

A RESOLUTION

23-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

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

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Common Interest Community Virtual Meeting Emergency Declaration Resolution of 2020".

Sec. 2. (a) Under District law, a condominium association must hold at least one annual meeting per year. That meeting consists of all unit owners in a condominium association. An annual meeting commonly occurs near the end of the calendar year and is held for the purpose of voting on any matters requiring a vote of the entire community, as well as electing executive board members and officers.

(b) In 2014, the Council adopted amendments to the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1901.01 *et seq.*) ("Condominium Act"), to allow for virtual meetings of executive boards of condominium associations. However, there was no corresponding allowance for virtual meetings of the full association.

(c) Meetings of a condominium association require voting by the entire association membership, while meetings of the executive board only require voting by the usually much smaller number of board members. Similarly, a quorum for a board is usually a majority of the board, while a quorum for an association would be a certain proportion of the total unit owners, depending on the specific condominium association's instruments or bylaws.

(d) Due to the ongoing public health emergency, in-person meetings of an entire association may not be allowed under the Mayor's guidelines; even for a smaller association,

ENROLLED ORIGINAL

such a meeting may not be advisable. However, under the Condominium Act, there is no mechanism for a virtual meeting or remote voting for an association.

(e) The proposed emergency and temporary legislation would allow for virtual meeting procedures for condominium associations, as well as for cooperative associations, during the current COVID-19 public health emergency and would be in effect for the duration of the emergency and temporary measures' applicability periods.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Common Interest Community Virtual Meeting Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.