**Commission on Nightlife and Culture’s Public Meeting Minutes**

**September 15, 2020**

**6:00 PM**

**Welcoming Remarks**

The Chairman Basnayake of the Commission welcomed all the commissioners and public attendants. Director Shawn Townsend called on the following commissioners and guest speakers that were present:

|  |  |
| --- | --- |
| **Commissioners** | **Organization** |
| 1. Vinoda Basnayake - Chair | Nightclub Owner |
| 1. Sarah Fashbaugh | Alcoholic Beverage Administration Regulation (ABRA) |
| 1. Fred Moosally | Alcoholic Beverage Administration Regulation (ABRA) |
| 1. Maggie O’Neill | Visual Artist~~s~~ |
| 1. Keith Slade | Department of Consumer and Regulatory Affairs (DCRA) |
| 1. Ian Callender | Arts |
| 1. Colleen Hawkinson | DuPont Circle BID |
| 1. Cristina Amoruso | Department of Small and Local Businesses Development (DSLBD) |
| 1. Donovan Anderson | ABC Board |
| 1. Theresa Belpulsi | Destination DC |
| 1. Jeffrey Scott | Commission on Arts and Humanities |
| 1. Chinyere Hubbard | Events DC |
| 1. Keith Sellars | Washington DC Economic Partnership (WDCEP) |
| 1. Ris Lacoste | Ris Restaurant |

**Guest Speakers**

|  |  |
| --- | --- |
| **Name** | **Organization** |
| Unique Morris-Hugues | Department of Employment Services (DOES) |
| Arian Gibson | DC Health |

Commissioner Ian Callender reviewed the June 23, 2020 Commission on Nightlife and Culture Meeting Minutes.

* Sarah Fashbaugh from ABRA gave an update about Phase One and Phase Two along with updates.
* Arian Gibson from DC Health gave an update on Phase Two and provided additional guidance to restaurant operators and mask wearing.
* Matt Cronin, a nightclub general manager, spoke about a letter he wrote to the DC Council and the Mayor asking for rent relief for DC’s nightclubs.
* DOES spoke about unemployment claims and the application process.
* Acting Deputy Mayor John Falccichio gave us an updates on behalf of the Executive Office of the Mayor.
* During the public comments period, attendees touched on the guidance and processes for streateries and parklets. Additionally, they advocated for an open container legislation that would benefit restaurants during these difficult times.

**New Business & Guest Speakers**

Director Shawn Townsend provided updates from the Mayor’s Office of Nightlife and Culture.

**Business Support Grants Emergency Amendment Act of 2020**

* Kenyan R. McDuffie, Chair of the Council of the District of Columbia’s Committee on Business and Economic Development, and Councilmember Charles Allen co-introduced the Business Support Grants Emergency Amendment Act of 2020. This legislation establishes a Business Support Grant Program to provide eligible businesses financial support to aid in their recovery from the public health emergency. **The emergency authorizes up to $100 million from the CARES Act to provide COVID-19 related relief.**
* The Mayor shall establish rules for the application process provided that those rules considers prioritizing available funding as follows:
  + 40% to restaurants;
  + 30% to hotels;
  + 15% to retail;
  + 15% sports and entertainment sectors;
    - Nightclubs are included in this section
* Currently, there is not sufficient CARES ACT funding to allocate to this bill. Unfortunately, DC was shorted approximately $700 million dollars less than other states due to being identified as a territory.

**Engine Idling PSA for Drive-in Movie Operations**

* MONC partnered with the Department of Energy and Environment (DOEE) to develop a PSA in response to community concerns regarding air pollution around the RFK stadium. MONC engaged Commissioner Anwan Glover to participate in the video that was played during drive-in movie events organized by Events DC.

**#MaskUpDC Campaign / Summer Restaurant Week**

* In light of Summer Restaurant Week 2020, MONC and Restaurant Association of Metropolitan Washington (RAMW) teamed up to amplify the #MaskUpDC campaign through social media to encourage patrons to dine-in/take-out, supporting their favorite restaurants while properly wearing a mask. Additionally, MONC highlighted Halfsmoke, Tortilla Coast, Ivy City Smokehouse, and Provost for Restaurant Week on Mayor Bowser’s social media accounts.
* Director Townsend thanked the Office of Cable Television and Entertainment (OCTFME) for assisiting our office with these projects.

**Upcoming Events**

**The Rammys 2020**

* Tune in to watch the Rammys as we honor the region’s restaurant community!

**Mayor’s Arts Awards**

* Join us on September 30, 2020 at 7:00 PM in recognizing DC's creative community. The 35th Annual Mayor’s Arts Awards is an inclusive celebration for District residents of all 8 Wards honoring the city’s vibrant creative community and patrons of the arts and humanities.

Lastly, MONC is working diligently with sister agencies to figure out how we can provide relief to an industry that has been deeply impacted during COVID.

Director Unique Morris-Hughes will give an update on unemployment claims.

Overview of DOES’s presentation

* Unemployment Insurance (UI) By the Numbers
* Economic Assistance Available through DOES
* Unemployment Insurance and Covid-19
* FPUC, PEUC, EB, and LWA
* Pandemic Unemployment Assistance
* Shared Work
* Returning To Work

**Unemployment Insurance (UI) By the Numbers**

* From March 13, 2020- September 10, 2020, DOES had 138,001claims filed which 89,797 have been paid. DOES has paid over a $1 million dollars.
* Now DOES has over 5K unemployment claims being processed. Reviewers are making sure that applicants are eligible in order to receive compensation.

**Economic Assistance Available through DOES**

* DOES has economic benefits available during this time.
* It’s important to know the eligibility. In order to be eligible for unemployment insurance benefits:
  + You must have either lost your job, through no fault of your own, or had your wages or salary limited.
  + Independent contractors, or gig workers;
    - The recent CARES Act, however, has expanded eligibility for both unemployment insurance and created another program, Pandemic Unemployment Assistance (PUA).

**FPUC, PEUC, EB, and LWA**

* **Federal Pandemic Unemployment Compensation (FPUC)**
  + Effective March 29, 2020 through July 25, 2020.
  + $600 per week on top of current benefits.
  + This benefit has expired. But the PEUC has replaced it.
* **Pandemic Emergency Unemployment Compensation (PEUC)**
* Effective March 29, 2020 through December 31, 2020.
* 13 additional weeks of UI benefits, plus $600 FPUC, although FPUC expired at the end of July 2020.
* **Extended Benefits**
  + This is an additional 13 weeks on top of the previous 13 weeks.
  + Effective May 24, 2020.
  + 13 weeks of UI benefits after PEUC is exhausted.
* **Lost Wages Assistance**
  + Effective week ending August 1, 2020 through September 5, 2020.
  + Additional $300 per week on top of current benefits.
  + These payments are retroactiveto August 1, 2020.
  + These are additional 6 weeks.

**Pandemic Unemployment Assistance**

* Effective January 27, 2020 through December 31, 2020.
* Individuals who are typically ineligible for regular UI (i.e. independent contractors, gig workers, those with insufficient work history) that cannot work due to COVID-19, are eligible for a maximum of 39 weeks of benefits, which includes $600 Federal Pandemic Unemployment Compensation (FPUC).
* Must first apply for regular UI and then be denied in order to receive this assistance.

**Shared Work Program**

* Is a volunteer option for District employers that provides an alternative to layoffs confronting businesses due to a reduction in work.
* This program allows DOES to pay employers that have an approved shared work plan by DOES that shows employees that have had their work reduced due to COVID-19 paying the employees unemployment insurance benefits.
* Advantages for employers:
  + Keep your skilled, trained workers.
  + Maintain product and service quality levels with your skilled workforce.
  + Skilled, trained workforce is available when business demand increases.
  + Avoid the time and expense of hiring and training   
    new employees.
  + Maintain employee morale by avoiding layoffs and keeping workers on-the-job
* Disadvantages for employees:
  + Provides continuous employment by reducing hours instead of total unemployment if laid off.
  + Employees continue to work and earn wages and also receive a portion of unemployment benefits.
  + Helps employees maintain skills while working reduced hours.
  + Allows for the continuation of health care and retirement benefits.
  + Avoids the difficulties related to layoffs and finding another job.
* Application process
  + District of Columbia employers can apply by visiting the Shared Work Program page of the DOES website at www.does.dc.gov.
  + Affected unit (or units) covered by the plan.
  + Number of full or part-time workers in affected unit.
  + Percentage of workers in unit covered by plan.
  + Estimated number of layoffs averted by the Shared Work plan.
  + Usual weekly hours worked by eligible employees and the percentage their hours will be reduced.
  + Plan of how employer will notify workers (including collective bargaining unit if applicable).
  + Plan’s expected start and end dates.
  + Other documents and verifications required by the District of Columbia’s Shared Work Program legislation.

Returning to work

* It’s important for businesses and employees to understand what the requirements are for returning to work.
  + A claimant may be disqualified from receiving UI benefits if they refuse to accept suitable work without good cause.
  + More information can be found at does.dc.gov.

Director Townsend thanked Director Unique Morris-Hughes and her team for working with the Mayor’s Office of Nightlife and Culture on resolving inquiries and questions that our office received regarding employees unemployment insurance claims.

Arian Gibson from DC Health provided an update on Phase Two.

* DC Health is working with BIDs and other organizations on how to implement streateries.
* DC Health is in the process of setting up a hotline for food establishments to ask questions via a hotline number or email related to Phase two guidance. Hopefully next week they will have it set up.

Sarah Fashbaugh from ABRA provided the following update.

* Beginning October 1, 2020, carryout hours are being extended. Licensees can begin to sell from 6:00 am to 1:00 am daily.
* Licensees do not have to do anything to participate if they are registered in the carryout program. Currently, ABRA has 800 businesses registered.
* Businesses that would like to participate have to register and if they wish to sell alcohol, they must sell at least 1 prepared food item to go with it.
* Please remember to check IDs even if businesses are using 3rd parties delivery applications.
* On-premises and off-premises hours will be extended starting October 1, 2020. On premises licensees like restaurants and taverns can start selling alcohol at 6:00 am. Off-promise and on-promise Licensees can apply but they cannot use the hours until October 1, 2020.
* Licensees that have hour~~s~~ restrictions on their settlement agreement need to have it amended before applying.
* For licensees that are interested in reimaging their outdoor space, ABRA is cohosting a training to help licensees do just that on September 17, 2020. ABRA will be hosting more trainings like this in the future.
  + On September 24, 2020 there’s a training about new alcohol regulations
  + On September 20, 2020 we have a Books and records training at 10:30 am
  + On September 29, 2020 we have an ID Compliance Training
* Director Fred Moosally addressed a question regarding how ABRA will handle the renewal process
  + The ABC board decided to waive late fees.
  + For licenses that are set to expire, the ABC board is letting them be reinstated until May of 2021 and will not be charged for late fees.

**Commissioner Chinyere Hubbard provides an update from Events DC**

* Events DC has been working hard to open the Convention Center for businesses virtually and putting high tech protocols to keep everyone safe.
* Today, President and CEO Greg O’Dell and Deputy Mayor John Falccichio held a walkthrough with members of the press to showcase the Convention Center’s safety measures and unveil the new turnkey production studio. It’s 19K square feet and can accommodate 130 people while adhering to all social distancing guidelines.
* The first event was the Mayor’s Infant Maternal Health Summit and the next event will be the Rammys this Sunday at 6:00 PM.
* Events DC is also showcasing another platform name GATHER, where it brings people together virtually.
* Events DC was proud to be the first convention in the northeast region to receive the GBAC accreditation which gives third parties validation that venues are implementing safe protocols, cleaning, and disinfecting programs.
* Events DC also installed touchless thermal scanning and artificial intelligence to make sure we’re keeping everyone safe.
* Events DC has been thinking creatively during these challenging times. One example is Park Up, where people can drive-in to enjoy movies.
* In order to sign up to use this platform is through Events DC sales department.

**Public Comments**

If restaurants are closing at midnight for in person dining, can they operate until 1:00 a.m.?

Response by ABRA:

* Patrons need to exit by midnight.
* There’s no carry out endorsement, you do not need to apply if you’re already sign up for the carryout delivery program.

Commissioner Cristina Amoruso encouraged everyone to support Art All Night where they’ll be highlighting DC’s creatives, artists, and business community.

Commissioner Ian Callender would like to ask Director Fred Moosally for guidance in regard to businesses having to prepare at least one food item to go with takeout food deliveries.

Response from ABRA:

* The item must be prepared onsite.

Winterization or relief for businesses during the winter months

* DCRA and other agencies are currently looking at this matter to see what can be achieved.
* Director Townsend has talked about this with sister agencies like DCRA and Fire & EMS and they are currently assessing the financial impact of providing this type of relief.

Sidewalk Café Fee Permit Relief

* Main Street Executive Director Jennifer Kuiper would like to recommend that DDOT would waive the fees to acquire a sidewalk café permit.
* Director Townsend will continue this timely conversation and schedule a call with DDOT to initiate a discussion and see if this can be achieved.

Chairman Basnayake reiterated that Commissioners should regularly check in with their industries to see if there are any challenges that they would like to bring up for the Commission.

* Chairman Basnayake wanted to bring up an issue from the nightclub owners regarding $100 million dollars relief that the DC Council passed and dram shop laws. There is a concern that DC establishments are going to pay a higher premium rate. Bars and nightclub owners would like to get the coverage faster.
  + Dram shop liability requirements: Director Fred Moosally recommended for the Commission to look at examples of this law in other jurisdictions such as Iowa where they’ve instituted certain exceptions that benefit the licensee such as placing a cap to the liability rate or shifting liability away from the licensee.
* Commissioner Ian Callender mentioned that artists he has engaged with are discussing ways for these artists to occupy some of these restaurants spaces that are closing which can be activated.
  + DCRA will begin discussions with the Director of DCRA and zoning permit team to see if there is a possibility.
* Retailors using outdoor spaces
  + There were conversations during the ReOpen DC Committee about retailers being able to obtain outdoor space permits. Director Townsend will follow up on where these conversations were left off.