Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on a temporary basis, additional protections to Districts residents and businesses during the current public health emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Coronavirus Omnibus Emergency Amendment Act of 2020".

Sec. 2. Business interruption insurance.

(a)(1) Notwithstanding any provision of District law and notwithstanding the terms of any policy of insurance subject to this section (including any endorsement thereto or exclusions to coverage included therewith), every policy of insurance in force in the District that insures against loss of or damage to property and that includes, as of the effective date of this act, coverage for loss of use and occupancy and business interruption, shall be construed to provide coverage for business interruption directly or indirectly resulting from a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, 183 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Health Emergency").

(2) No insurer may deny a claim for loss of use and occupancy and business interruption due to:

(A) Losses arising from actions an insured takes in response to [a Mayor's Order issued during a Public Health Emergency, even if the relevant insurance policy excludes losses resulting from viruses; or

(B) There being no physical damage to the property of the insured or to any other relevant property.

(3) The coverage required by this section shall indemnify the insured, subject to the limits under the policy, for any loss of business or business interruption for the duration of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, 183 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

(4) This section shall apply only to policies issued to insureds with fewer than 100 full-time employees, each of whom work 25 or more hours per week as of March 1, 2020.

(b)(1) An insurer that indemnifies an insured who has filed a claim subject to subsection (a) of this section may apply to the Commissioner of the District of Columbia Department of Insurance, Securities, and Banking ("Comissioner") for relief and reimbursement from funds collected and made available for this purpose as provided in section 3(b-3) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202(b-3)).

(2) The Commissioner shall establish procedures for the submission and qualification of claims by insurers that are eligible for reimbursement pursuant to this subsection. The Commissioner shall incorporate in these procedures such standards as are necessary to

protect against the submission of fraudulent claims by insureds, and appropriate safeguards for insurers to employ in the review and payment of such claims.

(c) The Commissioner is authorized to make one or more assessments in each fiscal year against licensed insurers in the District that sell business-interruption insurance as may be necessary to recover the amounts paid, or estimated to be paid, to insurers pursuant to subsection (b) of this section. Any such assessment shall be made at a rate and shall be determined and certified by the Commissioner as sufficient to recover the amounts paid to insurers pursuant to subsection (b) of this section. The amount to be so assessed shall be made against all licensed domestic companies and foreign companies in proportion to their net premiums written and annuity considerations in the District as shown in the annual report of each of said insurers filed with the Department of Insurance, Securities, and Banking. Said assessment shall reimburse the District for funds appropriated for such reimbursement. Assessments under this section shall be charged to the normal operating cost of each company.

(d) Section 3 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202), is amended by adding a new subsection (b-3) to read as follows:

"(b-3)(1) For the purpose of administering section 2(b) of the Business Interruption Insurance Amendment Emergency Act of 2020, passed on final reading on May 5, 2020 (Enrolled version of Bill 20-XX) ("Business Interruption Insurance Act"), there is established as separate account within the Insurance Regulatory Trust Fund, the Business Interruption Insurance Reimbursement Account. All assessments received by the Commissioner pursuant to section 2(c) of the Business Interruption Insurance Act shall be deposited in, and credited to, the Business Interruption Insurance Reimbursement Account, and money deposited into the

Business Interruption Insurance Reimbursement Account but not expended in a fiscal year shall not revert to the unassisnged fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time

"(3) For the purposes of this subsection, the term "licensed insurer" shall have the same meaning as provided in section 2(7) of the Business Transacted with Producer Controlled Insurer Act of 1993 (D.C. Law 10-52; D.C. Official Code § 31-401(7)).".

Sec. 3. Alcohol licensing.

Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-117(a)(1) is amended to read as follows:

"(a)(1)A brew pub endorsement shall authorize the licensee to brew malt beverages at one location for consumption at a licensed restaurant, tavern, multipurpose facility, hotel, or nightclub and for sale to licensed wholesalers for the purpose of resale to other licensees. The holder of a brew pub endorsement shall also be permitted to bottle, can, or blend beer for a licensed brewery that holds a manufacturer's license, class B."

(2) Section 25-124(a) is amended to read as follows:

"(a) A wine pub endorsement shall authorize the licensee to manufacture wine containing no more than 21% alcohol by volume at one location from grapes, fruit, or fruit juices transported to the facility used by the on-premises retailer's license class C or D licensee for on-premises consumption and for sale to the licensed wholesalers for the purpose of resale to other licensees. The holder of a wine pub endorsement shall also be permitted to bottle, can, or blend wine for a licensed winery that holds a manufacturer's license, class A.".

(3) Section 25-125(a) is amended to read as follows:

"(a) A distillery pub endorsement shall authorize the licensee to manufacture distilled spirits at one location from fruits or grains, to blend and rectify distilled spirits, and store distilled spirits transported to the on-premises retailer's license class C licensee for on-premises consumption, and for sale to licensed wholesalers for the purposes of resale to other licensees. The holder of a distillery pub endorsement shall also be permitted to bottle, can, or blend spirits, including cocktails, for a licensed distillery that holds a manufacturer's license, class A.".

(b) Chapter 4 is amended as follows:

(1) Section 25-401(c) is amended by striking the phrase "shall sign a notarized statement certifying" and inserting the phrase "shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a signed copy thereof, certifying" in its place.

(2) Section 25-403(a) is amended by striking the phrase "verify, by affidavit," and inserting the phrase "self-certify" in its place.

(3) Section 25-421(e) is amended by striking the phrase "by first-class mail, postmarked not more than 7 days after the date of submission" and inserting the phrase "by electronic mail on or before the first day of the 66-day public comment period" in its place.

(4) Section 25-423 is amended as follows:

(A) Subsection (e) is amended as follows:

(i) Strike the phrase "45-day protest period" with the phrase "66-day protest period" in its place.

(ii) Strike the phrase "45 days" and insert the phrase "66 days" in its place.

(B) Subsection (h) is amended by striking the phrase "45-day public comment period" and inserting the phrase "66-day public comment period "in its place.

(5) Section 25-431 is amended as follows:

(A) Subsection (f) is amended by striking the phrase "45-day protest period" and inserting the phrase "66-day protest period" in its place.

(B) Subsection (g) is amended by striking the phrase "45 days" and inserting the phrase "66 days" in its place.

(c) Section 25-791(a)(1) is amended by striking the phrase "21 or more calendar days," and inserting the phrase "21 or more calendar days, excluding each day during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)," in its place.

Sec. 4. Third-party food delivery commissions.

(a) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), it shall be unlawful for a third-party food delivery platform to charge a restaurant a commission fee per online, delivery or pick-up order for the use of its services that totals more than 15% of the purchase price of such online order.

(b) It shall be unlawful for a third-party food delivery platform to reduce the compensation rates paid to the delivery service driver, or garnish gratuities, as a result of subsection (a) of this section.

(c) When a final price is disclosed to a customer, and before a transaction occurs, for the purchase and delivery of food from a restaurant through a third-party food delivery platform, such third-party food delivery platform shall disclose to such customer, in plain and simple language and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by the third-party food delivery platform on such restaurant as a term of a contract or agreement between the parties in connection with the restaurant utilizing the third-party food delivery platform.

(d) Any restaurant may decline to disclose to customers the commission charged by a third-party food delivery platform. If a restaurant has declined to have such a commission disclosed to customers, the requirement of subsection (c) of this section shall not apply with respect to such restaurant.

(d) A person who violates this act will be subject to a fine of not less than $250 and more than $1,000 for each violation.

(e) For purposes of this act:

(1) “Online order” means an order placed by a customer through a platform provided by the third-party food delivery service for delivery or pickup within the District.

(2) “Purchase price” means the menu price of an online order, excluding taxes, gratuities or any other fees that may make up the total cost to the customer of an online order.

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

(4) “Third-party food delivery platform” means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages, from restaurants.

Sec. 5. Rental tenant payment plans.

(a) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year thereafter ("Covered time period"), a provider shall develop a rent payment plan program ("Program") for eligible residential and commercial tenants. Under the Program, providers shall:

(1) Permit eligible tenants to enter into a payment plan for rent that comes due during the covered time period;

(2) Waive any fee or penalty arising out of the entering into of a payment plan; and

(3) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

(b)(1) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments

(2) Providers shall permit tenants with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) Providers shall not require or request a tenant provide a lump sum payment in excess of the amount required under a payment plan.

(4) Providers may use any security deposit, last month's rent, or other amount held by the provider on behalf of the tenant to satisfy amounts owed under a payment plan; provided that the tenant agrees in writing to such use.

(c) A provider shall establish procedures governing how tenants are to apply for the Program, including requiring the tenant to submit supporting documentation. An application shall be made available online and by telephone.

(d) A provider shall approve each application in which a tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the public health emergency; and

(2) Agrees in writing to make payments in accordance with the payment plan.

(e)(1) A provider who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request, a provider shall make an application for a payment plan available to:

(A) For residential tenants, the Rent Administrator and Office of the Tenant Advocate: and

(B) For commercial tenants, the Department of Consumer and Regulatory Affairs.

(f)(1) A residential tenant whose application for a payment plan is denied may file a written complaint with the Rent Administrator.

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Consumer and Regulatory Affairs.

(g) For the purposes of this section, the term "provider" means a person who:

(1) Is a landlord, owner, lessor, sublessor, assignee, an agent of a landlord, owner, lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of a rental housing or commercial unit; and

(2) Has 5 or more units for rent.

Sec. 6. Utility payment plans.

(a) Section 106b of the Retail Electric Competition and Consumer Protection Act of 1999, effective March 17, 2020 (D.C. Act 23-247; D.C. Official Code § 34-1506.02), is amended as follows:

(1) The section heading is amended by striking the phrase "emergency prohibited" and inserting the word "emergency" in its place.

(2) A new subsection (c) is added to read as follows:

"(c)(1) During a period of time for which the Mayor has declared a public health emergency, for one year thereafter ("Covered time period"), an electric company shall develop a payment plan program ("Program") for eligible customers. Under the Program, an electric company shall:

"(A) Permit eligible customers to enter into a payment plan for any amounts that comes due during the covered time period;

"(B) Waive any fee or penalty arising out of the entering into of a payment plan; and

"(C) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

"(2)(A) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments.

"(B) An electric company shall permit customers with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

"(C) An electric company shall not require or request that a customer provide a lump sum payment in excess of the amount required under a payment plan

"(3) An electric company shall not disconnect electric service for non-payment of a bill or fees where a customer has entered into a payment plan under this section.

"(4) An electric company shall establish procedures governing how customers to apply for the Program, including requiring the customer to submit supporting documentation. An application shall be made available online and by telephone.

"(5) An electric company shall approve each application in which a customer:

"(A) Demonstrates to the electric company evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make payments established prior to the start of the public health emergency; and

"(B) Agrees in writing to make payments in accordance with the payment plan.

"(6)(A) An electric company who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

"(B) Upon request, an electric company shall make an application for a payment plan available to the Office of the People's Counsel.

"(7) A customer whose application for a payment plan is denied may file a written complaint with the Public Service Commission."

(b) Section 7b of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.06b), is amended as follows:

(1) The title is amended by striking the phrase "emergency prohibited" and inserting the phrase "emergency" in its place.

(2) A new subsection (c) is added to read as follows:

"(c)(1) During a period of time for which the Mayor has declared a public health emergency, and for one year thereafter ("Covered time period"), a gas company shall develop a payment plan program ("Program") for eligible customers. Under the Program, a gas company shall:

"(A) Permit eligible customers to enter into a payment plan for any amounts that comes due during the covered time period;

"(B) Waive any fee or penalty arising out of the entering into of a payment plan; and

"(C) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

"(2)(A) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments.

"(B) A gas company shall permit customers with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

"(C) A gas company shall not require or request that a customer provide a lump sum payment in excess of the amount required under a payment plan.

"(3) A gas company shall not disconnect gas service for non-payment of a bill or fees where a customer has entered into a payment plan under this section.

"(4) A gas company shall establish procedures governing how customers are to apply for the Program, including requiring the customer to submit supporting documentation. An application shall be made available online and by telephone.

"(5) A gas company shall approve each application in which a customer:

"(A) Demonstrates to the gas company evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make payments established prior to the start of the public health emergency; and

"(B) Agrees in writing to make payments in accordance with the payment plan.

"(6)(A) A gas company who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

"(B) Upon request, a gas company shall make an application for a payment plan available to the Office of the People's Counsel.

"(7) A customer whose application for a payment plan is denied may file a written complaint with the Public Service Commission."

(c) Section 103(c) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01(c)), is amended by adding a new paragraph (3) to read as follows:

"(3)(A) During a period of time for which the Mayor has declared a public health emergency, and for one year thereafter ("Covered time period"), the District of Columbia Water and Sewer Authority ("Authority") shall develop a payment plan program ("Program") for eligible customers. Under the Program, the Authority shall:

"(i) Permit eligible customers to enter into a payment plan for any amounts that comes due during the covered time period;

"(ii) Waive any fee or penalty arising out of the entering into of a payment plan; and

"(iii) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

"(B)(i) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments.

"(ii) The Authority shall permit customers with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

"(iii) The Authority shall not require or request that a customer provide a lump sum payment in excess of the amount required under a payment plan.

"(C) The Authority shall not disconnect water service for non-payment of a bill or fees where a customer has entered into a payment plan under this section.

"(D) The Authority shall establish procedures governing how customers are to apply for the Program, including requiring the customer to submit supporting documentation . An application shall be made available online and by telephone.

"(E) The Authority shall approve each application in which a customer:

"(i) Demonstrates to the Authority evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make payments established prior to the start of the public health emergency; and

"(ii) Agrees in writing to make payments in accordance with the payment plan.

"(F)(i) The Authority shall retain an application for a payment plan pursuant to this section, whether approved or denied, for at least 3 years.

"(ii) Upon request, the Authority shall make an application for a payment plan available to the Office of the People's Counsel.

"(G) A customer whose application for a payment plan is denied may file a written complaint with the Office of Administrative Hearings."

(d) Section 3a of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01), is amended as follows:

(1) The title is amended to read as follows:

"Section 3a. Telecommunications service during a public health emergency."

(2) A new subsection (c) is added to read as follows:

"(c)(1) During a period of time for which the Mayor has declared a public health emergency, and for one year thereafter ("Covered time period"), a telecommunications service provider shall develop a payment plan program ("Program") for eligible customers. Under the Program, a telecommunication service provider shall:

"(A) Permit eligible customers to enter into a payment plan for any amounts that comes due during the covered time period;

"(B) Waive any fee or penalty arising out of the entering into of a payment plan; and

"(C) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

"(2)(A) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments.

"(B) A telecommunication service provider shall permit customers with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

"(C) A telecommunication service provider shall not require or request that a customer provide a lump sum payment in excess of the amount required under a payment plan.

"(3) A telecommunications service provider shall not disconnect, suspend or degrade telecommunications service for non-payment of a bill, any fees for service or equipment, or other charges where a customer has entered into a payment plan under this section; provided, that a telecommunications service provider may switch the customer to a basic service plan.

"(4) A telecommunications service provider shall establish procedures governing how customers are to apply for the Program, including requiring the customer to submit supporting documentation. An application shall be made available online and by telephone.

"(5) A telecommunications service provider shall approve each application in which a customer:

"(A) Demonstrates to the telecommunications service provider evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make payments established prior to the start of the public health emergency; and

"(B) Agrees in writing to make payments in accordance with the payment plan.

"(6)(A) A telecommunications service provider who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

"(B) Upon request, a telecommunications service provider shall make an application for a payment plan available to the Office of the People's Counsel.

"(7) A customer whose application for a payment plan is denied may file a written complaint with the Public Service Commission."

(e) Section 204 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 66 DCR 0 _) is amended as follows:

(1) The existing text is designated as subsection (a); and

(2) A new subsection (b) is added to read as follows:

(b)(1) During a period of time for which the Mayor has declared a public health emergency, and for one year thereafter ("Covered time period"), a cable operator shall develop a payment plan program ("Program") for eligible customers. Under the Program, a cable operator shall:

"(A) Permit eligible customers to enter into a payment plan for any amounts that comes due during the covered time period;

"(B) Waive any fee or penalty arising out of the entering into of a payment plan; and

"(C) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

"(2)(A) Payment plans established under this section shall be for a minimum length of one year, and payments shall be made in monthly installments.

"(B) A cable operator shall permit customers with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

"(C) A cable operator shall not require or request that a customer provide a lump sum payment in excess of the amount required under a payment plan.

"(3)(A) A cable operator shall not disconnect, suspend or degrade basic cable service or other cable operator services for non-payment of a bill, any fees for service or equipment, or any other charges, where a customer has entered into a payment plan under this section; provided, that a cable operator may switch the customer to a basic service plan.

"(B) For purposes of this paragraph, the term "other cable operator services" only includes broadband internet service and VOIP service.

"(4) A cable operator shall establish procedures governing how customers are to apply for the Program, including requiring the customer to submit supporting documentation. An application shall be made available online and by telephone.

` "(5) A cable operator shall approve each application in which a customer:

"(A) Demonstrates to the cable operator evidence of a financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make payments established prior to the start of the public health emergency; and

"(B) Agrees in writing to make payments in accordance with the payment plan.

"(6)(A) A cable operator who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

"(B) Upon request, a cable operator shall make an application for a payment plan available to the Office of the People's Counsel.

"(7) A customer whose application for a payment plan is denied may file a written complaint with the Office of Administrative Appeals."

Sec. 7. Eviction clarification

Section 16-1501 of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subsection (a).

(b) A new subsection (b) is added to read as follows:

"(b) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 202 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 30 days thereafter, the person aggrieved shall not file any complaint under this section.".

Sec. 8. Amenity fees.

Section 211 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.11) is amended as follows:

(a) The existing text is redesignated as subsection (a)

(b) A new subsection (b) is added to read as follows:

"(b) If due to a public health emergency that has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01):

"(1) An amenity that a tenant pays for in addition to the rent charged is no longer available to the tenant, then the housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity during the public health emergency.

"(2) A related service or related facility is no longer supplied to a tenant by a housing provider for a housing accommodation or for any rental unit in the housing accommodation, then the Rent Administrator shall not decrease the rent charged of the tenant during the public health emergency.".

Sec. 9. Residential accommodation cleaning requirements.

(a) During a public health emergency that has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including surfaces that are regularly touched such as doors, railings, seating, and the exterior of mailboxes.

(b) For the purposes of this section "housing accommodation" means any structure or building in the District containing 1 or more residential units not occupied by the owner of the housing accommodation, including any apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, and group home.

(c) The Mayor may promulgate rules to implement this act.

Sec. 10. Out of school time report waiver.

Section 9 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is amended by adding a new subsection (c) to read as follows:

"(c) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01) the Office of Out of School Time Grants and Youth Outcomes (OST Office) may waive the requirement to conduct an annual, community-wide needs assessment.".

Sec. 11. UDC Board of Trustees terms.

Section 201(d)-(f) of The District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1202.01(d)-(f)) are amended to read as follows:

"(d) All terms on the Board of Trustees shall begin on May 15th and shall end one or five years thereafter on May 14th. The student member elected pursuant to (c)(2) of this section shall serve for a term of one year. All other members shall serve for a term of five years. Depending on the date of his or her election or appointment, a member of the Board of Trustees may not actually serve a full term.

"(e) A member of the Board of Trustees who is elected as an alumni pursuant to (c)(3) of this section may be re-elected to serve 1 additional term, after which the individual may not again be elected pursuant to (c)(3) of this section until 5 years has passed since his or her last day of service on the Board.

"(f) A member of the Board of Trustees who is appointed pursuant to (c)(1) of this section may serve 3 full or partial terms consecutively. No member shall serve more than 15 consecutive years regardless of whether elected or appointed, and shall not serve thereafter until 5 years has passed since his or her last day of service on the Board.".

Sec. 12. Notice of modified staffing levels.

Section 504(h-1)(1)(B) of the "Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(h-1)(1)(B)) is amended as follows:

(a) Sub-subparagraph (i) (D.C. Official Code §44-504(h-1)(1)(B)(i)) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Sub-subparagraph (ii) (D.C. Official Code §44-504(h-1)(1)(B)(ii)) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(c) A new sub-subparagraph (iii) is added to read as follows:

"(iii) Each facility that is unable to meet its staffing requirements as a result of the circumstances giving rise to the public health emergency during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall provide a written report of the staffing levels to the Department of Health for each day of the public health emergency that the facility is below the prescribed staffing level.".

Sec. 13. COVID-19 public benefits clarification.

The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-201.01) is amended as follows:

(1) A new subsection (2A-1) is added to read as follows:

"(2A-1) "COVID-19 relief" means any benefit in cash or in kind, including but not limited to pandemic unemployment benefits, pandemic Supplemental Nutrition Assistance Program benefits, Emergency Supplemental Nutrition Assistance Program benefits, and advance

refund of tax credits, that are of a gain or benefit to a household and were received pursuant to Federal or District relief in response to the COVID-19 Public Health Emergency of 2020.".

(b) Section 505(4) (D.C. Official Code § 4-205.05(4) is amended by striking the phrase "medical assistance" and inserting the phrase "medical assistance; COVID-19 relief" in its place.

(c) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a new paragraph (4) to read as follows:

"(4) COVID-19 relief shall not be considered in determining eligibility for TANF and shall not be treated as a lump-sum payment or settlement under this chapter.".

Sec. 14. Composing virtual training.

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

"(1A) Notwithstanding paragraph (1) of this subsection, during a period of time in which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may provide the training required by paragraph (1) of this subsection remotely through videoconference.".

Sec. 15. ANC grantmaking.

Section 16(m)(1) of the Advisory Neighborhood Commission Act of 1976, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(m)(1)) is amended by striking the phrase "District government" and inserting the phrase "District government; provided, that notwithstanding other law, during a period for which a public health emergency

has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission may approve grants to organizations providing humanitarian relief or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government" in its place.

Sec. 16. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-471; D.C. Official Code § 1-1231.01 et seq.), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1231.01) is amended to add a new paragraph (1A) to read as follows:

"(1A) "Audio-video communication" means an electronic device or process that:

"(A) Enables a notary public visually to, in real time, view the individual and compare for consistency the information and photos on government-issued identification; and

"(B) Is specifically designed for the purpose of facilitating remote notarizations.".

(b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

(1) The existing text is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may authorize, without the personal appearance of an individual, notarial acts required or permitted under District law if:

"(1) The notary public and the individual communicate with each other simultaneously by sight and sound using audio-video communication; and

"(2) The notary public:

"(A) Has notified the Mayor of the intention to perform notarial acts using audio-video communication and the identity of the audio-video communication the notary public intends to use;

"(B) Has satisfactory evidence of the identity of the individual by personal knowledge or by the individual's presentation of a current government-issued identification which contains the signature and photograph of the individual to the notary public during the video conference;

"(C) Confirms that the individual made a statement or executed a signature on a document;

"(D) Receives by electronic means a legible copy of the signed document directly from the individual immediately after it was signed;

"(E) Upon receiving the signed document, immediately completes the notarization;

"(F) Upon completing the notarization, immediately transmits by electronic means the notarized document to the individual;

"(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act for 3 years from the date of the notarial act; and

"(H) Indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and the notarial act was performed using audio-visual communication.".

(c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection (d) to read as follows:

"(d) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the District regardless of the notary public's physical location at the time of the notarial act so long as the requirements of section 6(b) of this act are met.".

Sec. 17. Jail reporting.

Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)), is amended as follows:

(a) Paragraph (5)(B) is amended by striking the word "and" at the end.

(b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (7) is added to read as follows:

"(7) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the

Council Committee with jurisdiction over the Office a weekly written update with the following information:

"(A) Unless otherwise distributed to the Committee Chairperson by the Criminal Justice Coordinating Council, a daily census for that week of individuals detained in the Central Detention Facility and Correctional Treatment Facility, categorized by legal status;

"(B) Any District of Columbia Government response to either the United States District Court for the District of Columbia or the Court-appointed inspectors regarding the implementation of the Court's orders and resolution of the inspectors' findings in the matter of Banks v. Booth (Civil Action No. 20-849); and

"(C) A description of:

"(i) All actions by the District Government to improve conditions of confinement in the Central Detention Facility and Correctional Treatment Facility, including by the Director of the Department of Youth and Rehabilitation Services, or his designee; and

"(ii) COVID-19 testing of individuals detained in the Central Detention Facility and Correctional Treatment Facility, including whether and under what conditions the District is testing asymptomatic individuals.".

Sec. 18. Fiscal impact statement.

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

Sec. 19. Fiscal impact statement.

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

Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).