ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl. & 2019 Supp.), and delegated in Mayor's Order 2001-96, dated June 28, 2001, hereby gives notice of the adoption of emergency rules to amend Chapter 7 (General Operating Requirements) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends 23 DCMR § 718.2 by decreasing the Metropolitan Police Detail Office Reimbursable Percentage (RDO Percentage) from sixty-five percent (65%) to zero percent (0%).

By way of background, the RDO Program assists licensed establishments by defraying the costs of retaining off-duty MPD officers to patrol the surrounding area of an establishment or an outdoor special event or pub crawl event for the purposes of ensuring the peace, order, and quiet of the community, including the remediation of traffic congestion and promoting public safety. The Board regularly revises the reimbursable detail coverage percentage on an as-needed basis, such as this, during the COVID-19 Pandemic.

On March 20, 2020, in response to the spread of COVID-19, the Mayor issued Mayor's Order 2020-050, Extensions of Public Health Emergency Coronavirus: (COVID-19) and Mayor's Order 2020-051, Prohibition on Mass Gatherings During Public Health Emergency – Coronavirus (COVID-19). These Orders serve to extend with some changes the two previous Mayor's Orders issued March 11, 2020, (Mayor's Orders 2020-045 and 2020-046) through April 24, 2020. On March 24, 2020, the Mayor issued Order 2020-053, temporarily closing all non-essential businesses in the District, and further prohibiting large gatherings. On April 15, 2020, the Mayor extended the public emergency and public health emergency in the District through May 15, 2020. (Mayor's Order 2020-0063).

The pandemic has had a significant adverse impact on ABC-licensed establishments and the nightlife economy. As a result of the Mayor's Orders, on-premises licensees have been required to limit their operations to carry-out and delivery services only. Additionally, the Board has suspended all on-premises sales in the District on an emergency basis. As a result of these actions, there has been no need for ABC-licensed establishments to request RDO services from MPD. Given the decline in RDO services, the Board is reducing the RDO percentage from sixty-five percent (65%) to zero percent (0%).

The Board finds the adoption of these emergency rules to not only be essential to promoting the public health, welfare, and safety of the community, but also to address the immediate financial concern during this time.

These emergency rules were adopted by the Board on May 6, 2020, by a vote of six (6) to zero (0), to take effect immediately. The emergency rules will remain in effect for up to one hundred twenty (120) days from adoption, expiring September 3, 2020, unless earlier superseded.

Chapter 7, GENERAL OPERATING REQUIREMENTS, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 718, REIMBURSABLE DETAIL SUBSIDY PROGRAM, is amended by replacing Subsections 718.2 to read as follows, and renumbering the following subsections:

718.2 ABRA will reimburse MPD zero percent (0%) of the total cost of invoices submitted by MPD to cover the costs incurred by licensees for MPD officers working reimbursable details on Sunday through Saturday nights. The hours eligible for reimbursement for on-premises retailer licensees shall be 11:30 p.m. to 5:00 a.m. ABRA will also reimburse MPD zero percent (0%) of the total costs of invoices submitted by MPD to cover the costs incurred for pub crawl events and for outdoor special events where the Licensee has been approved for a One Day Substantial Change License or a Temporary License. The hours eligible for an outdoor special event operating under a One Day Substantial Change License or a Temporary License or a pub crawl event operating under a pub crawl license shall be twenty-four (24) hours a day.