businesses ceased operations in whole or in part. To assist these businesses, while protecting District residents, the Council passed emergency legislation to establish guidelines allowing businesses to return to partial operation.

(c) On May 27, 2020, the Mayor issued Mayor’s Order 2020-67 announcing that the District had entered into Phase One of the District’s reopening. Among other things, in Phase One, restaurants and taverns were permitted to serve patrons on outdoor public or private spaces. On June 19, 2020, the Mayor issued Mayor’s Order 2020-75, announcing that the District had entered into Phase Two of the District’s reopening—superseding Mayor’s Order 2020-67—and allowing restaurants and taverns to resume serving patrons indoors so long as they comply with the issuance’s guidelines.

(d) Despite resuming operations, many alcoholic beverage licensed establishments are struggling financially. Many establishments have ceased operations, resulting in vacant storefronts throughout the District. To aid the struggling establishments, they will be permitted to offer beer, wine, or spirits, on a temporary basis, for on-premises indoor consumption or in closed containers along with at least one prepared food item for carryout or delivery from up to 2 additional locations.

(e) The Mayor’s reopening plan allows restaurants and taverns to serve patrons on outdoor public or private space, but many restaurants and taverns in the District do not have

**ENROLLED ORIGINAL**

outdoor public or private spaces on their certificates of occupancy or alcoholic beverage licenses. These establishments will be permitted to register with the Board to offer beer, wine, or spirits sales, on a temporary basis, on expanded or new ground floor or street level outdoor public or private space.

(f) On June 9, 2020, the Council passed the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), which is still undergoing congressional review. The projected law date for the temporary bill is October 8, 2020. After enacting the temporary bill, the Council passed the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, effective August 19, 2020 (D.C. Act 23-405; 67 DCR 10235). The second congressional review emergency bill expires on November 16, 2020. Both bills allow ABC-licensed establishments that register with the Board to offer beer, wine, or spirits for sale on expanded outdoor space and carryout, among other things.

(g) On July 7, 2020, the Council passed the Streatery Program and Pop Up Locations Emergency Amendment Act of 2020, effective July 27, 2020 (D.C. Act 23-346; 67 DCR 9387)(“emergency bill”), which allows alcoholic beverage establishments to offer beer, wine, and spirits for carryout and delivery on a temporary basis from up to 2 additional locations and, if registered with the Board, to sell, serve, and deliver alcoholic beverages on expanded or additional outdoor public or private space. The hours of sale were from 8 a.m. to midnight as well as the hours of carryout and delivery. The emergency bill expires on October 24, 2020.

(h) The Council recognizes that this industry is still in a fragile state and, particularly as we approach the cold weather months, warrants emergency legislation extending the outdoor Streatery Program until December 31, 2021.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Revised Streatery and Pop Up Locations Programs Clarification Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.