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Councilmember Kenyan McDuffie

Chairman Phil Mendelson

Councilmember Anita Bonds

Councilmember David Grosso

Councilmember Elissa Silverman

Councilmember Robert C. White, Jr.

Councilmember Brianne K. Nadeau

Councilmember Mary M. Cheh

Councilmember Brandon Todd

Councilmember Charles Allen

Councilmember Vincent C. Gray

Councilmember Trayon White, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, for the health, safety, and welfare of District residents and supports to businesses during the current public health emergency; and for other purposes

CONTENTS

45
46
47 **TITLE I. LABOR AND WORKFORCE DEVELOPMENT 4**
48 Sec. 101. Wage replacement..... 4
49 Sec. 102. Unemployment insurance clarification. 7
50 Sec. 103. Shared work compensation program clarification. 9
51 Sec. 104. Family and medical leave..... 20
52 Sec. 105. Paid public health emergency leave. 23
53 **TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT 28**
54 Sec. 201. Small business microgrants..... 28
55 Sec. 202. Contractor advance payment. 30
56 Sec. 203. Certified Business Enterprise assistance. 31
57 Sec. 204. Alcoholic beverage regulation. 33
58 Sec. 205. Third-party food delivery commissions. 37
59 Sec. 206. Corporate filing extension. 39
60 Sec. 207. Outdoor dining expansion. 39
61 Sec. 208. Taxes and trade name renewals..... 42
62 Sec. 209. 8th and O disposition extension. 43
63 **TITLE III. CONSUMER PROTECTION AND REGULATION 44**
64 Sec. 301. Opportunity accounts expanded use..... 44
65 Sec. 302. Funeral services consumer protection. 47
66 Sec. 303. Debt collection. 50
67 Sec. 304. Emergency credit alerts..... 52
68 Sec. 305. Enhanced penalties for unlawful trade practices..... 55
69 Sec. 306. Price gouging and stockpiling..... 55
70 Sec. 307. Utility shutoff. 57
71 Sec. 308. Utility payment plans. 60
72 Sec. 309. Composting virtual training. 64
73 Sec. 310. Emergency Department of Insurance, Securities, and Banking authority. 64
74 Sec. 311. Vacant property designations. 67
75 Sec. 312. Extension of licenses and registrations; waiver of deadlines. 67
76 **TITLE IV. HOUSING AND TENANT PROTECTIONS 68**
77 Sec. 401. Mortgage relief..... 68
78 Sec. 402. Tenant payment plans. 73
79 Sec. 403. Residential cleaning. 76
80 Sec. 404. Eviction prohibition. 77
81 Sec. 405. Residential tenant protections. 78
82 Sec. 406. Rent increase prohibition. 83
83 Sec. 407. Cooperative association remote meetings..... 83
84 Sec. 408. Foreclosure by mortgagees. 84
85 **TITLE V. HEALTH AND HUMAN SERVICES 84**
86 Sec. 501. Prescription drugs..... 85

87 Sec. 502. Homeless services. 85

88 Sec. 503. Extension of care and custody for aged-out youth. 88

89 Sec. 504. Standby guardianship. 89

90 Sec. 505. Contact tracing hiring requirements. 90

91 Sec. 506. Public health emergency authority. 91

92 Sec. 507. Public benefits clarification and continued access. 94

93 Sec. 508. Notice of modified staffing levels. 95

94 Sec. 509. Not-for-Profit Hospital Corporation. 96

95 Sec. 510. Discharge of Long-Term Care residents. 97

96 Sec. 511. Long-Term Care Facility reporting of positive cases. 97

97 Sec. 512. Food access study. 98

98 Sec. 513. Hospital support funding. 98

99 Sec. 514. Contractor reporting of positive cases. 100

100 **TITLE VI. EDUCATION** **102**

101 Sec. 601. Graduation requirements. 103

102 Sec. 602. Out of school time report waiver. 103

103 Sec. 603. Summer school attendance. 104

104 Sec. 604. Education research practice partnership review panel. 104

105 Sec. 605. UDC Board of Trustees terms. 105

106 Sec. 606. UDC fundraising match. 106

107 **TITLE VII. PUBLIC SAFETY AND JUSTICE** **106**

108 Sec. 701. Jail reporting. 106

109 Sec. 702. Civil rights enforcement. 107

110 Sec. 704. Police Complaints Board investigation extension. 109

111 Sec. 705. Extension of time for non-custodial arrestees to report. 109

112 Sec. 706. Good time credits and compassionate release. 109

113 Sec. 707. Healthcare provider liability. 112

114 **TITLE VIII. GOVERNMENT OPERATIONS** **114**

115 Sec. 801. Board of Elections stipends. 115

116 Sec. 802. Retirement Board Financial disclosure extension of time. 115

117 Sec. 802. Ethics and campaign finance. 115

118 Sec. 803. Election preparations. 117

119 Sec. 804. Absentee ballot request signature waiver. 120

120 Sec. 805. Remote notarizations. 120

121 Sec. 806. Freedom of Information Act. 122

122 Sec. 807. Open meetings. 123

123 Sec. 808. Electronic witnessing. 125

124 Sec. 809. Electronic wills. 129

125 Sec. 810. Administrative hearings deadlines. 132

126 Sec. 811. Other boards and commissions. 132

127 **TITLE IX. LEGISLATIVE BRANCH** **133**

128 Sec. 901. Council Rules. 133

129 Sec. 902. Budget submission requirements. 135
130 Sec. 903. Tolling of matters transmitted to the Council. 136
131 Sec. 904. Advisory Neighborhood Commissions. 137
132 **TITLE X. BORROWING AUTHORITY 141**
133 SUBTITLE A. GENERAL OBLIGATION NOTES 141
134 SUBTITLE B. TRANs NOTES 154
135 **TITLE XI. REVENUE BONDS 170**
136 SUBTITLE A. STUDIO THEATER, INC..... 170
137 SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC. 183
138 SUBTITLE C. WASHINGTON HOUSING CONSERVANCY. 195
139 SUBTITLE D. NATIONAL PUBLIC RADIO, INC..... 208
140 SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC..... 220
141 **TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT;**
142 **EFFECTIVE DATE 232**
143 Sec. 1201. Repeals. 232
144 Sec. 1202. Applicability..... 233
145 Sec. 1203. Fiscal impact statement. 233
146 Sec. 1204. Effective date. 233
147

148 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
149 act may be cited as the “Coronavirus Support Emergency Amendment Act of 2020”.

150

151 **TITLE I. LABOR AND WORKFORCE DEVELOPMENT**

152 Sec. 101. Wage replacement.

153 (a) Notwithstanding any provision of District law, but subject to applicable federal laws
154 and regulations, during a period of time for which the Mayor has declared a public health
155 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
156 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected
157 employee shall be eligible for unemployment insurance in accordance with subsection (b) of this
158 section.

159 (b)(1) Upon application, an affected employee shall receive unemployment insurance
160 compensation (“UI”), which the Director of the Department of Employment Services shall

161 administer under the Unemployment Compensation Program established pursuant to the District
162 of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C.
163 Official Code § 51-101 *et seq.*).

164 (2) An affected employee shall be eligible for UI regardless of whether the:

165 (A) Employer has provided a date certain for the employee’s return to
166 work; or

167 (B) Employee has a reasonable expectation of continued employment with
168 the current employer.

169 (3) For an affected employee, the term “most recent work” shall mean the
170 employer for whom the individual last performed at least one day of employment as that term is
171 defined by section 1(2)(B) of the District of Columbia Unemployment Compensation Act,
172 approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)).

173 (c) Benefits paid pursuant to this section shall not be charged to the experience rating
174 accounts of employers.

175 (d) For the purposes of this section, the term “affected employee” means an employee
176 who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to
177 section 9 of the District of Columbia Unemployment Compensation Act, approved August 28,
178 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have
179 become unemployed or partially unemployed as a result of the circumstances giving rise to the
180 public health emergency. The term “affected employee” includes an employee who has been
181 quarantined or isolated by the Department of Health or any other applicable District or federal
182 agency, an employee who has self-quarantined or self-isolated in a manner consistent with the
183 recommendations or guidance of the Department of Health, any other applicable District or

184 federal agency, or a medical professional, or an employee of an employer that ceased or reduced
185 operations due to an order or guidance from the Mayor or the Department of Health or a
186 reduction in business revenue resulting from the circumstances giving rise to the public health
187 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation
188 required by the Mayor or the Mayor’s designee.

189 (e) For the purposes of a public health emergency, “good cause” as set forth in section 10
190 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49
191 Stat. 950; D.C. Official Code § 51-110), shall include:

192 (1) An employer’s failure to timely comply with a written directive from the
193 Mayor or the Department of Health in relation to public safety measures necessary to protect its
194 employees or the public during the public health emergency; or

195 (2) An employer’s requirements that an employee be physically present in the
196 workplace despite the employee having:

197 (A) Been quarantined or isolated by the Department of Health or any other
198 applicable District or federal agency; or

199 (B) Self-quarantined or self-isolated in a manner consistent with the
200 recommendations or guidance of the Department of Health, any other applicable District or
201 federal agency, or a medical professional.

202 (f) If the Mayor determines that the payment of UI under this section may not be made
203 from the District Unemployment Fund or from the unemployment fund of another jurisdiction
204 due to federal law or regulation, payment may be made by the Mayor from any other source of
205 funds that is available.

206 (g) Notwithstanding any provision of District law, but subject to applicable federal laws
207 and regulations, during a period of time for which the Mayor has declared a public health
208 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
209 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
210 requirements of section 9(4)(B) and 9(5) of the District of Columbia Unemployment
211 Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(4)(B)
212 and (5)), shall not apply.

213 Sec. 102. Unemployment insurance clarification.

214 The District of Columbia Unemployment Compensation Act, effective August 28, 1935
215 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

216 (a) Section 1(2) (D.C. Official Code § 51-101(2)) is amended by adding a new
217 subparagraph (A-i) to read as follows:

218 “(A-i) During a period of time for which the Mayor has declared a public
219 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
220 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and in
221 conformity with federal law, the Director may determine that the term “employment” as defined
222 in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-
223 time employment, do not have sufficient work history, or otherwise would not qualify for regular
224 unemployment or extended benefits under District or Federal law or pandemic emergency
225 unemployment compensation.”.

226 (b) Section 3(c)(2) (D.C. Official Code § 51-103(c)(2)) is amended by adding a new
227 subparagraph (G) to read as follows:

228 “(G) “Federal Pandemic Unemployment Compensation (“FPUC”) benefits
229 paid to an individual filing during a period of national emergency shall not be charged to the
230 experience rating of the eligible claimant’s base period employer’s accounts. Employers electing
231 to become liable for payments in lieu of contributions shall be charged 50% of reimbursements
232 due as a result of FPUC benefits paid to an individual filing during a period of national
233 emergency.”.

234 (c) Section 8 (D.C. Official Code § 51-108) is amended as follows:

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

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

237 “(b) During a period of time for which the Mayor has declared a public health emergency
238 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
239 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and subject to the
240 availability of additional moneys provided by local or federal law, the Director shall have the
241 authority to pay such benefits as are authorized by law.”.

242 (d) Section 9 (D.C. Official Code § 51-109) is amended as follows:

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

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

245 “(b) During a period of time for which the Mayor has declared a public health emergency
246 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
247 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have
248 broad discretion to waive any eligibility requirements set forth in this act, other than the physical
249 ability and availability requirement, when the Director deems such waiver to be in the public
250 interest.”.

251 Sec. 103. Shared work compensation program clarification.

252 The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238;

253 D.C. Official Code § 51-171 *et seq.*), is amended as follows:

254 (a) Section 2(5) is amended as follows:

255 (1) Paragraph (4) is repealed.

256 (2) Paragraph (5) is amended to read as follows:

257 “(5) “Normal weekly hours of work” means the usual hours of work for full-time
258 or part-time employees in the affected unit when that unit is operating on its regular basis, not to
259 exceed 40 hours and not including hours of overtime work.”.

260 (3) Paragraph (7) is amended to read as follows:

261 “(7) “Shared work benefit” means the unemployment benefits payable to a
262 participating employee in an affected unit under an shared work plan, as distinguished from the
263 unemployment benefits otherwise payable under the employment security law.”.

264 (4) Paragraph (8) is amended to read as follows:

265 “(8) “Shared work plan” means a written plan to participate in the shared work
266 unemployment compensation program approved by the Director, under which the employer
267 requests the payment of shared work benefits to workers in an affected unit of the employer to
268 avert temporary or permanent layoffs.”.

269 (5) New paragraph 5a is added. to read as follows:

270 “(5a) “Participating employee” means an employee who voluntarily agrees to
271 participate in an employer’s shared work plan.”

272 (b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

273 “Sec. 4. Employer participation in the shared work unemployment compensation
274 program.

275 “(a) Employer participation in the shared work unemployment compensation program
276 shall be voluntary.

277 “(b) An employer that wishes to participate in the shared work unemployment
278 compensation program shall submit a signed application and proposed shared work plan to the
279 Director for approval.

280 “(c) The Director shall develop an application form consistent with the requirements of
281 this section. The application shall require the employer to:

282 “(1) Identify the affected unit (or units) to be covered by the shared work plan,
283 including the number of full-time or part-time employees in such unit, the percentage of workers
284 in the affected unit covered by the plan, identification of each individual employee in the
285 affected unit by name, social security number, the employer’s unemployment tax account
286 number, and any other information required by the Director to identify plan participants;

287 “(2) Provide a description of how employees in the affected unit will be notified
288 of the employer’s participation in the shared work unemployment compensation program if such
289 application is approved, including how the employer will notify those employees in a collective
290 bargaining unit as well as any workers in the affected unit who are not in a collective bargaining
291 unit. If the employer will not provide advance notice to employees in the affected unit, the
292 employer shall explain in a statement in the application why it is not feasible to provide such
293 notice.

294 “(3) Identify the usual weekly hours of work for employees in the affected unit
295 and the specific percentage by which hours will be reduced during all weeks covered by the plan.

296 A shared work plan may not reduce participating employees' usual weekly hours of work by less
297 than 10% or more than 60%. If the plan includes any week for which the employer regularly
298 provides no work (due to a holiday or other plant closing), then such week shall be identified in
299 the application;

300 “(4) If the employer provides health benefits and retirement benefits under the
301 defined benefit pension plans (as defined in section 414(j) of the Internal Revenue Code) or
302 contributions under a defined contribution plan (defined in section 414(i) of such Code) to any
303 participating employee whose usual weekly hours of work are reduced under the plan, certify
304 that such benefits will continue to be provided to participating employees under the same terms
305 and conditions as though the usual weekly hours of work of such participating employee had not
306 been reduced or to the same extent as employees not participating in the shared work plan. For
307 defined benefit retirement plans, the hours that are reduced under the shared work plan shall be
308 credited for purposes of participation, vesting, and accrual of benefits as though the participating
309 employee's usual weekly hours of work had not been reduced. The dollar amount of employer
310 contributions to a defined contribution plan that are based on a percentage of compensation may
311 be reduced due to the reduction in the participating employee's compensation. A reduction in
312 health and retirement benefits scheduled to occur during the duration of a shared work plan,
313 which is equally applicable to employees who are not participating in the plan and to
314 participating employees, does not violate a certification made pursuant to this paragraph;

315 “(7) Certify that the aggregate reduction in work hours under the shared work
316 plan is in lieu of temporary or permanent layoffs and provide a good faith estimate of the number
317 of workers who would have been laid off in the absence of the shared work plan;

318 “(8) Agree to:

319 (A) Furnish reports to the Director relating to the proper conduct of the
320 shared work plan;

321 (B) Allow the Director or the Director’s authorized representatives access
322 to all records necessary to approve or disapprove the application for a shared work plan;

323 (C) Allow the Director to monitor and evaluate the shared work plan; and

324 (C) Follow any other directives the Director deems necessary for the
325 agency to implement the shared work plan consistent with the requirements for shared work plan
326 applications;

327 “(9) Certify that participation in the shared work unemployment compensation
328 program and implementation of the shared work plan will be consistent with the employer’s
329 obligations under applicable federal and state laws;

330 “(10) State the duration of the shared work plan, which shall not exceed 365 days
331 from the effective date established pursuant to section 6;

332 “(11) Provide any additional information or certifications that the Director
333 determines to be appropriate for purposes of the shared work unemployment compensation
334 program, consistent with requirements issued by the United States Secretary of Labor.

335 “(12) Provide written approval of the shared work plan by the collective
336 bargaining representative for any employees who will participate in the plan and who are
337 covered by a collective bargaining agreement.”.

338 (c) Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

339 “Sec. 5. Approval and disapproval of a shared work plan.

340 “(a)(1) The Director shall approve or disapprove an application for a shared work plan in
341 writing within 15 calendar days of its receipt and promptly issue a notice of approval or
342 disapproval to the employer.

343 “(2) A decision disapproving the shared work plan shall clearly identify the
344 reasons for the disapproval.

345 “(3) A decision to disapprove a shared work plan shall be final, but the employer
346 may submit another application for a shared work plan not earlier than 10 calendar days from the
347 date of the disapproval.

348 “(b) Except as provided in subsections (c) and (d) of this section, the Director shall
349 approve a shared work plan if the employer:

350 “(1) Complies with the requirements of section 4; and

351 “(2)(A) Has filed all reports required to be filed under the employment security
352 law for all past and current periods and has paid all contributions and benefit cost payments; or

353 “(B) If the employer is a reimbursing employer, has made all payments in
354 lieu of contributions due for all past and current periods.

355 “(c) Except as provided in subsection (d) of this section, the Director may not approve a
356 shared work plan:

357 “(1) To provide payments to an employee if the employee is employed by the
358 participating employer on a seasonal, temporary, or intermittent basis;

359 “(2) If the employer's unemployment insurance account has a negative
360 unemployment experience rating;

361 “(3) If the employer's unemployment insurance account is taxed at the maximum
362 tax rate in effect for the calendar year;

363 “(4) For employers who have not qualified to have a tax rate assigned based on
364 actual experience; or

365 “(5) For employees who are receiving or who will receive supplemental
366 unemployment benefits during any period a shared work plan is in effect.

367 “(d) During the effective period of a shared work plan entered into during a public health
368 public health emergency, section shall not apply. During , the Director may not approve a shared
369 work plan:

370 “(1) To provide payments to an employee if the employee is employed by the
371 participating employer on a seasonal, temporary, or intermittent basis; or

372 “(2) For employers that have reported quarterly earnings to the Department of
373 Employment Services for fewer than 3 quarters at the time of the application for the shared work
374 unemployment compensation program.”.

375 “(e) For the purposes of this section, “public health emergency” means the public health
376 emergency declared in the Mayor’s order dated March 11, 2020, and any extensions thereof.

377
378 (d) Section 8(b) (D.C. Official Code § 51-177(b)) is amended to read as follows:

379 “Sec. 6. Effective date and expiration of a shared work plan.

380 “(a) A shared work plan shall be effective on the date that is mutually agreed upon by the
381 employer and the Director, which shall be specified in the notice of approval to the employer.

382 “(b) The duration of the plan shall be 365 days from the effective date, unless a shorter
383 duration is requested by employer or the plan is terminated or revoked in accordance with this
384 section.

385 “(c) An employer may terminate a shared work plan at any time upon written notice to
386 the Director, a collective bargaining representative, and the employees in the affected unit. After
387 receipt of such notice from the employer, the Director shall issue to the employer, collective
388 bargaining representative, and participating employees, an Acknowledgment of Voluntary
389 Termination, which shall state the date the shared work plan terminated.

390 “(d) The Director may revoke a shared work plan at any time for good cause, including:

391 “(1) Failure to comply with the certifications and terms of the shared work plan;

392 “(2) Failure to comply with federal or state law;

393 “(3) Failure to report or request proposed modifications to the shared work plan in
394 accordance with section 7;

395 “(4) Unreasonable revision of productivity standards for the affected unit;

396 “(5) Conduct or occurrences tending to defeat the purpose and effective operation
397 of the shared work plan;

398 “(6) Change in conditions on which approval of the plan was based;

399 “(7) Violation of any criteria on which approval of the plan was based; or

400 “(8) Upon the request of an employee in the affected unit.

401 “(e) Upon a decision to revoke a shared work plan, the Director shall issue a written
402 revocation order to the employer that specifies the reasons for the revocation and the date the
403 revocation is effective. The Director shall provide a copy of the revocation order to the
404 representative of an affected collective bargaining unit.

405 “(f) An employer may submit a new application for a shared work plan at any time after
406 the expiration or termination a shared work plan.”.

407

408 (e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

409 “Sec. 7. Modification of a shared work plan.

410 “(a) An employer may not implement a substantial modification to a shared work plan
411 without first obtaining the written approval of the Director.

412 “(b)(1) An employer must report, in writing, every proposed modification of the shared
413 work plan to the Director a least 5 calendar days before implementing the proposed modification.
414 The Director shall review the proposed modification to determine if the modification is
415 substantial. If the Director determines that the proposed modification is substantial, the Director
416 shall notify the employer of the need to request a substantial modification.

417 “(2) An employer may request a substantial modification to a shared work plan by
418 filing a written request with the Director. The request shall identify the specific provisions of the
419 shared work plan to be modified and provide an explanation of why the proposed modification is
420 consistent with and supports the purposes of the shared work plan. A modification may not
421 extend the expiration date of the plan.

422 “(c)(1) At the Director’s discretion, an employer’s request for a substantial modification
423 of a shared work plan may be approved if:

424 “(A) Conditions have changed since the plan was approved; and

425 “(B) The Director determines that the proposed modification is consistent
426 with and supports the purposes of the approved plan.

427 “(2) The Director shall approve or disapprove a request for substantial
428 modification, in writing, within 15 calendar days of receiving the request and promptly
429 communicate the decision to the employer. If the request is approved, the notice of approval
430 shall contain the effective date of the modification.

431 “(d) The Director may periodically review the operation of an employer’s shared work
432 plan to ensure compliance with its terms and applicable federal and state laws.”.

433 (f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

434 “Sec. 8. Employee eligibility for shared work benefits.

435 “(a) A participating employee is eligible to receive shared work benefits with respect to
436 any week only if the individual is monetarily eligible for unemployment compensation, not
437 otherwise disqualified for unemployment compensation, and:

438 “(1) With respect to the week for which shared work benefits are claimed, the
439 participating employee was covered by a shared work plan that was approved prior to that week;

440 “(2) Notwithstanding any other provisions of the employment security law
441 relating to availability for work and actively seeking work, the participating employee was
442 available for the individual’s usual hours of work with the shared-work employer, which may
443 include availability to participate in training to enhance job skills approved by the Director, such
444 as employer-sponsored training or training funded under the Workforce Innovation and
445 Opportunities Act.

446 “(3) Notwithstanding any other provision of law, a participating employee is
447 deemed unemployed for the purposes of determining eligibility to receive unemployment
448 compensation benefits in any week during the duration of such plan if the individual’s
449 remuneration as an employee in an affected unit is reduced under the terms of the plan.

450 “(b) A participating employee may be eligible for shared work benefits or unemployment
451 compensation, as appropriate, except that no participating employee may be eligible for
452 combined benefits in any benefit year in an amount more than the maximum entitlement
453 established for regular unemployment compensation, nor shall a participating employee be paid

454 shared work benefits for more than 52 weeks under a shared work benefit plan or in an amount
455 more than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

456 “(c) The shared work benefit paid to a participating employee shall be deducted from the
457 maximum entitlement amount of regular unemployment compensation established for that
458 individual's benefit year.

459 “(d) Provisions applicable to unemployment compensation claimants under the
460 employment security law shall apply to participating employees to the extent that they are not
461 inconsistent with shared work benefit provisions. A participating employee who files an initial
462 claim for shared work benefits shall receive a monetary determination that the individual is
463 eligible to receive benefits.

464 “(e) A participating employee who has received all of the shared work benefits or
465 combined unemployment compensation and shared work benefits available in a benefit year shall
466 be considered an exhaustee for purposes of extended benefits pursuant to section § 51–107 (g),
467 and if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

468 “(f) Shared work benefits shall be charged to employers' experience rating accounts in the
469 same manner as unemployment compensation is charged under the employment security law,
470 unless waived by federal or local law. Employers liable for payments in lieu of contributions
471 shall have shared work benefits attributed to service in their employ in the same manner as
472 unemployment compensation is attributed, unless waived by federal or local law.”.

473 (g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

474 (1) Subsection (a) is amended to read as follows:

475 “(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a
476 participating employee shall be the product of the regular weekly unemployment compensation

477 amount for a week of total unemployment multiplied by the percentage of reduction in the
478 participating employee’s usual weekly hours of work.

479 “(2) The shared work benefit for a participating employee who performs work for
480 another employer during weeks covered by a shared work plan shall be calculated as follows:

481 “(A) If the combined hours of work in a week for both employers does not
482 result in a reduction of at least 10% of the usual weekly hours of work the participating
483 employee works for the shared-work employer, the participating employee is not eligible for
484 shared work benefits;

485 “(B) If the combined hours of work for both employers results in a
486 reduction equal to or greater than 10% of the usual weekly hours worked for the shared-work
487 employer, the shared work benefit payable to the participating employee is determined by
488 multiplying the weekly unemployment benefit amount for a week of total unemployment by the
489 percentage by which the combined hours of work have been reduced. A week for which benefits
490 are paid under this subparagraph shall be reported as a week of shared work benefits.”.

491 “(C) If an individual worked the reduced percentage of the usual weekly
492 hours of work for the shared-work employer and is available for all the participating employee’s
493 usual hours of work with the shared-work employer, and the participating employee did not work
494 any hours for the other employer, either because of the lack of work with that employer or
495 because the participating employee is excused from work with the other employer, the
496 participating employee shall be eligible for the full value of the shared work benefit for that
497 week.

498 (2) New subsections (c) and (d) are added to read as follows:

499 “(c) A participating employee who is not provided any work during a week by the
500 shared-work employer or any other employer, and who is otherwise eligible for unemployment
501 compensation shall be eligible for the amount of regular unemployment compensation to which
502 the individual would otherwise be eligible.

503 “(d) A participating employee who is not provided any work by the shared-work
504 employer during a week, but who works for another employer and is otherwise eligible for
505 unemployment compensation may be paid unemployment compensation for that week subject to
506 the disqualifying income and other provisions applicable to claims for regular unemployment
507 compensation.”.

508 Sec. 104. Family and medical leave.

509 The District of Columbia Family and Medical Leave Act of 1990, effective October 3,
510 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

511 (a) Section 2(1) (D.C. Official Code § 32-501(1)) is amended to read as follows:

512 “(1) “Employee” means:

513 “(A) For leave provided under sections 3 or 4, any individual who has
514 been employed by the same employer for 1 year without a break in service except for regular
515 holiday, sick, or personal leave granted by the employer and has worked at least 1000 hours
516 during the 12-month period immediately preceding the request for family or medical leave; or

517 “(B) For leave provided under section 3a, an individual employed by an
518 employer for at least 30 days prior to the request for leave.”.

519 (b) A new section 3a (to be codified at D.C. Official Code § 32-502.01) is added to read
520 as follows:

521 “Sec. 3a. COVID-19 family and medical leave.

522 “(a) During the COVID-19 public health emergency, an employee shall be entitled to
523 family and medical leave if the employee is unable to work due to:

524 “(1) A recommendation from a health care provider that the employee isolate or
525 quarantine, including because the employee or an individual with whom the employee shares a
526 household is at high risk for serious illness from COVID-19;

527 “(2) A need to care for a family member or an individual with whom the
528 employee shares a household who is under a government or health care provider’s order to
529 quarantine or isolate; or

530 “(3) A need to care for a child whose school or place of care is closed or whose
531 childcare provider is unavailable to the employee.

532 “(b)(1) An employee may use no more than 16 weeks of family and medical leave
533 pursuant to this section during the COVID-19 public health emergency.

534 (2) The right to leave pursuant to this section expires on the date the COVID-19
535 public health emergency expires”.

536 “(c) An employer may require reasonable certification of the need for COVID-19 family
537 and medical leave as follows:

538 “(1) If the leave is upon the recommendation of a health care provider to the
539 employee, a written, dated statement from a health care provider stating that the employee has
540 such need and the probable duration of the need for leave;

541 “(2) If the leave is upon the recommendation of a health care provider to an
542 employee’s family member or individual with whom the employee shares a household, a written,
543 dated statement from a health care provider stating that the individual has such need and the
544 probable duration of the condition.

545 “(3) If the leave is needed because a school, place of care, or childcare provider is
546 unavailable, a statement by the head of the agency, company, or childcare provider stating such
547 closure or unavailability, which may include a printed statement obtained from the institution’s
548 website.

549 “(d) Notwithstanding section 17, this section shall apply to any employer regardless of
550 the number of persons in the District that the employer employs.

551 “(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, family and
552 medical leave under this section may consist of unpaid leave.

553 “(2) Any paid leave provided by an employer that the employee elects to use for
554 family and medical leave under this section shall count against the 16 workweeks of allowable
555 leave provided in this section.

556 “(3) If an employer has a program that allows an employee to use the paid leave
557 of another employee under certain conditions, and the conditions have been met, the employee
558 may use the paid leave as family and medical leave and the leave shall count against the 16
559 workweeks of leave provided in this section.

560 “(4) An employee shall not be required, but may elect, to use leave provided
561 under this section before other leave to which the employee is entitled under federal or District
562 law or an employer’s policies.

563 “(f) The provisions of section 6 shall apply to an employee who takes leave
564 pursuant to this section.

565 “(g) Any employer who willfully violates subsections (a) through (e) of this section shall
566 be assessed a civil penalty of \$1000 for each offense.

567 “(h) The rights provided to an employee under this section may not be diminished by any
568 collective bargaining agreement or any employment benefit program or plan, except that this
569 section shall not supersede any clause on family or medical leave in a collective bargaining
570 agreement in force on the applicability date of this section for the time that the collective
571 bargaining agreement is in effect.

572 “(i) For the purposes of this section, the term “COVID-19 public health emergency”
573 means the emergencies declared in the Declaration of Public Emergency (Mayor’s Order 2020-
574 045) together with the Declaration of Public Health Emergency (Mayor’s Order 2020-046),
575 declared on March 11, 2020, including any extension of those declared emergencies.

576

577 Sec. 105. Paid public health emergency leave.

578 (a) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-
579 152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

580 (1) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking
581 the phrase “Paid leave under” and inserting the phrase “Except as provided in section 3a, paid
582 leave under” in its place.

583 (2) A new section 3a is added to read as follows:

584 “Sec. 3a. Paid public health emergency leave requirement.

585 “(a)(1) Beginning April 10, 2020, and for the duration of the COVID-19 emergency, an
586 employer with between 50 and 499 employees, which is not a health care provider, shall provide
587 paid leave to an employee pursuant to this section for an absence from work due to covered
588 reasons.

589 “(2) An employer shall provide paid leave to an employee in an amount sufficient
590 to ensure that an employee who must be absent from work for covered reasons be able to remain
591 away from work for 2 full weeks of work up to 80 hours, or, for a part-time employee, the usual
592 number of hours the employee works in a 2-week period.

593 “(3)(A) Subject to subparagraph (B) of this paragraph, an employer shall
594 compensate an employee for leave provided pursuant to this section at the employee’s regular
595 rate of pay. In the case of an employee who does not have a regular rate of pay, the employee’s
596 rate of pay shall be determined by dividing the employee’s total gross earnings, including all
597 tips, commission, piecework, or other earnings earned on an irregular basis for the most recent 2-
598 week period that the employee worked for the employer, by the number of hours the employee
599 worked during that 2-week period.

600 “(B) In no case shall an employee’s rate of pay fall below the minimum
601 wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective
602 March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

603 “(4) An employer shall provide paid leave under this section to any employee
604 who commenced work for the employer at least 15 days before the request for leave.

605 “(b) An employee may only use paid leave provided under this section concurrently with
606 or after exhausting any other paid leave to which the employee may be entitled for covered
607 reasons under federal or District law or an employer’s policies.

608 “(1) If an employee elects to use paid leave provided under this section
609 concurrently with other paid leave, the employer may reduce the monetary benefit of the paid
610 leave provided under this section by the amount of the monetary benefit the employee will
611 receive for paid leave taken under federal or District law or the employer’s policies.

612 “(2) If an employee elects to use paid leave provided under this section after
613 exhausting other paid leave, the employer may reduce the number of hours of paid leave an
614 employee may use under this section by the number of hours of paid leave taken under federal or
615 District law or the employer’s policies.

616 “(c) Nothing in this section shall be construed to require an employer to provide an
617 employee with paid leave pursuant to this section for more than 2 full weeks of work up to 80
618 hours. If an employee uses all of the leave available under this section and subsequently informs
619 the employer of the employee’s continued need to be absent from work, the employer shall
620 inform the employee of any paid or unpaid leave to which the employee may be entitled pursuant
621 to federal or District law or the employer’s policies.

622 “(d) Before taking any other administrative action on a complaint filed pursuant to
623 section 13, the Mayor shall promptly provide the employer with written notice of the alleged
624 violation, in a form or manner to be determined by the Mayor, and give the employer 5 business
625 days to cure the alleged violation. . The time to cure the violation shall run from the date the
626 employer receives the notice.

627 “(e) For the purposes of this section, the term:

628 “(1) “Covered reasons” means any of the reasons for which federal paid leave is
629 available pursuant to section 5102 of the Families First Coronavirus Response Act, approved
630 March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195).

631 “(2) “COVID-19 emergency” means the emergencies declared in the Declaration
632 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
633 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
634 those declared emergencies.

635 “(3) “Health care provider” means any doctor’s office, hospital, health care
636 center, clinic, post-secondary educational institution offering health care instruction, medical
637 school, local health department or agency, nursing facility, retirement facility, nursing home,
638 home health care provider, any facility that performs laboratory or medical testing, pharmacy, or
639 any similar institution, employer, or entity. The term “health care provider” includes any
640 permanent or temporary institution, facility, location, or site where medical services are provided
641 that are similar to such institutions.”.

642

643 (3) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

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

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

646 “(b) An employer may not require an employee who seeks to use paid leave pursuant to
647 section 3a to:

648 “(1) For any reason, provide more than 48 hours’ notice of the need to use such
649 leave;

650 “(2) In the event of an emergency, provide more than reasonable notice of the
651 employee’s need to use such leave; or

652 “(3) Search for or identify another employee to perform the work hours or work
653 of the employee using paid leave.”.

654 (4) Section 5 (D.C. Official Code § 32-531.04) is amended by adding a new
655 subsection (a-1) to read as follows:

656 “(a-1)(1) An employer may not require an employee who uses paid leave pursuant to
657 section 3a to provide certification of the need to use such paid leave unless the employee uses 3
658 or more consecutive working days of paid leave.

659 “(2) When certification is required by an employer for the use of paid leave
660 pursuant to section 3a, the employer may not require the employee to provide it until one week
661 after the employee’s return to work.

662 “(3) An employer that does not contribute payments toward a health insurance
663 plan on behalf of the employee shall not require certification from the employee who uses paid
664 leave pursuant to section 3a.”.

665 (5) Section 6(b) (D.C. Official Code § 32-531.05(b)) is amended as follows:

666 (A) Paragraph (1) is amended by striking the phrase “; and” and inserting
667 a semicolon in its place.

668 (B) Paragraph (2) is amended by striking the period and inserting the
669 phrase “; and” in its place.

670 (C) A new paragraph (3) is added to read as follows:

671 “(3) Access and use paid leave as provided in section 3a.”.

672 (b) Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective
673 October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended by adding a
674 new subsection (b-1) to read as follows:

675 “(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19
676 emergency, no more than \$500,000 of the money in the Fund may be used for activities related
677 to enforcement of the paid public health emergency leave requirement contained in section 3a of

678 the Accrued Sick and Safe Leave Act of 2008, effective _____ (D.C. Act 23-286; D.C.
679 Official Code § 32-531.02a)..

680 “(2) For the purposes of this subsection, “COVID-19 emergency” means the
681 emergencies declared in the Declaration of Public Emergency (Mayor’s Order 2020-045)
682 together with the Declaration of Public Health Emergency (Mayor’s Order 2020-046), declared
683 on March 11, 2020, including any extension of those declared emergencies.”.

684

685 **TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT**

686 Sec. 201. Small business microgrants.

687 The Small and Certified Business Enterprise Development and Assistance Act of 2005,
688 effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended
689 as follows:

690 (a) The table of contents is amended by adding a new section designation to read as
691 follows:

692 “Sec. 2316. Public health emergency grant program.”.

693 (b) A new section 2316 is added to read as follows:

694 “Sec. 2316. Public health emergency grant program.

695 “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a
696 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
697 Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant
698 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code
699 § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant or loan to an eligible small
700 business; provided, that the eligible small business:

701 “(A) Submits a grant application in the form and with the information
702 required by the Mayor; and

703 “(B) Demonstrates, to the satisfaction of the Mayor, financial distress
704 caused by a reduction in business revenue due to the circumstances giving rise to or resulting
705 from the public health emergency.

706 “(2) A grant issued pursuant to this section may be expended by the eligible small
707 business for any of the following:

708 “(A)(i) Employee wages and benefits.

709 “(ii) For the purposes of this subparagraph, “benefits”
710 means fringe benefits associated with employment, including health insurance;

711 “(B) Operating costs of the eligible small business including taxes and
712 debt service;

713 “(C) Repayment of loans obtained through the United States Small
714 Business Administration; and

715 “(D) Payments or other mortgage housing costs, in the case of independent
716 contractors and self-employed individuals.

717 “(b) The Mayor may issue one or more grants to a third-party grant-managing entity for
718 the purpose of administering the grant program and making subgrants on behalf of the Mayor in
719 accordance with the requirements of this section.

720 “(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative
721 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505), may
722 issue emergency rules to implement the provisions of this section.

723 “(d) The Mayor, and any third-party entity chosen pursuant to subsection (b), shall
724 maintain a list of all grants awarded pursuant to this section, identifying for each award the grant
725 recipient, the date of award, intended use of the award, and the award amount. The Mayor shall
726 publish the list online no later than June 1, 2020, or 5 days following the end of the COVID-19
727 emergency, whichever is earlier.

728 “(e) For the purposes of this section, the term:

729 “(1) “COVID-19 emergency” means the emergencies declared in the Declaration
730 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
731 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
732 those declared emergencies.

733 “(2) “Eligible small business” means a business enterprise eligible for
734 certification under section 2332, a nonprofit entity, or an independent contractor or self-
735 employed individual determined ineligible for Unemployment Insurance by the Director of the
736 Department of Employment Services.

737 Sec. 202. Contractor advance payment.

738 Section 2349 of the Small and Certified Business Enterprise Development and Assistance
739 Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.49), is
740 amended as follows:

741 (1) Subsection (a)(2) is amended by striking the phrase “A policy” and inserting
742 the phrase “Except as provided in subsection (a-1) of this section, a policy” in its place.

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

744 “(a-1) During a period of time for which the Mayor has declared a public health
745 emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of

746 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency
747 may make advance payments to a certified contractor for purchases related to the PHE when the
748 payments are necessary to achieve the purposes of this subtitle and may provide an advance of
749 more than 10% of the total value of the contract.”.

750 Sec. 203. Certified Business Enterprise assistance.

751 (a) Notwithstanding the Small and Certified Business Enterprise Development and
752 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
753 218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the
754 period of the COVID-19 emergency, any contract for a government-assisted project in excess of
755 \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered
756 into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act,
757 shall provide that:

758 (1) At least 50% of the dollar volume of the contract be subcontracted to small
759 business enterprises; or

760 (2) If there are insufficient qualified small business enterprises to meet the
761 requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied
762 by subcontracting 50% of the dollar volume (“CBE minimum expenditure”) to any qualified
763 certified business enterprises; provided, that best efforts shall be made to ensure that qualified
764 small business enterprises are significant participants in the overall subcontracting work.

765 (b)(1) For every dollar expended by a beneficiary with a resident-owned business, the
766 beneficiary shall receive a credit for \$1.10 against the CBE minimum expenditure.

767 (2) For every dollar expended by a beneficiary with a disadvantaged business
768 enterprise, the beneficiary shall receive a credit for \$1.25 against the CBE minimum expenditure.

769 (3) For every dollar expended by a beneficiary that uses a company designated as
770 both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-
771 owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a
772 maximum credit for \$1.30 against the CBE minimum expenditure.

773 (c) For the purposes of this section, the term:

774 (1) “Beneficiary” has the same meaning as set forth in section 2302(1B) of the
775 CBE Act (D.C. Official Code § 2-218.02(1B)).

776 (2) “Best efforts” means that a beneficiary is obligated to make its best attempt to
777 accomplish the agreed-to goal, even when there is uncertainty or difficulty.

778 (3) “COVID-19 emergency” means the emergencies declared in the Declaration
779 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
780 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
781 those declared emergencies.

782 (4) “Disadvantaged business enterprise” has the same meaning as set forth in
783 section 2333 of the CBE Act (D.C. Official Code § 2-218.33).

784 (5) “Government-assisted project” has the same meaning as set forth in section
785 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

786 (6) “Longtime resident business” has the same meaning as set forth in section
787 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

788 (7) “Resident-owned business” has the same meaning as set forth in section
789 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

790 (8) “Small Business Enterprises” has the same meaning as set forth in section
791 2332 of the CBE Act (D.C. Official Code § 2-218.32).

792 (d) Contracts entered into on an emergency basis or that are made in furtherance of, or that
793 are related to, the District’s response to the COVID-19 emergency shall not be subject to the
794 requirements of the Small and Certified Business Enterprise Development and Assistance Act of
795 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Code § 2-218.01 *et seq.*), or the First
796 Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official
797 Code § 2-219.01 *et seq.*).

798 Sec. 204. Alcoholic beverage regulation.

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

800 (a) Section 25-112 is amended by adding a new subsection (h) to read as follows:

801 “(h)(1) A retailer with commercial street frontage at the Walter E. Washington
802 Convention Center that sells food and is approved by the Washington Convention and Sports
803 Authority to sell alcoholic beverages for on-premises consumption (“Convention Center food
804 and alcohol business”) that registers as a Convention Center food and alcohol business with the
805 Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed
806 containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed
807 containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such
808 carry-out or delivery orders are accompanied by one or more prepared food items.

809 “(2) Board approval shall not be required for a registration under this
810 subsection.”.

811 (b) Section 25-113(a)(3) is amended by adding new subparagraphs (C) and (D) to read as
812 follows:

813 “(C)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
814 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with
815 the Board may sell beer, wine, or spirits in closed containers to individuals for carry out to their

816 home, or deliver beer, wine, or spirits in closed containers to the homes of District residents;
817 provided, that each such carry out or delivery order is accompanied by one or more prepared
818 food items.

819 “(ii) Board approval shall not be required for a registration under
820 this subparagraph; except, that the licensee shall receive written authorization from ABRA prior
821 to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.”.

822 “(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
823 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered
824 with the Board under subparagraph (C) of this paragraph may register with the Board to sell
825 beer, wine, or spirits in closed containers accompanied by one or more prepared food items for
826 off-premises consumption from one additional location other than the licensed premises. Board
827 approval shall not be required for the additional registration under this subsection; provided, that:

828 “(I) The licensee separately registers with the Board and receives
829 written authorization from ABRA prior to offering alcoholic beverages for carryout or delivery
830 at the additional location;

831 “(II) The licensee, the additional location’s owner, or a prior tenant
832 at the additional location possesses a valid certificate of occupancy for the building used as the
833 additional location, unless the additional location is located on outdoor private space;

834 “(III) The licensee has been legally authorized by the owner of the
835 building or the property utilized as the additional location to utilize the space for carryout and
836 delivery;

837 “(IV) The licensee agrees to follow all applicable Department of
838 Consumer and Regulatory Affairs and Department of Health laws and regulations; and

839 “(V) The additional location from which the licensee intends to
840 offer alcoholic beverages for carryout or delivery is located in a commercial or mixed-use zone
841 as defined in the zoning regulations for the District.

842 “(ii) The on-premises retailer’s licensee shall not offer beer, wine, or
843 spirits for carryout and delivery on public space; except, that an additional location under this
844 subparagraph may include a sidewalk café that has been issued a public-space permit by the
845 District Department of Transportation.

846 “(iii) The on-premises retailer’s licensee who has been registered to offer
847 beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do so
848 only at the additional location.

849 “(iv) An on-premises retailer’s licensee who has been registered to offer
850 beer, wine, or spirits for carryout or delivery in accordance with this subparagraph may do so for
851 no longer than 30 calendar days. The Board may approve a written request from an on-premises
852 licensee to extend carryout or delivery alcohol sales from an additional location pursuant to this
853 subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or
854 spirits for carryout or delivery for off-premises consumption from the additional location for
855 more than 60 calendar days unless a completed application to do so has been filed with the Board
856 with notice provided to the public in accordance with § 25-421.

857 “(v) The on-premises retailer’s licensee may sell and deliver alcoholic
858 beverages for carryout and delivery from an additional location in accordance with this
859 subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

860 “(vi) The Board may fine an on-premises retailer’s licensee, or
861 suspend, cancel, or revoke an on-premises retailer’s license, and shall revoke an on-premises

862 retailer’s licensee’s registration to offer beer, wine, or spirits for carryout or delivery at the
863 additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this
864 subparagraph.”.

865 (b) Chapter 4 is amended as follows:

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

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

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

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

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

877 (i) Strike the phrase “45-day protest period” and insert the phrase “66-day
878 protest period” in its place.

879 (ii) Strike the phrase “45 days” and insert the phrase “66 days” in its
880 place.

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

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

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

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

888 (c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar
889 days,” and inserting the phrase “21 or more calendar days, excluding each day during a period of
890 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
891 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
892 194; D.C. Official Code § 7-2304.01),” in its place.

893 Sec. 205. Third-party food delivery commissions.

894 (a) During a period of time for which the Mayor has declared a public health emergency
895 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
896 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), (“public health
897 emergency”) a person, corporation, partnership, or association operating a third-party food
898 platform within the District shall register with the Department of Consumer and Regulatory
899 Affairs.

900 (b) Notwithstanding any provision of District law, during a public health emergency, it
901 shall be unlawful for a person to cause a third-party food delivery platform to charge a restaurant
902 a commission fee for the use of the platform’s services for delivery or pick-up that totals more
903 than 15% of the purchase price per online order.

904 (c) It shall be unlawful for a person to cause a third-party food delivery platform to
905 reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to
906 comply with subsection (b) of this section.

907 (d) During a public health emergency, at the time a final price is disclosed to a customer
908 for the intended purchase and delivery of food from a restaurant through a third-party food
909 delivery platform and before that transaction is completed by the customer, the third-party food
910 delivery platform shall disclose to the customer, in plain language and in a conspicuous manner,
911 any commission, fee, or any other monetary payment imposed by the third-party food delivery
912 platform on the restaurant as a term of a contract or agreement between the platform and the
913 restaurant in connection with the restaurant's use of the platform.

914 (e)(1) A person who violates this section shall be subject to a fine of not less than \$250
915 and not more than \$1,000 for each such violation.

916 (2) A violation of this section shall be a civil infraction for purposes of the
917 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October
918 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.).

919 (f) For purposes of this section:

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

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

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

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

928 (g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
929 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue
930 rules to implement the provisions of this section.

931 Sec. 206. Corporate filing extension.

932 Section 29-102.12 of the District of Columbia Official Code is amended by adding a new
933 subsection (e) to read as follows:

934 “(e) There shall be no late fee for delivering the biennial report for 2020 required by
935 section 29-102.11(c); provided, that the biennial report for 2020 be delivered to the Mayor for
936 filing by June 1, 2020.”.

937 Sec. 207. Outdoor dining expansion.

938 (a) For the purposes of this section, the term:

939 (1) “BID” means a Business Improvement District formed pursuant the Business
940 Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official
941 Code § 2-1215.01 et seq.).

942 (2) “Eligible business” means an applicant for an Outdoor Dining Expansion
943 permit, pursuant to this section, that:

944 (A) Before submitting an application pursuant to this section, has:

945 (i) Met the administrative procedures for a sidewalk café, as set
946 forth in Chapter 3 of Title 24 of the District of Columbia Municipal Regulations; and

947 (ii) Obtained the necessary licenses and license endorsements
948 required by the Alcoholic Beverage Control Board to sell, serve, or permit the consumption of
949 alcoholic beverages in a sidewalk café, pursuant to D.C. Official Code § 25-113a; and

950 (B) Is required, pursuant to a valid Mayor’s Order, to operate at a reduced
951 capacity, compared to the capacity at which the applicant operated before the declaration of a
952 public health emergency declared pursuant to section 5a of the District of Columbia Public
953 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
954 2304.01).

955 (3) “Main Street Program” means a D.C. Main Streets Program that is in good
956 standing and has a letter of agreement with the Department of Small and Local Business
957 Development.

958 (b) The District Department of Transportation (“DDOT”) shall create an Outdoor Dining
959 Expansion permit application and make it available, at no cost, through DDOT’s website.

960 (c)(1) An eligible business, a BID, or a Main Street Program may submit an Outdoor
961 Dining Expansion permit application requesting that, for the purposes of an eligible business
962 operating a sidewalk café, DDOT close to vehicle traffic:

963 (A) In the case of an eligible business, public space on a block where the
964 eligible business operates a sidewalk café; or

965 (B) In the case of a BID or a Main Street Program, public space within the
966 BID’s or Main Street Program’s boundaries.

967 (2) The application shall identify, in a form determined by DDOT:

968 (A) The area of public space the eligible business, BID, or Main Street
969 Program requests for closure;

970 (B) The period of time for which the eligible business, BID, or Main
971 Street Program requests the closure of public space, up to one year after a public health
972 emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of

973 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) has ended;
974 and

975 (C) A list of any eligible businesses that will use, as a sidewalk café, the
976 public space requested for closure and, for each eligible business listed, evidence that the eligible
977 business meets the description in subsection (a)(2)(A).

978 (d) DDOT shall approve or deny an Outdoor Dining Expansion permit application made
979 pursuant to this section, by providing to the applicant written notice of approval or disapproval,
980 within 30 days after receipt of the Outdoor Dining Expansion permit application.

981 (e)(1) DDOT shall approve an Outdoor Dining Expansion permit application made
982 pursuant to this section if DDOT:

983 (A) Determines that the application meets the requirements of subsection
984 (c)(2) of this section;

985 (B) Has received a letter of support for the application from each Advisory
986 Neighborhood Commission (“ANC”) that includes the area of public space for which the
987 application requests closure; and

988 (C) Determines that the closure of public space will not cause significant
989 public safety concerns.

990 (2) A notice of approval shall describe the area of public space to be closed.

991 (3) DDOT shall close to motor vehicle traffic the public space identified in the
992 notice of approval.

993 (f) Notwithstanding subsection (e) of this section, DDOT may modify the area of public
994 space to be closed if the modification is consistent with a letter of support received from an ANC
995 described in subsection (e)(1)(B) of this section.

996 (g) Notwithstanding section 202 of the District of Columbia Public Space Rental Act,
997 approved October 17, 1968 (82 Stat. 1158; D.C. Official Code § 10-1102.02), and D.C. Official
998 Code § 25-113a, an eligible business shall not be required to pay any additional fees for the use
999 of public space allowed by a permit issued pursuant to this section.

1000 (h) A permit, issued pursuant to the requirements set forth in Chapter 3 of Title 24 of the
1001 District of Columbia Municipal Regulations, held by an eligible business listed in an application
1002 submitted pursuant to subsection (c) of this section that authorizes the eligible business to
1003 operate a sidewalk café shall also authorize the eligible business to operate a sidewalk café in
1004 public space closed pursuant to subsection (e) of this section.

1005 Sec. 208. Taxes and trade name renewals.

1006 Title 47 of the District of Columbia Official Code is amended as follows:

1007 (a) Section 47-811(b) is amended by striking the phrase “tax year beginning July 1, 1989,
1008 and ending June 30, 1990, the amount of the first and second installments shall reflect and be
1009 consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)” and
1010 inserting the phrase “tax year 2020 first installment owing for a real property that is
1011 commercially improved and occupied and is a hotel or motel; provided, that the Chief Financial
1012 Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the
1013 definition of a hotel or motel, the Chief Financial Officer may waive any penalties and abate
1014 interest if the owner pays such installment by June 30, 2020” in its place.

1015 (b) Section 47-1803.02(a)(2) is amended by adding a new subparagraphs (GG) and (HH)
1016 to read as follows:

1017 “(GG) Small business loans awarded and subsequently forgiven under
1018 section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27,
1019 2020 (Pub. L. No. 116-136; 134 Stat. 281).”.

1020 “(HH) Public health emergency small business grants awarded pursuant to
1021 section 201 of this act.”.

1022 (c) Section 47-2855.04 is amended by adding a new subsection (c) to read as follows:

1023 “(c) There shall be no late fee for trade name renewal applications required by rules
1024 promulgated under subsection (a) of this section to be filed by April 1, 2020; provided, that the
1025 trade name renewal application be filed by June 1, 2020.”.

1026 (d) Section 47-4221 is amended by adding a new subsection (d) to read as follows:

1027 “(d)(1) Except as provided in paragraph (2) and notwithstanding any other provision of
1028 this title, the Chief Financial Officer may waive any penalty and abate interest that may be
1029 imposed for failure to timely pay any taxes due pursuant to Chapters 20 and 22 of this title for
1030 periods ending on February 29, 2020, or March 31, 2020; provided, that all taxes for such
1031 periods are paid in full on or before July 20, 2020.

1032 “(2) This subsection shall not apply to hotels or motels permitted to defer real
1033 property tax under § 47-811(b).”.

1034 Sec. 209. 8th and O disposition extension.

1035 Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia
1036 no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official
1037 Code § 10-801), is amended as follows:

1038 (a) Subsection (b-3) is amended by adding a new paragraph (8) to read as follows:

1039 “(8) Notwithstanding paragraph (2) of this subsection, for the disposition of the
1040 District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall
1041 be for housing for which a low-income household will pay no more than 30% of its income
1042 toward housing costs, and 50% of the units shall be housing for which a moderate-income
1043 household will pay no more than 30% of its income toward housing costs, whether or not the
1044 units to be constructed are rental units or ownership units. The Land Disposition and
1045 Development Agreement in the form approved by Council pursuant to the 8th & O Streets,
1046 N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63
1047 DCR 1498), remains in full force and effect, including, without limitation, the Affordable
1048 Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at
1049 closing.

1050 (b) Subsection (d-7) is amended by striking the date “February 2, 2020” and inserting the
1051 date “September 15, 2020” in its place.

1052 **TITLE III. CONSUMER PROTECTION AND REGULATION**

1053 Sec. 301. Opportunity accounts expanded use.

1054 The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C.
1055 Official Code § 1-307.61 *et seq.*), is amended as follows:

1056 (a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph
1057 (2A) to read as follows:

1058 “(2A) “Commissioner” means the Commissioner of the Department of Insurance,
1059 Securities, and Banking.”.

1060 (b) Section 8 (D.C. Official Code § 1-307.67) is amended as follows:

1061 (1) Subsection (a) is amended by striking the figure “\$2” and inserting the figure
1062 “\$1” in its place.

1063 (2) Subsection (b) is amended as follows:

1064 (A) The lead-in language is amended by striking the figure “\$2” and
1065 inserting the figure “\$3” in its place.

1066 (B) Paragraph (1) is amended as follows:

1067 (i) Strike the phrase “in at least the same amount” and insert the
1068 phrase “consistent with subsection (a) of this section” in its place.

1069 (ii) Strike the phrase “; and” and insert a semicolon in its place.

1070 (C) Paragraph (2) is amended as follows:

1071 (i) Strike the phrase “than \$3,000” and insert the phrase “than
1072 \$6,000” in its place;

1073 (ii) Strike the period and insert the phrase “; and” in its place.

1074 (D) A new paragraph (3) is added to read as follows:

1075 “(3) The Commissioner may waive the requirement of subsection (a) of this
1076 section and provide to an administering organization matching funds of up to \$4 for every dollar
1077 the account holder deposits into the opportunity account when adequate federal or private
1078 matching funds are not available.”.

1079 (c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

1080 (1) Paragraph (6) is repealed.

1081 (2) Paragraph (8) is amended by striking the period at the end and inserting the
1082 phrase “; and” in its place.

1083 (3) A new paragraph (9) is added to read as follows:

1084 “(9) To pay for any cost, expense, or item authorized by the Commissioner by
1085 rule issued pursuant to section 14, or by order during a declared public health emergency.”.

1086 (d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

1087 (1) Subsection (b) is amended as follows:

1088 (A) Paragraph (2) is amended by striking the phrase “; or” and inserting a
1089 semicolon in its place.

1090 (B) Paragraph (3) is amended by striking the period at the end and
1091 inserting the phrase “; and” in its place.

1092 (C) A new paragraph (4) is added to read as follows:

1093 “(4) Making payments necessary to enable the account holder to meet necessary
1094 living expenses in the event of a sudden, unexpected loss of income.”.

1095 (2) Subsection (c) is amended by striking the phrase “An account holder” and
1096 inserting the phrase “Except during a period of time for which the Mayor has declared a public
1097 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1098 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an
1099 account holder” in its place.

1100 (3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

1101 “(c-1) If an account holder makes an emergency withdrawal for the purposes set forth at
1102 subsection (b)(2) or (3) of this section, the account holder shall withdraw only funds deposited
1103 by the account holder and shall not withdraw matching funds.

1104 “(c-2) If an account holder makes an emergency withdrawal for the purposes set forth at
1105 subsection (b)(1) of this section, the account holder shall withdraw only funds deposited by the

1106 account holder and shall not withdraw matching funds, unless the withdrawal is for a medical
1107 emergency.

1108 “(c-3) If an account holder makes an emergency withdrawal for the purposes set forth at
1109 subsection (b)(4) of this section, the account holder may withdraw funds deposited by the
1110 account holder and matching funds.”.

1111 (4) The lead-in language of subsection (e) is amended to read as follows:

1112 “An account holder shall not be required to repay funds withdrawn from the opportunity
1113 account for an emergency withdrawal but shall be required to resume making deposits into the
1114 opportunity account no later than 90 days after the emergency withdrawal. If the account holder
1115 fails to make a deposit no later than 90 days after the emergency withdrawal:”.

1116 Sec. 302. Funeral services consumer protection.

1117 (a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22,
1118 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section
1119 4a to read as follows:

1120 “Sec. 4a. For a period of time for which the Mayor has declared a public health
1121 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1122 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), there shall be
1123 established a Funeral Bill of Rights designed to inform consumers of required pricing disclosures
1124 and other available consumer rights. The Department of Consumer and Regulatory Affairs, in
1125 consultation with the Board of Funeral Directors and the Attorney General for the District of
1126 Columbia (“Attorney General”), shall write the Funeral Bill of Rights, which shall be published
1127 in the District of Columbia Register no later than May 8, 2020. If the foregoing does not occur

1128 on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall
1129 have it published in the District of Columbia Register no later than May 15, 2020.”.

1130 (b) Section 28-3904 of the District of Columbia Official Code is amended as follows:

1131 (1) Subsection (jj) is amended by striking the phrase “; or” and inserting a
1132 semicolon in its place.

1133 (2) Subsection (kk) is amended by striking the period at the end and inserting the
1134 phrase “; or” in its place.

1135 (3) New subsections (ll) and (mm) are added to read as follows:

1136 “(ll) violate any provision of 17 DCMR § 3013; or”

1137 “(mm) violate any provision of 17 DCMR § 3117.”.

1138 (c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*)
1139 is amended as follows:

1140 (1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

1141 (A) The lead-in language of subparagraph (8) is amended by striking the
1142 phrase “customer, or failing to passing” and inserting the phrase “customer, failing to provide to
1143 the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the
1144 customer, or failing to pass” in its place.

1145 (B) Subparagraph (24) is amended by striking the phrase “; or” and
1146 inserting a semicolon in its place.

1147 (C) Subparagraph (25) is amended by striking the period at the end and
1148 inserting a semicolon in its place.

1149 (D) New subparagraphs (26), (27), (28), and (29) are added to read as
1150 follows:

1151 “(26) Failing to clearly and conspicuously post a General Price List, Casket Price
1152 List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry
1153 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any website
1154 maintained by the applicant or licensee;

1155 “(27) Failing to provide to any customer a General Price List, Casket Price List,
1156 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry
1157 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*);

1158 “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as
1159 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,
1160 passed on 2nd reading on April 21, 2020 (Enrolled version of Bill 23-734), on any website
1161 maintained by the applicant or licensee; or

1162 “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in
1163 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd
1164 reading on April 21, 2020 (Enrolled version of Bill 23-734), during an initial meeting to discuss
1165 or make arrangements for the purchase of funeral goods or services.”.

1166 (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection
1167 3110.9 to read as follows:

1168 “3110.9 A funeral services establishment shall keep and retain records documenting any
1169 required disclosures to consumers, including disclosure of its General Price List, Casket Price
1170 List, an Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer,
1171 as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,
1172 passed on 2nd reading on April 21, 2020 (Enrolled version of Bill 23-734), after the completion
1173 or termination of a funeral contract.”.

1174 Sec. 303. Debt collection.

1175 Section 28-3814 of the D.C. Official Code is amended as follows:

1176 (a) Subsection (b) is amended as follows:

1177 (1) New paragraphs (1A) and (1B) are added to read as follows:

1178 “(1A) “collection lawsuit” means any legal proceeding, including
1179 civil actions, statements of small claims, and supplementary process actions, commenced in any
1180 court for the purpose of collecting any debt or other past due balance owed or alleged to be
1181 owed.

1182 “(1B) “debt” means money or its equivalent which is, or is alleged to be, more
1183 than 30 days past due and owing, unless a different period is agreed to by the debtor, under a
1184 single account as a result of a purchase, lease, or loan of goods, services, or real or personal
1185 property for personal, family, or household purposes or as a result of a loan of money that was
1186 obtained for personal, family, or household purposes whether or not the obligation has been
1187 reduced to judgment.”.

1188 (2) A new paragraph (4) is added to read as follows:

1189 “(4) public health emergency” means a period of time for which the Mayor has
1190 declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to
1191 § 28-4102.”.

1192 (b) New subsections (l), (m), and (n) are added to read as follows:

1193 “(l)(1) Notwithstanding subsection (a) of this section, subsections (l) and (m) of this
1194 section shall apply to any debt, including loans directly secured on motor vehicles or direct
1195 motor vehicle installment loans covered by Chapter 36 of Title 28.

1196 “(2) During a public health emergency and for 60 days after its conclusion, no
1197 creditor or debt collector shall, with respect to any debt:

1198 “(A) Initiate, file, or threaten to file any new collection lawsuit;

1199 “(B) Initiate, threaten to initiate, or act upon any statutory remedy for the
1200 garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the
1201 payment of a debt to a creditor;

1202 “(C) Initiate, threaten to initiate, or act upon any statutory remedy for the
1203 repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is
1204 voluntarily surrendered; or

1205 “(D) Visit or threaten to visit the household of a debtor at any time for the
1206 purpose of collecting a debt;

1207 “(E) Visit or threaten to visit the place of employment of a debtor at any
1208 time; or

1209 “(F) Confront or communicate in person with a debtor regarding the
1210 collection of a debt in any public place at any time, unless initiated by the debtor.

1211 “(3) This subsection shall not apply to collecting or attempting to collect a debt
1212 that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for
1213 common expenses pursuant to Section 312 of the Condominium Act of 1976, effective March
1214 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.12).

1215 “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt
1216 collector shall initiate any communication with a debtor via any written or electronic
1217 communication, including email, text message, or telephone. A debt collector shall not be
1218 deemed to have initiated a communication with a debtor if the communication by the debt

1219 collector is in response to a request made by the debtor for the communication or is the mailing
1220 of monthly statements related to an existing payment plan or payment receipts related to an
1221 existing payment plan.

1222 “(2) This subsection shall not apply to:

1223 “(A) Communications initiated solely for the purpose of informing a
1224 debtor of a rescheduled court appearance date or discussing a mutually convenient date for a
1225 rescheduled court appearance;

1226 “(B) Original creditors collecting or attempting to collect their own debt;

1227 “(C) Collecting or attempting to collect a debt which is, or is alleged to be,
1228 owed on a loan secured by a mortgage on real property or owed for common expenses pursuant
1229 to Section 312 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C.
1230 Official Code § 42-1903.12); or

1231 “(D) Receiving and depositing payments the debtor chooses to make
1232 during a public health emergency.

1233 “(n) Subsections (l) and (m) of this section shall not be construed to:

1234 “(1) Exempt any person from complying with existing laws or rules of
1235 professional conduct with respect to debt collection practices;

1236 “(2) Supersede or in any way limit the rights and protections available to
1237 consumers under applicable local, state, or federal foreclosure laws; or

1238 “(3) Supersede any obligation under the District of Columbia Rules of
1239 Professional Conduct, to the extent of any inconsistency.”.

1240 Sec. 304. Emergency credit alerts.

1241 Title 28 of the District of Columbia Official Code is amended as follows:

1242 (a) The table of contents for Chapter 38 is amended by adding the following at the end
1243 to read as follows:

1244 “Subchapter IV. COVID-19 Emergency Credit Alert.

1245 (b) A new section 28-3871 is added to read as follows:

1246 “§ 28-3871. COVID-19 Emergency credit alert.

1247 “(a) If a consumer reports in good faith that the consumer has experienced financial
1248 hardship resulting directly or indirectly from the cause of the public health emergency during the
1249 period of time for which the Mayor has declared a public health emergency pursuant to section
1250 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1251 Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days following (“covered time
1252 period”), a credit reporting agency maintaining a file on the consumer shall include an alert
1253 (“COVID-19 alert”) in that file indicating that the consumer has been financially impacted by the
1254 COVID-19 emergency and shall provide that alert along with or accompanying any credit report
1255 or credit score provided by the agency, beginning on the date of such request, unless the
1256 consumer requests that such COVID-19 alert be removed.

1257 “(b) No user of a consumer report shall use or take into consideration any adverse
1258 information in a report that was the result of an action or inaction by a consumer that occurred
1259 during the covered time period if there is a COVID-19 alert included along with or
1260 accompanying the consumer’s report or provided with the consumer’s credit score pursuant to
1261 subsection (a) of this section.

1262 “(c) This section shall not apply to a federal credit union, as defined by section 1752 of
1263 the Federal Credit Union Act, approved September 22, 1959 (73 Stat 628; 12 U.S.C. § 1752(1)) a
1264 national bank, as defined by section 25b of the National Bank Act, approved June 3, 1864 (18

1265 Stat. 123; 12 U.S.C. § 25b(a)(1)), or a federal savings association, as defined by Section 1462 of
1266 the Home Owners’ Loan Act, approved August 9, 1989 (103 Stat. 277; 12 U.S.C. § 1462(3));
1267 except, that an exception granted by this subsection shall not apply to any entity to which the
1268 savings clause at Section 25b of the National Bank Act, approved June 3, 1864 (18 Stat. 123; 12
1269 U.S.C. § 25b(b)(2)), applies.

1270 “(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
1271 1681j, the entity providing the credit report must notify the resident of his or her right to request
1272 a COVID-19 alert to accompany the credit report.

1273 “(e)(1) If any person or entity violates this section, the affected consumer may bring a
1274 civil action for:

1275 “(A) Injunctive relief to prevent or restrain further violation of this section;

1276 “(B) Actual damages; and

1277 “(C) Reasonable attorney’s fees and costs of the action.

1278 “(2) If a credit reporting agency willfully violates this section, the affected
1279 consumer may obtain punitive damages, except in the case of negligence as provided by 15
1280 U.S.C. § 1681h(e)).

1281 “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia
1282 for temporary or permanent injunctive relief for, and for an award of damages for property loss
1283 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
1284 deceptive conduct in violation of this section that harms a District resident.

1285 “(2) In an action under this section, the Attorney General may recover:

1286 “(A) A civil penalty not to exceed \$1,000 for each violation; and

1287 “(B) Reasonable attorney’s fees and costs of the action.

1288 “(g) The following terms shall have the same meaning as defined in § 28-3861 of this
1289 chapter:

1290 “(1) “Consumer;”

1291 “(2) “Credit report;” and

1292 “(3) “Credit reporting agency.

1293 “(h) This section shall not be construed in a manner inconsistent with the Fair Credit
1294 Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. § 1681 *et seq.*), or any other
1295 federal law or regulation.”.

1296 Sec. 305. Enhanced penalties for unlawful trade practices.

1297 Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking
1298 the phrase “by the Department.” and inserting the phrase “by the Department; except, that
1299 notwithstanding any other provision of District law or regulation, during a period of time for
1300 which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of
1301 this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction
1302 within the meaning of 16 DCMR § 3200.1(a).”.

1303 Sec. 306. Price gouging and stockpiling.

1304 Title 28 of the District of Columbia Official Code is amended as follows:

1305 (a) The table of contents is amended by adding a new section designation to read as
1306 follows:

1307 “28-4102.01. Stockpiling.”.

1308 (b) Section 28-4102(a) is amended to read as follows:

1309 “(a) It shall be unlawful for any person to charge more than the normal average retail
1310 price for any merchandise or service sold during a public health emergency declared pursuant to

1311 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1312 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or during an emergency resulting from a
1313 natural disaster declared pursuant to subsection (b) of this section.”.

1314 (c) A new section 28-4102.01 is added to read as follows:

1315 “§ 28-4102.01. Stockpiling.

1316 “It shall be unlawful for any person to purchase, in quantities greater than those specified
1317 by the Mayor, the Department of Health (“DOH”), the Homeland Security and Emergency
1318 Management Agency (“HSEMA”), or the federal government goods that the Mayor, DOH,
1319 HSEMA, or the federal government have declared:

1320 “(1) Necessary for first responders or others following a natural disaster or a
1321 declaration of a public health emergency pursuant to section 5a of the District of Columbia
1322 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1323 Code § 7-2304.01) (“public health emergency”);

1324 “(2) Necessary to maintain supply chains of commerce during a natural disaster or
1325 a public health emergency; or

1326 “(3) Subject to rationing.”.

1327 (d) Section 28-4103 is amended as follows:

1328 (1) Strike the phrase “§ 28-4102(a)” wherever it appears and insert the phrase “§
1329 28-4102(a) or § 28-4102.01” in its place.

1330 (2) A new subsection (c) is added to read as follows:

1331 “(c) When the Office of the Attorney General brings a civil action for any violation of §
1332 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty
1333 authorized by § 28-3909 shall be assessed for each such violation.”.

1334 Sec. 307. Utility shutoff.

1335 (a) Section 113a(c) of the District Department of the Environment Establishment Act of
1336 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is
1337 amended as follows:

1338 (1) The existing text is designated paragraph (1).

1339 (2) A new paragraph (2) is added to read as follows:

1340 “(2) Notwithstanding paragraph (1) of this subsection, during a period of time for
1341 which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the
1342 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1343 194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund
1344 may be used to assist low-income residential customers located in the District of Columbia with
1345 the payment of an outstanding water bill balance; except, that not less than \$1.26 million of
1346 funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit
1347 organizations located in the District with the payment of impervious area charges, pursuant to
1348 section 216b(a) of the Water and Sewer Authority Establishment and Department of Public
1349 Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official
1350 Code § 34-2202.16b(a)), and not less than \$360,000 of funding allocated in the fiscal year in
1351 which the PHE occurs shall be reserved to assist residential customers with the payment of
1352 impervious area charges, pursuant to section 216b(b).”.

1353 (b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television
1354 Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code
1355 § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic
1356 cable operator services for non-payment of a bill, any fees for service or equipment, or any other

1357 charges, or for noncompliance with a deferred payment agreement during a period of time for
1358 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
1359 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1360 Official Code § 7-2304.01), or for 15 calendar days thereafter.

1361 “(2) For purposes of this subsection, the term “other basic cable operator
1362 services” includes only basic broadband internet service and VOIP service.”.

1363 (c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May
1364 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new
1365 section 106b to read as follows:

1366 “Sec. 106b. Disconnection of service during a public health emergency prohibited.

1367 “(a) For the purposes of this section, the term “public health emergency” means a period
1368 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1369 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1370 194; D.C. Official Code § 7-2304.01).

1371 “(b) An electric company shall not disconnect electric service for non-payment of a bill
1372 or fees during a public health emergency or for 15 calendar days thereafter.”.

1373 (d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004,
1374 effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is
1375 amended by adding a new section 7b to read as follows:

1376 “Sec. 7b. Disconnection of service during a public health emergency prohibited.

1377 “(a) For the purposes of this section, the term “public health emergency” means a period
1378 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

1379 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1380 194; D.C. Official Code § 7-2304.01).

1381 “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees
1382 during a public health emergency or for 15 calendar days thereafter.”.

1383 (e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,
1384 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read
1385 as follows:

1386 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a
1387 period of time for which the Mayor has declared a public health emergency pursuant to section
1388 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1389 Law 14-194; D.C. Official Code § 7-2304.01).

1390 “(2) During a public health emergency, or for 15 calendar days thereafter,
1391 notwithstanding any other provision of this act, the water supply to any property shall not be shut
1392 off for non-payment of a bill or fees.”.

1393 (f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C.
1394 Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a
1395 to read as follows:

1396 “Section 3a. Disconnection of telecommunications service during a public health
1397 emergency prohibited.

1398 “(a) For the purposes of this section, the term “public health emergency” means a period
1399 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1400 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1401 194; D.C. Official Code § 7-2304.01).

1402 “(b) A telecommunications service provider shall not disconnect, suspend, or degrade
1403 basic telecommunications service for non-payment of a bill, any fees for service or equipment,
1404 and other charges, or noncompliance with a deferred payment agreement during a public health
1405 emergency or for 15 calendar days thereafter.”.

1406 (g) Notwithstanding any District law, the Attorney General for the District of Columbia
1407 may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any
1408 merchant, including a utility provider, that violates any provisions of this act.

1409 Sec. 308. Utility payment plans.

1410 (a) During a period of time for which the Mayor has declared a public health emergency
1411 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1412 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for the lesser of six
1413 months thereafter (“program period”) or the cancellation of service, whichever occurs first , a
1414 utility provider shall offer a utility-payment-plan program (“program”) for customers. Under its
1415 program, a utility provider shall:

1416 (1) Make a payment plan (“payment plan”) available to a customer for the
1417 payment of amounts that come due during the program period and prior to the cancellation of
1418 service, with a minimum term length of one year, unless a shorter time period is requested by the
1419 customer.

1420 (2) Waive any fee, interest or penalty that arises out of the customer entering into
1421 a payment plan;

1422 (3) Not report to a credit bureau any delinquency or other derogatory information
1423 that occurs solely due to the existence of a customer entering into a payment plan;;and

1424 (4) Notify all customers of the availability, terms, and application process for its
1425 utility payment program.

1426 (b)(1) Customers entering into a payment plan shall be required to make payments in
1427 equal monthly installments for the duration of the payment plan, unless a shorter payment
1428 schedule is requested by the customer.

1429 (2) A utility provider shall permit a customer that has entered into a payment plan
1430 to pay an amount greater than the monthly amount provided for in the payment plan.

1431 (3) A utility provider shall not require or request a customer provide a lump-sum
1432 payment in excess of the amount required under a payment plan.

1433 (4) A utility provider shall provide confirmation in writing to the customer of the
1434 payment plan entered into, including the terms of a payment plan.

1435 (c) A utility provider shall utilize existing procedures or, if necessary, establish new
1436 procedures to provide a process by which a customer may apply for a payment plan, which may
1437 include requiring the customer to submit supporting documentation. A utility provider shall
1438 permit application for a payment plan to occur online and by telephone.

1439 (d)(1) A utility provider shall approve each application for a payment plan submitted
1440 during the covered time period made by an eligible customer.

1441 (2) For payment plans requested within six months after the covered time period,
1442 a utility provider shall continue to offer payment plans of at least one-year in duration and
1443 consider information from customers regarding evidence of a financial hardship resulting
1444 directly or indirectly from the public health emergency. If a customer's request for a payment
1445 plan is denied, the utility provider shall inform the customer, in writing, of the option to file a

1446 written complaint to appeal a payment plan denial, and the customer may file a written complaint
1447 pursuant to subsection (g) of this section.

1448 (e)(1) A utility provide shall not disconnect service for non-payment of a bill or fees
1449 where a customer has entered into a payment plan under this section and has made payments in
1450 accordance with the terms of the payment plan;

1451 (2) Where a customer fails to pay in full the amounts due under a payment plan
1452 and the customer and utility provider have not mutually agreed to a modification of the terms of
1453 the payment plan, nothing under this section shall prevent a utility provider from offering the
1454 customer a new payment plan or disconnecting service.

1455 (f)(1) A utility provider who receives an application for a payment plan pursuant to this
1456 section shall retain the application, whether approved or denied, for at least 3 years.

1457 (2) Upon request by the customer, a provider shall make an application for a
1458 payment plan available to:

1459 (A) For utility providers regulated by the Public Service Commission and
1460 DC Water, the Office of the People’s Counsel; and

1461 (B) For all other utility providers, the Department of Consumer and
1462 Regulatory Affairs.

1463 (g) A customer whose application for a payment plan is denied may file a written
1464 complaint with:

1465 (1) For utility providers regulated by the Public Service Commission, the Public
1466 Service Commission; and

1467 (2) For all other utility providers, the Department of Consumer and Regulatory
1468 Affairs and any such complaint shall be forwarded to the Office of Administrative Hearings for
1469 adjudication.

1470 (h) A cable operator or telecommunications service provider shall offer customers with a
1471 payment plan under this section discounted basic service plan for the term of the payment plan.

1472 (i) During a period of time for which the Mayor has declared a public health emergency,
1473 a utility provider shall reconnect service to occupied residential property upon customer request
1474 and not charge a fee for this reconnection.

1475 (j) For the purposes of this section, the term:

1476 (1) "Cable operator" shall have the same meaning as provided in section 103(6) of
1477 the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193;
1478 D.C. Official Code § 34-1251.03(6)).

1479 (2) "DC Water" means the District of Columbia Water and Sewer Authority
1480 established pursuant to Section 202(a) of the Water and Sewer Authority Establishment and
1481 Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law
1482 11-111; D.C. Official Code § 34-2202.02(a)).

1483 (3) "Electric company" shall have the same meaning as provided in section 8 of
1484 An Act Making appropriations to provide for the expenses of the government of the District of
1485 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other
1486 purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-207).

1487 (4) "Customer" means a customer that:

1488 (A) Has notified the utility provider of an inability to pay all or a portion
1489 of the amount due as a result of the public health emergency;

1490 (B) Agrees in writing to make payments in accordance with the payment
1491 plan.

1492 (5) “Gas company” shall have the same meaning as provided in section 3(7) of the
1493 Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March
1494 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(b)).

1495 (6) “Telecommunications service provider” shall have the same meaning as
1496 provided in section 2(20A) of the Telecommunications Competition Act of 1996, effective
1497 September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01(20A)).

1498 (7) “Utility provider” means a cable operator, DC Water, an electric company, a
1499 gas company, and a telecommunications service provider.

1500 Sec. 309. Composting virtual training.

1501 Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014, effective
1502 February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended by
1503 adding a new paragraph (1A) to read as follows:

1504 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time for which the
1505 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
1506 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1507 Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may provide the training
1508 required by paragraph (1) of this subsection remotely through videoconference.”.

1509 Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

1510 The Department of Insurance and Securities Regulation Establishment Act of 1996,
1511 effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by
1512 adding a new section 5a to read as follows:

1513 “Sec. 5a. Emergency authority of the Commissioner during a declared public health
1514 emergency.

1515 “(a) For the duration of a public health emergency declared by the Mayor pursuant to
1516 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1517 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise
1518 to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

1519 “(1) Apply to any person or entity regulated by the Commissioner; and

1520 “(2) Address:

1521 “(A) Submission of claims or proof of loss;

1522 “(B) Grace periods for payment of premiums and performance of other
1523 duties by insureds;

1524 “(C) Temporary postponement of:

1525 “(i) Cancellations;

1526 “(ii) Nonrenewals; or

1527 “(iii) Premium increases;

1528 “(D) Modifications to insurance policies;

1529 “(E) Insurer operations;

1530 “(F) Filing requirements;

1531 “(G) Procedures for obtaining nonelective health care services;

1532 “(H) Time restrictions for filling or refilling prescription drugs;

1533 “(I) Time frames applicable to an action by the Commissioner under this

1534 section;

1535 “(J) Temporarily waiving application of laws, rulemaking, or requirements
1536 to ensure that depository services, non-depository services, and securities transactions can
1537 continue to be provided, including allowing for the opening of a temporary service location,
1538 which may be a mobile branch, temporary office space, or other facility; and

1539 “(K) Any other activity related to insurance, securities, and banking and
1540 under the purview of the Commissioner reasonably calculated to protect the health, safety, and
1541 welfare of District residents during the public health emergency.

1542 “(b) The Commissioner may require licensees to answer questions related to, and submit
1543 documentation of, the licensee’s continuity of operations plan.

1544 “(c) Emergency rulemaking, orders, and bulletins.

1545 “(1)(A) To accomplish the purposes of this section, the Commissioner may issue
1546 an emergency rulemaking, order, or bulletin pursuant to this section specifying:

1547 “(i) That the rulemaking, order, or bulletin is effective
1548 immediately;

1549 “(ii) The line or lines of business, or the class or classes of
1550 licenses, to which the regulation, order, or bulletin applies;

1551 “(iii) The geographic areas to which the regulation, order, or
1552 bulletin applies; and

1553 “(iv) The period of time for which the regulation, order, or bulletin
1554 applies.

1555 “(B) A regulation issued under paragraph (1)(A) of this section may not
1556 apply for longer than the duration of the effects of a declared public health emergency.”.

1557 Sec. 311. Vacant property designations.

1558 Section 6(b) of An Act To provide for the abatement of nuisances in the District of
1559 Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001
1560 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

1561 (a) Paragraph (8) is amended by striking the phrase “; or” and inserting a semicolon in its
1562 place.

1563 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; or” in its
1564 place.

1565 (c) A new paragraph (10) is added to read as follows:

1566 “(10) A commercial property that houses a business that has closed during a
1567 period of time for which the Mayor has declared a public health emergency pursuant to section
1568 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1569 Law 14-194; D.C. Official Code § 7-2304.01), as a result of the circumstances giving rise to or
1570 resulting from the public health emergency, and for 60 days thereafter.”.

1571

1572 Sec. 312. Extension of licenses and registrations; waiver of deadlines.

1573 Notwithstanding any provision of law during, or within 45 days after the end of, a period
1574 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1575 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1576 194; D.C. Official Code § 7-2304.01), the Mayor, may:

1577 (1) Prospectively or retroactively extend the validity of a license, registration,
1578 permit, or authorization, including driver licenses, vehicle registrations, professional licenses,
1579 registrations, and certifications;

1580 (2) Waive the deadlines for filings, and waive fees, fines, and penalties associated
1581 with the failure to timely renew a license, registration, permit, or other authorization or to timely
1582 submit a filing; or

1583 (3) Extend or waive the deadline by which action is required to be taken by the
1584 executive branch of the District government or by which an approval or disapproval is deemed to
1585 have occurred based on inaction by the executive branch of the District government.

1586 **TITLE IV. HOUSING AND TENANT PROTECTIONS**

1587 Sec. 401. Mortgage relief.

1588 (a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency
1589 Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(b)(15)),
1590 and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective
1591 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other
1592 provision of District law, during a period of time for which the Mayor has declared a public
1593 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1594 1980, effective October 17, 2002 (D.C. Law 14- 194; D.C. Official Code § 7-2304.01), and for
1595 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or
1596 commercial mortgage loan under the jurisdiction of the Commissioner of the Department of
1597 Insurance, Securities, and Banking shall develop a deferment program for borrowers that, at a
1598 minimum:

1599 (1) Grants at least a 90-day deferment of the monthly payment of principal and
1600 interest on a mortgage for borrowers;

1601 (2) Waives any late fee, processing fee, or any other fee accrued during the
1602 pendency of the public health emergency; and

1603 (3) Does not report to a credit bureau any delinquency or other derogatory
1604 information that occurs as a result of the deferral.

1605 (b) The mortgage lender shall establish application criteria and procedures for borrowers
1606 to apply for the deferment program. An application or summary of procedures shall be made
1607 available online or by telephone.

1608 (c) The mortgage lender shall approve each application in which a borrower:

1609 (1) Demonstrates to the mortgage lender evidence of a financial hardship resulting
1610 directly or indirectly from the public health emergency, including an existing delinquency or
1611 future ability to make payments; and

1612 (2) Agrees in writing to pay the deferred payments within:

1613 (A) A reasonable time agreed to in writing by the applicant and the
1614 mortgage lender; or

1615 (B) If no reasonable time can be agreed to pursuant to subparagraph (A) of
1616 this paragraph, 5 years from the end of the deferment period, or the end of the original term of
1617 the mortgage loan, whichever is earlier.

1618 (d)(1) A mortgage lender who receives an application for deferment pursuant to this
1619 section shall retain the application, whether approved or denied, for at least 3 years after final
1620 payment is made on the mortgage or the mortgage is sold, whichever occurs first.

1621 (2) Upon request, a mortgage lender shall make an application for deferment
1622 available to the Commissioner.

1623 (3)(A)(i) A mortgage lender who approves an application for deferment pursuant
1624 to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all

1625 approved applications on a form prescribed by the Commissioner and such notice shall include
1626 the percentage of mortgage deferment approved for and accepted by each borrower.

1627 (ii) After the initial submission prescribed in this paragraph, a
1628 mortgage lender who approved an application for deferment pursuant to this section shall
1629 provide the Commissioner with a list of all new approvals in 15-day intervals for the duration of
1630 the public health emergency and for 60 days thereafter.

1631 (iii) The Commissioner may request information on the number
1632 and nature of approvals between 15-day intervals.

1633 (B) The Commissioner shall maintain a publicly available list of approved
1634 commercial loan deferral applications. The requirement of this subparagraph may be satisfied by
1635 posting to the Department of Insurance, Securities, and Banking website.

1636 (e) A mortgage lender shall be prohibited from requiring a lump sum payment from any
1637 borrower making payments under a deferred payment program pursuant to subsection (c)(2)(A)
1638 of this section, subject to investor guidelines.

1639 (f) A person or business whose application for deferment is denied may file a written
1640 complaint with the Commissioner. The Commissioner is authorized to investigate the complaint
1641 in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective
1642 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

1643 (g) A borrower receiving a mortgage deferral pursuant to subsection (b) of this section on
1644 a property that has a tenant shall, within 5 days of the approval, provide notice of the deferral to
1645 all tenants, and:

1646 (1) Shall reduce the rent charged for the property to any qualified tenant during
1647 the period of time in which there is a mortgage deferral in place in an amount 80% proportional
1648 to deferred mortgage amount; and

1649
1650 (2) May require that the qualified tenant repay the difference in the amount of the
1651 rent as stated in the lease and the reduced rent, without interest or fees, within 18 months, or
1652 upon cessation of the tenancy, whichever occurs first; and

1653 (3) The borrower shall not report to a credit bureau any delinquency or other
1654 derogatory information that occurs as a result of a qualified tenant's compliance with the terms
1655 of this subsection.

1656 (h) To the extent necessary to conform with the provisions of this section, the exemptions
1657 in section 3 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C.
1658 Law 11-155; D.C. Official Code § 26-1102), are waived for the duration of the public health
1659 emergency.

1660 (i) To the extent necessary to conform with the provisions of this section, the provisions
1661 in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89;
1662 D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health
1663 emergency.

1664 (j) This section shall not apply to a property for which, as of March 11, 2020, a mortgage
1665 lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity
1666 date of the loan, on or before March 11, 2020.

1667 (k) This section shall not apply to a mortgage loan which is guaranteed or insured by the
1668 United States government.

1669 (l) A mortgage lender that violates the provisions of this section shall be subject to the
1670 penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective
1671 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

1672 (m) For the purposes of this section, the term:

1673 (1) “Commercial mortgage loan” means a loan for the acquisition, construction,
1674 or development of real property, or a loan secured by collateral in such real property, that is
1675 owned or used by a person, business, or entity for the purpose of generating profit, and includes
1676 real property used for single-family housing, multifamily housing, retail, office space, and
1677 commercial space.

1678 (2) “Commissioner” means the Commissioner of the Department of Insurance,
1679 Securities, and Banking.

1680 (3) “Mortgage lender” means any person that makes a mortgage loan to any
1681 person or that engages in the business of servicing mortgage loans for others or collecting or
1682 otherwise receiving mortgage loan payments directly from borrowers for distribution to any
1683 other person. The term “mortgage lender” does not include the Federal Home Loan Mortgage
1684 Corporation, the Federal National Mortgage Association, or the Government National Mortgage
1685 Association.

1686 (4) “Qualified tenant” means a tenant of a property owned or controlled by a
1687 person or entity receiving a mortgage deferral under subsection (a) of this section that has
1688 notified the landlord of an inability to pay all or a portion of the rent due as a result of the public
1689 health emergency.

1690 Sec. 402. Tenant payment plans.

1691 (a) During a period of time for which the Mayor has declared a public health emergency
1692 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1693 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year
1694 thereafter (“program period”), a provider shall offer a rent-payment-plan program (“program”)
1695 for eligible tenants. Under its program, a provider shall:

1696

1697 (1) Make a payment plan (“payment plan”) available to an eligible tenant for the
1698 payment of amounts of gross rent that come due during the program period and prior to the
1699 cessation of tenancy (“covered time period”), with a minimum term length of one year, unless a
1700 shorter payment plan term length is requested by the eligible tenant.

1701 (2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering
1702 into a payment plan;

1703 (3) Not report to a credit bureau any delinquency or other derogatory information
1704 that occurs solely due to the existence of an eligible tenant entering into a payment plan;

1705 (4) Provide that an eligible tenant does not lose any rights under the lease due to a
1706 default on the monetary amounts due during the lease period, provided that the tenant does not
1707 default on the terms of the payment plan; and

1708 (5) Notify all tenants of the availability, terms, and application process for its
1709 program.

1710 (b)(1) Tenants entering into a payment plan shall be required to make payments in equal
1711 monthly installments for the duration of the payment plan, unless a different payment schedule is
1712 requested by the tenant.

1713 (2) A provider shall permit a tenant that has entered into a payment plan to pay an
1714 amount greater than the monthly amount provided for in the payment plan.

1715 (3) A provider shall not require or request a tenant to provide a lump-sum
1716 payment in excess of the amount required under a payment plan.

1717 (4) A provider shall agree in writing to the terms of a payment plan.

1718

1719 (c) A provider shall utilize existing procedures or, if necessary, establish new procedures
1720 to provide a process by which an eligible tenant may apply for a payment plan, which may
1721 include requiring the tenant to submit supporting documentation. A provider shall permit
1722 application for a payment plan to occur online and by telephone.

1723 (d) A provider shall approve each application for a payment plan submitted during a
1724 covered time period in which an eligible tenant:

1725 (1) Demonstrates to the provider evidence of a financial hardship resulting
1726 directly or indirectly from the public health emergency:

1727 (A) That is in addition to any delinquency or future inability to make rental
1728 payments in existence prior to the start of the public health emergency; and

1729 (B) That would cause the tenant to be unable to qualify to rent the unit based
1730 on utilization of the same qualification criteria that were applied to the tenant at the time he or
1731 she was approved to rent the unit; and

1732 (2) Agrees in writing to make payments in accordance with the payment plan.

1733 (e)(1) A provider who receives an application for a payment plan shall retain the
1734 application, whether approved or denied, for at least 3 years.

1735 (2) Upon request, a provider shall make an application for a payment plan

1736 available to:

1737 (A) For residential tenants, the Rent Administrator and Office of the Tenant

1738 Advocate; and

1739 (B) For commercial tenants, the Department of Consumer and Regulatory

1740 Affairs.

1741 (f)(1) A residential tenant whose application for a payment plan is denied may file a

1742 written complaint with the Rent Administrator. The Rent Administrator shall forward the

1743 complaint to the Office of Administrative Hearings for adjudication.

1744 (2) A commercial tenant whose application for a payment plan is denied may file

1745 a written complaint with the Department of Consumer and Regulatory Affairs. The Department

1746 of Consumer and Regulatory Affairs shall forward the complaint to the Office of Administrative

1747 Hearings for adjudication.

1748 (g) For the purposes of this section, the term:

1749 (1) “Eligible tenant” means a tenant of a residential or commercial retail property

1750 that:

1751 (A) Has notified a provider of an inability to pay all or a portion of the rent

1752 due as a result of the public health emergency;

1753 (B) Is not currently receiving a rent reduction pursuant to section 201 of this

1754 act; provided, that a tenant not currently receiving such a rent reduction otherwise remains

1755 eligible under this section; and

1756 (C) Is not a franchise unless the franchise is owned by a District resident.

1757 (2) “Housing provider” means a person who is:

1758 (A) A residential landlord, residential owner, residential lessor, residential
1759 sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving
1760 or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit
1761 within a housing accommodation within the District; and

1762 (B) Has 5 or more residential units currently rented or available for rent.

1763 (3) “Non-housing provider” means a person or entity who is a non-residential
1764 landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential
1765 assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other
1766 person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial
1767 unit.

1768 (4) “Provider” means a housing provider or a non-housing provider.

1769 Sec. 403. Residential cleaning.

1770 (a) During a period of time for which a public health emergency has been declared
1771 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1772 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or
1773 representative of the owner of a housing accommodation shall clean common areas of the
1774 housing accommodation on a regular basis, including surfaces that are regularly touched, such as
1775 doors, railings, seating, and the exterior of mailboxes.

1776 (b) For the purposes of this section “housing accommodation” means any structure or
1777 building in the District containing one or more residential units that are not occupied by the
1778 owner of the housing accommodation, including any apartment, efficiency apartment, room,
1779 accessory dwelling unit, cooperative, homeowner association, condominium, multifamily
1780 apartment building, nursing home, assisted living facility, or group home.

1781 (c) The Mayor may, pursuant to Title I of the District of Columbia Administrative
1782 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),
1783 promulgate rules to implement this section.

1784 Sec. 404. Eviction prohibition.

1785 (a) Title 16 of the District of Columbia Official Code is amended as follows:

1786 (1) Section 1501 is amended as follows:

1787 (A) The existing text is designated as subsection (a).

1788 (B) A new subsection (b) is added to read as follows:

1789 “(b) During a period of time for which the Mayor has declared a public health emergency
1790 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1791 October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter,
1792 the person aggrieved shall not file a complaint seeking relief pursuant to this section.”.

1793 (b) Section 1502 of the District of Columbia Official Code is amended by striking the
1794 phrase “exclusive of Sundays and legal holidays” and inserting the phrase “exclusive of Sundays,
1795 legal holidays, and a period of time for which the Mayor has declared a public health emergency
1796 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1797 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1798 (c) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law
1799 6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

1800 (1) Paragraph (1) is amended by striking the phrase “; or” and inserting a
1801 semicolon in its place.

1802 (2) Paragraph (2) is amended by striking the period and inserting the phrase “; or”
1803 in its place.

1804 (3) A new paragraph (3) is added to read as follows:

1805 “(3) During a period of time for which the Mayor has declared a public health
1806 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1807 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

1808 Sec. 405. Residential tenant protections.

1809 (a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980
1810 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section
1811 510b to read as follows:

1812 “Sec. 510b. Tolling of tenant deadlines during a public health emergency.

1813 “The running of all time periods for tenants and tenant organizations to exercise rights
1814 under this act shall be tolled from the beginning of the period of a public health emergency
1815 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1816 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of
1817 the public health emergency, and for 30 days thereafter.”.

1818 (b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
1819 Official Code § 42-3501.01 *et seq.*), is amended as follows:

1820 (1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read
1821 as follows:

1822 “(2)(A) A majority of the Rental Housing Commissioners shall constitute a
1823 quorum to do business, and a single vacancy shall not impair the right of the remaining Rental
1824 Housing Commissioners to exercise all powers of the Rental Housing Commission.

1825 “(B) In the event that a majority of the Rental Housing Commissioners (or
1826 any one Commissioner if there is a vacancy) will be unable to perform their official duties for an

1827 extended period of time due to circumstances related to a declared state of emergency in the
1828 District of Columbia, including quarantine or movement restrictions, illness, or the care of a
1829 close family member, one Commissioner shall constitute a quorum to do business.

1830 “(i) If the Chairperson will be unable to perform his or her duties,
1831 he or she shall designate an acting Chairperson or, if only one Commissioner is available, that
1832 Commissioner shall be automatically designated as acting Chairperson.

1833 “(ii) The Chairperson of the Rental Housing Commission shall
1834 notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and
1835 whether the Commission is operating under a quorum of one.

1836 “(iii) For such time as the Rental Housing Commission is operating
1837 as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency
1838 basis in accordance with D.C. Official Code § 2-505(c).

1839 “(iv) The authority to operate with a quorum of one shall terminate
1840 when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or
1841 she is able to resume his or her duties. The authority may extend beyond the termination of the
1842 original declared state of emergency if Commissioners are personally affected by continuing
1843 circumstances.

1844 (2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as
1845 follows:

1846 (A) Subparagraph (F) is amended by striking the phrase “; and” and
1847 inserting a semicolon in its place.

1848 (B) Subparagraph (G) is amended by striking the period at the end and
1849 inserting the phrase “; and” in its place.

1850 (C) A new subparagraph (H) is added to read as follows:

1851 “(H) None of the circumstances set forth in section 904(c) applies.”.

1852 (3) Section 211 (D.C. Official Code § 42-3502.11), is amended as follows:

1853 (A) The existing text is designated as subsection (a).

1854 (B) A new subsection (b) is added to read as follows:

1855 “(b) If, during a public health emergency that has been declared pursuant to section 5a of
1856 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
1857 14-194; D.C. Official Code § 7-2304.01), and consistent with applicable law or an order issued
1858 by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1859 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a housing
1860 provider temporarily stops providing:

1861 “(1) An amenity that a tenant pays for in addition to the rent charged, then the
1862 housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity
1863 during the public health emergency; or

1864 “(2) A service or facility that is lawfully included in the rent charged, then the
1865 housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of
1866 this section.”.

1867 (4) Section 531(c) (D.C. Official Code § 42-3505.31(c)), is amended as follows:

1868 (A) Paragraph (4) is amended by striking the phrase “late fee;” and
1869 inserting the phrase “late fee; or” in its place.

1870 (B) Paragraph (5) is amended by striking the period and inserting the
1871 phrase “; or” in its place.

1872 (C) A new paragraph (6) is added to read as follows:

1873 “(6) Impose a late fee on a tenant during any month for which a public health
1874 emergency has been declared pursuant to section 5a of the District of Columbia Public
1875 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1876 2304.01).”.

1877 (5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

1878 (A) The existing language is designated subsection (a).

1879 (B) A new subsection (b) is added to read as follows:

1880 “(b) Any notice of intent to vacate that a tenant provided prior to the period for which a
1881 public health emergency has been declared pursuant to section 5a of the District of Columbia
1882 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1883 Code § 7-2304.01), shall be tolled for the period of any such public health emergency such that
1884 the tenant shall have the same number of days to vacate remaining at the end of the public health
1885 emergency as the tenant had remaining upon the effective date of the public health emergency.”.

1886 (6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new
1887 subsection (c) to read as follows:

1888 “(c) Any notice of intent to vacate that a tenant provided prior to the period for which a
1889 public health emergency has been declared pursuant to section 5a of the District of Columbia
1890 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1891 Code §7-2304.01), shall be tolled for the period of any such public health emergency such that
1892 the tenant shall have the same number of days to vacate remaining at the end of the public health
1893 emergency as the tenant had remaining upon the effective date of the public health emergency.”.

1894 (7) Section 904 D.C. Official Code § 42-3509.04) is amended by adding a new
1895 subsection (c) to read as follows:

1896 “(c)(1) Any rent increase, whether under this act, the Rental Accommodations Act of
1897 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative
1898 decisions issued under these acts, shall be null and void if:

1899 “(A) The effective date on the notice of rent increase occurs during a
1900 period for which a public health emergency has been declared pursuant to section 5a of the
1901 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1902 194; D.C. Official Code § 7-2304.01), and for 30 days thereafter;

1903 “(B) The notice of rent increase was provided to the tenant during a period
1904 for which a public health emergency has been declared; or

1905 “(C) The notice was provided to the tenant prior to, but takes effect
1906 following, a public health emergency.

1907 “(2) The Rent Administrator shall review all notices to a tenant of an adjustment
1908 in the rent charged filed by a housing provider with the Rental Accommodations Division of the
1909 Department of Housing and Community Development for consistency with this subsection and
1910 shall inform the housing provider and the tenant if the notice is determined to be inconsistent.”.

1911 (8) A new section 910 is added to read as follows:

1912 “Sec. 910. Tolling of tenant deadlines during a public health emergency.

1913 “The running of all time periods for tenants and tenant organizations to exercise rights
1914 under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal
1915 Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public
1916 health emergency has been declared pursuant to section 5a of the District of Columbia Public
1917 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1918 2304.01), and for 30 days thereafter.”.

1919 Sec. 406. Rent increase prohibition.

1920 (a) Notwithstanding any other provision of law, a rent increase for a residential property
1921 not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective
1922 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a
1923 period for which a public health emergency has been declared pursuant to section 5a of the
1924 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1925 194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

1926 (b) Notwithstanding any other provision of law, a rent increase for a commercial retail
1927 property shall be prohibited during a period for which a public health emergency has been
1928 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1929 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days
1930 thereafter.

1931 Sec. 407. Cooperative association remote meetings.

1932 Title 29 of the District of Columbia Official Code is amended as follows:

1933 (a) Section 405.01(e) is amended by striking the phrase “The articles of incorporation or
1934 bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of
1935 incorporation or bylaws, during a period for which a public health emergency has been declared
1936 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1937 October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual” in its place.

1938 (b) Section 910 is amended by striking the phrase “If authorized by the articles or
1939 bylaws” and inserting the phrase “During a period for which a public health emergency has been
1940 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1941 effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of

1942 whether remote regular and special meetings of members are authorized by the articles or
1943 bylaws” in its place.

1944 Sec. 408. Foreclosure by mortgagees.

1945 (a)(1) Notwithstanding any provision of District law, during a period of time for which
1946 the Mayor has declared a public health emergency pursuant to section 5a of the District of
1947 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1948 Official Code § 7-2304.01), and for 60 days thereafter, no foreclosure on a residential mortgage
1949 shall be initiated or conducted under:

1950 (A) Section 539 of An Act To establish a code of law for the District of
1951 Columbia, approved March 3, 1901 (31 Stat. 1274; D.C. Official Code § 42-815); or

1952 (B) Section 95 of An Act To establish a code of law for the District of
1953 Columbia, approved March 3, 1901 (31 Stat. 1204; D.C. Official Code § 42-816).

1954 (2) This subsection shall not apply to a residential mortgage on a property at
1955 which neither a record owner nor a person with an interest in the property as heir or beneficiary
1956 of a record owner, if deceased, has resided for at least 275 total days during the previous 12
1957 months, as of the first day of the public health emergency.

1958 (b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law
1959 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and
1960 inserting the phrase “3 years, not including any period of time for which the Mayor has declared
1961 a public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1962 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in
1963 its place.

1964 **TITLE V. HEALTH AND HUMAN SERVICES**

1965 Sec. 501. Prescription drugs.

1966 Section 208 of the District of Columbia Health Occupations Revision Act of 1985,
1967 effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by
1968 adding a new subsection (g-2) to read as follows:

1969 “(g-2) An individual licensed to practice pharmacy pursuant to this act may authorize and
1970 dispense a refill of patient prescription medications prior to the expiration of the waiting period
1971 between refills to allow District residents to maintain an adequate supply of necessary
1972 medication during a period of time for which the Mayor has declared a public health emergency
1973 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1974 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01). This subsection shall not
1975 apply to any patient prescription for which a refill otherwise would be prohibited under District
1976 law.”.

1977 Sec. 502. Homeless services.

1978 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-
1979 35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

1980 (a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

1981 (1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and
1982 inserting the phrase “not to exceed 3 days; except, that during a public health emergency
1983 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1984 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may
1985 place the family in an interim eligibility placement for a period not to exceed 60 days” in its
1986 place.

1987 (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and
1988 inserting the phrase “and section 9(a)(20); except, that the Mayor may extend an interim
1989 eligibility placement to coincide with the period of a public health emergency declared pursuant
1990 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
1991 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1992 (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of
1993 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the
1994 interim eligibility placement; except, that during a public health emergency declared pursuant to
1995 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1996 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days
1997 following the end of the public health emergency to issue the eligibility determination required
1998 by this paragraph,” in its place.

1999 (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility
2000 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise
2001 required by paragraph (3) of this subsection” in its place.

2002 (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the
2003 phrase “and other professionals” and inserting the phrase “and other professionals; except, that
2004 the Mayor may waive the requirements of this provision for in-person meetings and
2005 communications during a public health emergency declared pursuant to section 5a of the District
2006 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
2007 Official Code § 7-2304.01)” in its place.

2008 (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase
2009 “established pursuant to section 18” and inserting the phrase “established pursuant to section 18;

2010 except, that the Mayor may waive this provision during a public health emergency declared
2011 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2012 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

2013 (d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the
2014 phrase “served on the client.” and inserting the phrase “served on the client; except, that during a
2015 public health emergency declared pursuant to section 5a of the District of Columbia Public
2016 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2017 2304.01), the Mayor may serve written notice via electronic transmission.” in its place.

2018 (e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

2019 (1) Paragraph (1) is amended as follows:

2020 (A) Subparagraph (A) is amended by striking the phrase “to the unit; or”
2021 and inserting the phrase “to the unit;” in its place.

2022 (B) Subparagraph (B) is amended by striking the phrase “at the location”
2023 and inserting the phrase “at the location; or” in its place.

2024 (C) A new subparagraph (C) is added to read as follows:

2025 “(C) During a period of time for which a public health emergency has
2026 been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2027 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or
2028 mitigate the spread of contagious disease, as determined by the Department or provider.” in its
2029 place.

2030 (2) Paragraph (2) is amended by striking the phrase “to paragraph (1)(B)” and inserting the
2031 phrase “to paragraph (1)(B) or (C)” in its place.

2032 Sec. 503. Extension of care and custody for aged-out youth.

2033 (a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective
2034 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as
2035 follows:

2036 (1) Paragraph (12) is amended by striking the phrase “; and” and inserting a
2037 semicolon in its place.

2038 (2) Paragraph (13) is amended by striking the period and inserting the phrase “;
2039 and” in its place.

2040 (3) A new paragraph (14) is added to read as follows:

2041 “(14) To retain custody of a youth committed to the Agency who becomes 21
2042 years of age during a period of time for which the Mayor has declared a public health emergency
2043 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2044 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not
2045 exceeding 90 days after the end of the public health emergency; provided, that the youth
2046 consents to the Agency’s continued custody .”.

2047 (b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as
2048 follows:

2049 (1) Section 16-2303 is amended as follows:

2050 (A) The existing text is designated as subsection (a).

2051 (B) A new subsection (b) is added to read as follows:

2052 “(b) The Division shall retain jurisdiction of a minor in the legal custody of a public
2053 agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time
2054 for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a

2055 period not exceeding 90 days after the end of the public health emergency; provided, that the
2056 minor consents to the Division’s retention of jurisdiction.”.

2057 (2) Section 16-2322(f)(1) is amended by striking the phrase “twenty-one years of
2058 age” and inserting the phrase “21 years of age, not including orders extended pursuant to § 16-
2059 2303(b)” in its place.

2060 Sec. 504. Standby guardianship.

2061 Section 16-4802 of the District of Columbia Official Code is amended as follows:

2062 (a) Paragraph (6) is amended to read as follows:

2063 “(6) “Debilitation” means those periods when a person cannot care for that
2064 person’s minor child as a result of:

2065 “(A) A chronic condition caused by physical illness, disease, or injury
2066 from which, to a reasonable degree of probability, the designator may not recover; or

2067 “(B) A serious medical condition caused by COVID-19.”.

2068 (b) Paragraph (10) is amended to read as follows:

2069 “(10) “Incapacity” means:

2070 “(A) A chronic and substantial inability, as a result of a mental or organic
2071 impairment, to understand the nature and consequences of decisions concerning the care of a
2072 minor child, and a consequent inability to care for the minor child; or

2073 “(B) A substantial inability, as a result of COVID-19, to understand the
2074 nature and consequences of decisions concerning the care of a minor child, and a consequent
2075 inability to care for the minor child.”.

2076 (c) Paragraph (13) is amended to read as follows:

2077 “(13) “Triggering event” means any of the following events:

2078 “(A) The designator is subject to an adverse immigration action;

2079 “(B) The designator has been diagnosed, in writing, by a licensed clinician

2080 to suffer from a chronic condition caused by injury, disease, or illness from which, to a

2081 reasonable degree of probability, the designator may not recover and the designator:

2082 “(i) Becomes debilitated, with the designator’s written

2083 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2084 “(ii) Becomes incapacitated as determined by an attending

2085 clinician; or

2086 “(iii) Dies; or

2087 “(C) The designator has been diagnosed, in writing, by a licensed clinician

2088 to suffer from COVID-19 and the designator:

2089 “(i) Becomes debilitated, with the designator’s written

2090 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2091 “(ii) Becomes incapacitated as determined by an attending

2092 clinician; or

2093 “(iii) Dies.”.

2094 Sec. 505. Contact tracing hiring requirements.

2095 An Act to authorize the Commissioners of the District of Columbia to make regulations

2096 to prevent and control the spread of communicable and preventable diseases, approved August

2097 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 et seq.), is amended by adding a new section

2098 9a to read as follows:

2099 “Sec.9a. Contact tracing hiring requirements.

2100 “Of the number of persons hired by the Department of Health for positions,
2101 whether they be temporary or permanent, under the Contact Trace Force initiative to contain the
2102 spread of the 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of
2103 Health shall establish a goal and make the best effort to hire at least 50% District residents, and
2104 for the position of investigator, whether it be a temporary or permanent position, also establish a
2105 goal and make the best effort to hire at least 25% graduates from a workforce development or
2106 adult education program funded or administered by the District of Columbia.”.

2107 Sec. 506. Public health emergency authority.

2108 The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.
2109 Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

2110 (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

2111 (1) Paragraph (2) is amended by striking the phrase “District of Columbia
2112 government;” and inserting the phrase “District of Columbia government; provided further, that
2113 a summary of each emergency procurement entered into during a period for which a public
2114 health emergency is declared shall be provided to the Council no later than 7 days after the
2115 contract is awarded. The summary shall include:

2116 (A) A description of the goods or services procured;

2117 (B) The source selection method;

2118 (C) The award amount; and

2119 (D) The name of the awardee.”.

2120 (2) Paragraph (13) is amended by striking the phrase “; or” and inserting a

2121 semicolon in its place.

2122 (3) Paragraph (14) is amended by striking the period at the end and inserting a
2123 semicolon in its place.

2124 (4) New paragraphs (15) and (16) are added to read as follows:

2125 “(15) Waive application of any law administered by the Department of Insurance,
2126 Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or
2127 welfare of District residents; and

2128 “(16) Notwithstanding any provision of the District of Columbia Government
2129 Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et*
2130 *seq.*) (“CMPA”), or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents
2131 Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-
2132 515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the following personnel
2133 actions regarding executive branch subordinate agencies that the Mayor determines necessary
2134 and appropriate to address the emergency:

2135 “(A) Redeploying employees within or between agencies;

2136 “(B) Modifying employees’ tours of duty;

2137 “(C) Modifying employees’ places of duty;

2138 “(D) Mandating telework;

2139 “(E) Extending shifts and assigning additional shifts;

2140 “(F) Providing appropriate meals to employees required to work overtime
2141 or work without meal breaks;

2142 “(G) Assigning additional duties to employees;

2143 “(H) Extending existing terms of employees;

2144 “(I) Hiring new employees into the Career, Education, and Management
2145 Supervisory Services without competition;

2146 “(J) Eliminating any annuity offsets established by any law; or

2147 “(K) Denying leave or rescinding approval of previously approved leave.”.

2148 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

2149 (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the
2150 public health emergency; and” and inserting the phrase “solely for actions taken during the
2151 public health emergency;” in its place.

2152 (2) Paragraph (4) is amended by striking the period at the end and inserting a
2153 semicolon in its place.

2154 (3) New paragraphs (5), (6), and (7) are added to read as follows:

2155 “(5) Waive application in the District of any law administered by the Department
2156 of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health,
2157 safety, and welfare of District residents;

2158 “(6) Authorize the use of crisis standards of care or modified means of delivery of
2159 health care services in scarce-resource situations; and

2160 “(7) Authorize the Department of Health to coordinate health-care delivery for
2161 first aid within the limits of individual licensure in shelters or facilities as provided in plans and
2162 protocols published by the Department of Health.”.

2163 (c) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1)
2164 to read as follows:

2165 “(c-1) Notwithstanding subsections (b) and (c) of this section, the Council
2166 authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and

2167 public health emergency executive order (“emergency orders”) issued in response to the
2168 coronavirus (COVID-19) for an additional 135-day period. After the additional 135-day
2169 extension authorized by this subsection, the Mayor may extend the emergency orders for
2170 additional 15-day periods pursuant to subsection (b) or (c) of this section.”.

2171 (d) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

2172 (1) The existing text is designated as paragraph (1).

2173 (2) New paragraphs (2) and (3) are added to read as follows:

2174 “(2) The Mayor may revoke, suspend, or limit the license, permit, or certificate of
2175 occupancy of a person or entity that violates an emergency executive order.

2176 “(3) For the purposes of this section a violation of a rule, order, or other issuance
2177 issued under the authority of an emergency executive order shall constitute a violation of the
2178 emergency executive order.”.

2179 Sec. 507. Public benefits clarification and continued access.

2180 (a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C.
2181 Law 4-101; D.C. Official Code § 4-201.01 et seq.), is amended as follows:

2182 (1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new
2183 paragraph (2A-i) to read as follows:

2184 “(2A-i) “COVID-19 relief” means any benefit in cash or in kind, including but not
2185 limited to pandemic Supplemental Nutrition Assistance Program benefits, Emergency
2186 Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are
2187 of a gain or benefit to a household and were received pursuant to federal or District relief
2188 provided in response to the COVID-19 Public Health Emergency of 2020. This term does not
2189 include COVID-19 related unemployment insurance benefits.”.

2190 (2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the
2191 phrase “medical assistance” and inserting the phrase “medical assistance; COVID-19 relief;” in
2192 its place.

2193 (3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a
2194 new paragraph (4) to read as follows:

2195 “(4) COVID-19 relief shall not be considered in determining eligibility for TANF
2196 and shall not be treated as a lump-sum payment or settlement under this act.”.

2197 (b) Notwithstanding any provision of District law, the Mayor may extend the eligibility
2198 period for individuals receiving benefits, extend the timeframe for determinations for new
2199 applicants, and take such other actions as the Mayor determines appropriate to support continuity
2200 of, and access to, any public benefit program, including the DC Healthcare Alliance and
2201 Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental
2202 Nutritional Assistance Program, until 60 days after the end of a public health emergency
2203 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2204 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as
2205 allowable under federal law.

2206 Sec. 508. Notice of modified staffing levels.

2207 Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice
2208 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
2209 Official Code § 44-504(h-1)(1)(B)), is amended as follows:

2210 (a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a
2211 semicolon in its place.

2212 (b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase
2213 “; and” in its place.

2214 (c) A new sub-subparagraph (iii) is added to read as follows:

2215 “(iii) Provide a written report of the staffing level to the Department of Health for
2216 each day that the facility is below the prescribed staffing level as a result of circumstances giving
2217 rise to a public health emergency during a period of time for which the Mayor has declared a
2218 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
2219 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2220 Sec. 509. Not-for-Profit Hospital Corporation.

2221 Section 5115(l) of the Not-For-Profit Hospital Corporation Establishment Amendment
2222 Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(l)),
2223 is amended as follows:

2224 (a) Paragraph (1) is amended by striking the phrase “Subsections (a), (b),” and inserting
2225 the phrase “Except as provided in paragraph (1A), subsections (a), (b),” in its place.

2226 (b) A new paragraph (1A) is added to read as follows:

2227 “(1A) During the period of time for which the Mayor has declared a public health
2228 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2229 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), subsections (a),
2230 (b), (c), (d), (e), and (f) of this section shall expire if:

2231 “(A) By September 15, 2019, the Board does not adopt a revised budget
2232 for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of
2233 Columbia as being balanced with a District operating subsidy of \$22.14 million or less; or

2234 “(B) At any time after September 30, 2020, a District operating subsidy of more than \$15 million
2235 per year is required.”.

2236 Sec. 510. Discharge of Long-Term Care residents

2237 Section 301 of the Nursing Home and Community Residence Facilities Protection Act of
2238 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1003.01), is amended
2239 by adding a new subsection (c) to read as follows:

2240 “(c) During a period of time for which the Mayor has declared a public health emergency
2241 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2242 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), plus an additional 45
2243 days following the end of that period, a facility providing long-term care shall not involuntarily
2244 discharge a resident except because the discharge:

2245 “(1) Results from the completion of the resident’s skilled nursing or medical care;
2246 or

2247 “(2) Is essential to safeguard that resident or one or more other residents from
2248 physical injury.”.

2249 Sec. 511. Long-Term Care Facility reporting of positive cases.

2250 Each long-term care facility located in the District shall report daily to the Department of
2251 Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number
2252 of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the
2253 long-term care facility during the period of time for which the Mayor has declared a public
2254 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2255 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60
2256 days thereafter.

2257 Sec. 512. Food access study.

2258 The Food Policy Council and Director Establishment Act of 2014, effective March 10,
2259 2015 (D.C. Law 20-191; D.C. Official Code § 48-311 *et seq.*), is amended by adding a new
2260 section 5a to read as follows:

2261 “Sec. 5a. Food access study.

2262 “By July 15, 2020, the Food Policy Director, in consultation with the Department of
2263 Employment Services, the Department of Human Services, the Homeland Security and
2264 Emergency Management Agency, and other District agencies, as needed, shall make publicly
2265 available a study that evaluates and makes recommendations regarding food access needs during
2266 and following the COVID-19 public health emergency, including:

2267 “(1) An analysis of current and projected food insecurity rates, based on data
2268 compiled across District agencies; and

2269 “(2) A plan for how to address food needs during and following the public health
2270 emergency.”.

2271 Sec. 513. Hospital support funding.

2272 (a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective
2273 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor’s
2274 sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a
2275 grant application in the form and with the information required by the Mayor.

2276 (b) The amount of a grant issued to a hospital shall be based on:

2277 (1) An allocation formula based on the number of beds at the hospital; or

2278 (2) Such other method or formula, as established by the Mayor, that addresses the
2279 impacts of COVID-19 on hospitals.

2280 (c) A grant issued pursuant to this section may be expended by the hospital for:

2281 (1) Supplies and equipment related to the COVID-19 emergency, including
2282 personal protective equipment, sanitization and cleaning products, medical supplies and
2283 equipment, and testing supplies and equipment;

2284 (2) Personnel costs incurred to respond to the COVID-19 emergency, including
2285 the costs of contract staff; and

2286 (3) Costs of constructing and operating temporary structures to test individuals for
2287 COVID-19 or to treat patients with COVID-19.

2288 (d) The Mayor may issue one or more grants to a third-party grant-managing entity for
2289 the purpose of administering the grant program authorized by this section and making subgrants
2290 on behalf of the Mayor in accordance with the requirements of this section.

2291 (e) The Mayor shall maintain a list of all grants awarded pursuant to this section,
2292 identifying for each award the grant recipient, the date of award, intended use of the award, and
2293 the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days
2294 after the end of the COVID-19 emergency, whichever is earlier.

2295 (f) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2296 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505), may
2297 issue rules to implement the provisions of this section.

2298 (g) For the purposes of this section, the term:

2299 (1) “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-

2300 2.

2301 (2) “COVID-19 emergency” means the emergencies declared in the Declaration
2302 of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health

2303 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
2304 those emergencies.

2305 (3) “Eligible hospital” means a non-profit or for-profit hospital located in the
2306 District.

2307 Sec. 514. Contractor reporting of positive cases.

2308 (a) A District government contractor or subcontractor shall immediately provide written
2309 notice to the District if it or its subcontractor learns, or has reason to believe, that a covered
2310 employee has come into contact with, had a high likelihood of coming into contact with, or has
2311 worked in close physical proximity to a covered individual.

2312 (b) Notices under subsection (a) shall be made to the District government’s contracting
2313 officer and contract administrator, or, if a covered individual is in care or custody of the District,
2314 to the District agency authorized to receive personally-identifiable information. The notices
2315 shall contain the following information:

2316 (1) The name, job title, and contact information of the covered employee;

2317 (2) The date on, and location at, which the covered employee was exposed, or
2318 suspected to have been exposed, to novel 2019 coronavirus (SARS-CoV-2), if known;

2319 (3) All of the covered employee’s tour-of-duty locations or jobsite addresses and
2320 the employee’s dates at such locations and addresses;

2321 (4) The names of all covered individuals with whom the covered employee is
2322 known to have come into contact, or had a high likelihood of coming in contact with, or was in
2323 close physical proximity to, while the covered employee performed any duty under the contract
2324 with the District; and

2325 (5) Any other information related to the covered employee that will enable the
2326 District to protect the health or safety of District residents, employees, or the general public.

2327 (c) A District government contractor or subcontractor shall immediately cease the on-site
2328 performance of a covered employee until such time as the covered employee no longer poses a
2329 health risk as determined in writing by a licensed health care provider. The District government
2330 contractor shall provide a written copy of the determination to the contract administrator and the
2331 contracting officer before the covered employee returns to his or her tour-of-duty location or
2332 jobsite address.

2333 .

2334 (d) The District shall privately and securely maintain all personally-identifiable
2335 information of covered employees and covered individuals and shall not disclose such
2336 information to a third party except as authorized or required by law. District contractors and
2337 subcontractors may submit notices pursuant to subsection (a) and otherwise transmit personally-
2338 identifiable information electronically, provided that all personally-identifiable information be
2339 transmitted via a secure or otherwise encrypted data method.

2340 (e) For purposes of this section, the term:

2341 (1) “Covered employee” means an employee, volunteer, subcontractor, agent of a
2342 District government contractor or subcontractor that has provided any service under a District
2343 contract or subcontract and has

2344 (A) Tested positive for the novel coronavirus (SARS-CoV-2);

2345 (B) Is in quarantine or isolation due to exposure or suspected exposure to the
2346 novel coronavirus (SARS-CoV-2); or

2347 (C) Is exhibiting symptoms of COVID-19.

2348 (2) “Covered individual” means:

2349 (A) A District government employee, volunteer, or agent;

2350 (B) An individual in the care of the District, the contractor, or the

2351 subcontractor; and

2352 (C) A member of the public who interacted with, or was in close proximity

2353 to, a covered employee while the covered employee carried out performance under a District

2354 government contract or subcontract while the covered employee was at a District government

2355 facility or a facility maintained or served by the contractor or subcontractor under a District

2356 government contract or subcontract.

2357 (3) “COVID-19” means the disease caused by the novel 2019 coronavirus

2358 (SARS-CoV-2).

2359 (4) “District government facility” means a building or any part of a building that

2360 is owned, leased, or otherwise controlled by the District government.

2361 (5) “SARS-CoV-2” means the novel 2019 coronavirus.

2362 (f) This section shall apply to all District government contracts and subcontracts that

2363 were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period a

2364 period of time for which the Mayor has declared a public health emergency pursuant to section

2365 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.

2366 Law 14-194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

2367

2368 **TITLE VI. EDUCATION**

2369 Sec. 601. Graduation requirements.

2370 Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR §

2371 2201 *et seq.*) is amended as follows:

2372 (a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall
2373 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,
2374 that this requirement shall be waived for a senior who would otherwise be eligible to graduate
2375 from high school in the District of Columbia in the 2019-20 school year” in its place.

2376 (b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one
2377 hundred and twenty (120) hours of classroom instruction over the course of an academic year”
2378 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the
2379 course of an academic year; except, that following the Superintendent’s approval to grant an
2380 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A
2381 DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one
2382 hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020
2383 academic year for any course in which a student in grades 9-12 is enrolled” in its place.

2384 Sec. 602. Out of school time report waiver.

2385 Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment
2386 Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is
2387 amended by adding a new subsection (c) to read as follows:

2388 “(c) During a period of time for which the Mayor has declared a public health emergency
2389 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2390 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Office of Out of

2391 School Time Grants and Youth Outcomes may waive the requirement to conduct an annual,
2392 community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

2393 Sec. 603. Summer school attendance.

2394 Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C.
2395 Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read
2396 as follows:

2397 “(c) The Chancellor shall have the authority to waive the requirements of subsection (a)
2398 of this section for any student who fails to meet the promotion criteria specified in the DCMR
2399 during a school year that includes a period of time for which the Mayor declared a public health
2400 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2401 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2402 Sec. 604. Education research practice partnership review panel.

2403 Section 104(d)(2) of the District of Columbia Education Research Practice Partnership
2404 Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official
2405 Code § 38-785.03(d)(2)), is amended by striking the phrase “timely manner” and inserting the
2406 phrase “timely manner; except, that upon the declaration of a public health emergency pursuant
2407 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
2408 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the meeting of the review panel shall
2409 be postponed until 7 business days following the end of the period of time for which the public
2410 health emergency was declared” in its place.

2411 Sec. 605. UDC Board of Trustees terms.

2412 Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act,
2413 approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as
2414 follows:

2415 (a) Subsection (d) is amended to read as follows:

2416 “(d) All terms on the Board of Trustees shall begin on May 15 and shall end one or 5
2417 years thereafter on May 14. The student member elected pursuant to subsection (c)(2) of this
2418 section shall serve for a term of one year. All other members shall serve for a term of 5 years.
2419 Depending on the date of the individual’s election or appointment, a member of the Board of
2420 Trustees may not actually serve a full term.”.

2421 (b) Subsection (e) is amended to read as follows:

2422 “(e) A member of the Board of Trustees who is elected as an alumnus or alumna pursuant
2423 to subsection (c)(3) of this section may be re-elected to serve one additional term, after which the
2424 individual may not again be elected pursuant to subsection (c)(3) of this section until at least 5
2425 years have passed following the individual’s last day of service on the Board.”.

2426 (c) Subsection (f) is amended to read as follows:

2427 “(f) A member of the Board of Trustees who is appointed pursuant to subsection (c)(1) of
2428 this section may serve 3 full or partial terms consecutively. No member shall serve for more
2429 than 15 consecutive years regardless of whether elected or appointed and shall not serve again
2430 thereafter until at least 5 years have passed following the individual’s last day of service on the
2431 Board.”.

2432 Sec. 606. UDC fundraising match.

2433 Section 4082(a) of the University of the District of Columbia Fundraising Match Act of
2434 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the
2435 phrase “for every \$2 that UDC raises from private donations by April 1” and inserting the phrase
2436 “to match dollar-for-dollar the amount UDC raises from private donations by May 1” in its place.

2437 **TITLE VII. PUBLIC SAFETY AND JUSTICE**

2438 Sec. 701. Jail reporting.

2439 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice
2440 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §
2441 1-301.191(c)), is amended as follows:

2442 (a) Paragraph (5)(B) is amended by striking the phrase “; and” and inserting a semicolon
2443 in its place.

2444 (b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “;
2445 and” in its place.

2446 (c) A new paragraph (7) is added to read as follows:

2447 “(7) During a period of time for which the Mayor has declared a public health
2448 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2449 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the
2450 Council Committee with jurisdiction over the Office a weekly written update containing the
2451 following information:

2452 “(A) Unless otherwise distributed to the Chairperson of the Council
2453 Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a

2454 daily census for that week of individuals detained in the Central Detention Facility and
2455 Correctional Treatment Facility, categorized by legal status;

2456 “(B) Any District of Columbia Government response to either the United
2457 States District Court for the District of Columbia or the Court-appointed inspectors regarding the
2458 implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of
2459 Banks v. Booth (Civil Action No. 20-849), redacted for personally identifiable information; and

2460 “(C) A description of:

2461 “(i) All actions taken by the District Government to improve conditions of
2462 confinement in the Central Detention Facility and Correctional Treatment Facility, including by
2463 the Director of the Department of Youth and Rehabilitation Services, or Director’s designee; and

2464 “(ii) Without reference to personally identifiable information,
2465 COVID-19 testing of individuals detained in the Central Detention Facility and Correctional
2466 Treatment Facility, including whether and under what conditions the District is testing
2467 asymptomatic individuals.”.

2468 Sec. 702. Civil rights enforcement.

2469 The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
2470 Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

2471 “Sec. 316a. Civil actions by the Attorney General.

2472 “During a period of time for which the Mayor has declared a public health emergency (“PHE”)
2473 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2474 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action initiated
2475 by the Attorney General for the District of Columbia (“Attorney General”) for violations of this

2476 act, or a civil action arising in connection with the PHE, other than an action brought pursuant to
2477 section 307:

2478 “(1) The Attorney General may obtain:

2479 “(A) Injunctive relief, as described in section 307;

2480 “(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-
2481 1), for each action or practice in violation of this act, and, in the context of a discriminatory
2482 advertisement, for each day the advertisement was posted; and

2483 “(C) Any other form of relief described in section 313(a)(1); and

2484 “(2) The Attorney General may seek subpoenas for the production of documents
2485 and materials or for the attendance and testimony of witnesses under oath, or both, which shall
2486 contain the information described in section 110a(b) of the Attorney General for the District of
2487 Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015
2488 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures
2489 described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and
2490 (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

2491 Sec. 703. FEMS reassignments.

2492 Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
2493 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as
2494 follows:

2495 “(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign
2496 personnel of the Fire and Emergency Medical Services Department from firefighting and
2497 emergency medical services operations during a period of time for which a public health
2498 emergency has been declared pursuant to section 5a of the District of Columbia Public

2499 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2500 2304.01), based upon the inability of the personnel to wear personal protective equipment in a
2501 manner consistent with medical and health guidelines.”.

2502 Sec. 704. Police Complaints Board investigation extension.

2503 Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998,
2504 effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended
2505 as follows:

2506 (a) Paragraph (1) is amended by striking the phrase “January 1, 2017, through December
2507 31, 2019” and inserting the phrase “August 1, 2019, through January 31, 2020” in its place.

2508 (b) Paragraph (2) is amended by striking the date “April 30, 2021” and inserting the date
2509 “September 30, 2021” in its place.

2510 Sec. 705. Extension of time for non-custodial arrestees to report.

2511 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
2512 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
2513 during a period of time for which the Mayor has declared a public health emergency pursuant to
2514 § 7-2304.01.” in its place.

2515 Sec. 706. Good time credits and compassionate release.

2516 (a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective
2517 May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking
2518 the phrase “this section combined” and inserting the phrase “this section combined; except, that
2519 during a period for which a public health emergency has been declared pursuant to section 5a of
2520 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
2521 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to

2522 award additional credits beyond the limits described in this subsection to effectuate the
2523 immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and
2524 this section, consistent with public safety.”.

2525 (b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of
2526 Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47
2527 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

2528 (1) A new section 3a-i is added to read as follows:

2529 “Sec. 3a-i. Good time credit for felony offenses committed before August 5, 2000.

2530 “(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2531 imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be
2532 retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54
2533 days for each year of the defendant’s sentence imposed by the court, subject to determination by
2534 the Bureau of Prisons that during those years the defendant has met the conditions provided in 18
2535 U.S.C. § 3624(b).

2536 “(2) An award of good time credit pursuant to paragraph (1) of this subsection
2537 shall apply to the minimum and maximum term of incarceration, including the mandatory
2538 minimum; provided, that in the event of a maximum term of life, only the minimum term shall
2539 receive good time.

2540 “(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2541 imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded
2542 good time credit toward the service of the defendant’s sentence of up to 54 days for each year of
2543 the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons
2544 that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

2545 “(2) An award of good time credit pursuant to paragraph (1) of this subsection:

2546 “(A) Shall apply to any mandatory minimum term of incarceration; and

2547 “(B) Is not intended to modify how the defendant is awarded good time

2548 credit toward any portion of the sentence other than the mandatory minimum.”.

2549 (2) A new section 3d is added to read as follows:

2550 “Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

2551 “(a) Notwithstanding any other provision of law, the court may modify a term of

2552 imprisonment imposed upon a defendant if it determines the defendant is not a danger to the

2553 safety of any other person or the community, pursuant to the factors to be considered in 18

2554 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated,

2555 and:

2556 “(1) The defendant has a terminal illness, which means a disease or condition with
2557 an end-of-life trajectory;

2558 “(2) The defendant is 60 years of age or older and has served at least 25 years in
2559 prison; or

2560 “(3) Other extraordinary and compelling reasons warrant such a modification,
2561 including:

2562 “(A) A debilitating medical condition involving an incurable, progressive
2563 illness, or a debilitating injury from which the defendant will not recover;

2564 “(B) Elderly age, defined as a defendant who is:

2565 “(i) 60 years of age or older;

2566 “(ii) Has served at least 20 years in prison or has served the greater
2567 of 10 years or 75% of their sentence; and

2568 “(iii) Suffers from a chronic or serious medical condition related to
2569 the aging process or that causes an acute vulnerability to severe medical complications or death
2570 as a result of COVID-19;

2571 “(C) Death or incapacitation of the family member caregiver of the
2572 defendant’s children; or

2573 “(D) Incapacitation of a spouse or a domestic partner when the defendant
2574 would be the only available caregiver for the spouse or domestic partner.

2575 “(b) Motions brought pursuant to this section may be brought by the United States
2576 Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole
2577 Commission, or the defendant.

2578 “(c) Although a hearing is not required, to provide for timely review of a motion made
2579 pursuant to this section and at the request of counsel for the defendant, the court may waive the
2580 appearance of a defendant currently held in the custody of the Bureau of Prisons.”.

2581 Sec. 707. Healthcare provider liability.

2582 (a) Notwithstanding any provision of District law:

2583 (1) A healthcare provider, first responder, or volunteer who renders care or
2584 treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt
2585 from liability in a civil action or a criminal prosecution for damages resulting from such care or
2586 treatment of COVID-19, or from any act or failure to act in providing or arranging medical
2587 treatment for COVID-19 during a declared public health emergency;

2588 (2) A donor of time, professional services, equipment, or supplies for the benefit
2589 of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed
2590 individual with COVID-19, or care for the family members of such individuals for damages

2591 resulting from such donation shall be exempt from liability in a civil action or a criminal
2592 prosecution during a declared public health emergency; or

2593 (3) A contractor or subcontractor on a District government contract that has
2594 contracted to provide health care services or human care services (consistent with section
2595 104(37) to the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
2596 371; D.C. Official Code § 2-351.04(37)) related to a declared public health emergency related to
2597 the District government’s COVID-19 response shall be exempt from liability in a civil action or
2598 a criminal prosecution.

2599 (b) The limitations on liability provided for by subsection (a) of this section apply to any
2600 healthcare provider, first responder, volunteer, donor, or District government contractor or
2601 subcontractor of a District government contractor (“provider”), including a party involved in the
2602 healthcare process at the request of a health-care facility or the District government, and acting
2603 within the scope of the provider’s employment or organization’s purpose, contractual or
2604 voluntary service, or donation, even if outside the provider’s professional scope of practice, state
2605 of licensure, or with an expired license, who:

2606 (1) Prescribes or dispenses medicines for off-label use to attempt to combat the
2607 COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn,
2608 and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176;
2609 132 Stat. 1372).

2610 (2) Provides direct or ancillary health-care services or health care products,
2611 including direct patient care, testing, equipment or supplies, consultations, triage services,
2612 resource teams, nutrition services, or physical, mental, and behavioral therapies; or

2613 (3) Utilizes equipment or supplies outside of the product’s normal use for medical
2614 practice and the provision of health-care services to combat the COVID-19 virus;

2615 (c) The limitations on liability provided for by subsection (a) of this section shall not
2616 extend to:

2617 (1) Acts or omissions that constitute a crime, actual fraud, actual malice,
2618 recklessness, breach of contract, gross negligence, or willful misconduct; or

2619 (2) Acts or omissions unrelated to direct patient care; provided, that a contractor
2620 or subcontractor shall not be liable for damages for any act or omission alleged to have caused an
2621 individual to contract COVID-19.

2622 (d) The limitations on liability provided for by subsection (a) of this section extend to
2623 acts, omissions, and donations performed or made during a period of time for which the Mayor
2624 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
2625 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2626 2304.01), and to damages that ensue at any time from acts, omissions, and donations made
2627 during the emergency.

2628 (e) The limitations on liability provided for by subsection (a) of this section do not limit
2629 the applicability of other limitations on liability, including qualified and absolute immunity, that
2630 may otherwise apply to a person covered by this section; nor does this section limit the authority
2631 of the Mayor under this subsection.”.

2632

2633 **TITLE VIII. GOVERNMENT OPERATIONS**

2634 Sec. 801. Board of Elections stipends.

2635 Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit
2636 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
2637 611.08(c-1)(10)), is amended by striking the phrase “Chairperson per year” and inserting the
2638 phrase “Chairperson per year; except, that for the remainder of 2020 following April 10, 2020,
2639 District of Columbia Board of Elections members shall be entitled to compensation at the hourly
2640 rate of \$40 while actually in the service of the board, not to exceed \$25,000 for each member per
2641 year and \$53,000 for the Chairperson per year” in its place.

2642 Sec. 802. Retirement Board Financial disclosure extension of time.

2643 (a) Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved
2644 November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the
2645 phrase “April 30th” and inserting the phrase “July 30th” in its place.

2646 Sec. 802. Ethics and campaign finance.

2647 (a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124;
2648 D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

2649 (1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new
2650 subsection (c-2) to read as follows:

2651 “(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the
2652 Board may change the dates by which:

2653 “(1) Reports required by this section are to be filed; and

2654 “(2) The names of public officials are to be published pursuant to subsection (c-1)
2655 of this section.”.

2656 (2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new
2657 subsection (b-1) to read as follows:

2658 “(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the
2659 Board may change the dates by which:

2660 “(1) Reports required by subsection (a) of this section are to be filed; and

2661 “(2) Reports filed pursuant to subsection (a) of this section shall be reviewed
2662 pursuant to subsection (b) of this section.”.

2663 (3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new
2664 subsection (a-1) to read as follows:

2665 “(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the
2666 Board may change the dates by which reports required by subsection (a) of this section shall be
2667 filed.”.

2668 (b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
2669 Official Code § 1-1163.01 *et seq.*), is amended as follows:

2670 (1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by
2671 striking the phrase “in person, although online materials may be used to supplement the training”
2672 and inserting the phrase “in person or online” in its place.

2673 (2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the
2674 phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its
2675 place.

2676 (3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking
2677 the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its
2678 place.

2679 Sec. 803. Election preparations.

2680 The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat.

2681 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

2682 (a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph

2683 (31) to read as follows:

2684 “(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2

2685 Special Election, the term “polling place” shall include Vote Centers operated by the Board

2686 throughout the District.”.

2687 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new

2688 paragraph (9A) to read as follows:

2689 “(9A) For the June 2, 2020, Primary Election, mail every registered qualified

2690 elector an absentee ballot application and a postage-paid return envelope;”.

2691 (c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

2692 (1) Subsection (d)(2) is amended as follows:

2693 (A) Subparagraph (C) is amended by striking the phrase “; and” and

2694 inserting a semicolon in its place.

2695 (B) Subparagraph (D) is amended by striking the period and inserting the

2696 phrase “; and” in its place.

2697 (C) A new subparagraph (E) is added to read as follows:

2698 “(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2

2699 Special Election, regularly promote the Board’s revised plans for those elections on the voter

2700 registration agencies’ social media platforms, including by providing information about how to

2701 register to vote and vote by mail.”.

2702 (2) Subsection (h) is amended by adding a new paragraph (4) to read as follows:

2703 “(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary
2704 Election and the June 16, 2020, Ward 2 Special Election.”.

2705 (d) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

2706 (1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

2707 “(3A) For the November 3, 2020, general election:

2708 “(A) Petition sheets circulated in support of a candidate for elected office
2709 pursuant to this act may be electronically:

2710 “(i) Made available by the candidate to qualified petition circulators; and

2711 “(ii) Returned by qualified petition circulators to the candidate; and

2712 “(B) Signatures on such petition sheets shall not be invalidated because the
2713 signer was also the circulator of the same petition sheet on which the signature appears.”.

2714 (2) Subsection (j) is amended as follows:

2715 (A) Paragraph (1) is amended by striking the phrase “A duly” and inserting
2716 the phrase “Except as provided in paragraph (4) of this subsection, a duly” in its place.

2717 (B) A new paragraph (4) is added to read as follows:

2718 “(4) A duly qualified candidate for the following offices for the November 3,
2719 2020, general election may be nominated directly for election to such office by a petition that is
2720 filed with the Board not fewer than 90 days before the date of such General Election and signed
2721 by the number of voters duly registered under section 7 as follows:

2722 “(A) For Delegate or at-large member of the Council, 250 voters; and

2723 “(B) For member of the Council elected by ward, 150 voters who are
2724 registered in the ward from which the candidate seeks election.”.

2725 (3) Subsection (n) is amended as follows:

2726 (A) The existing text is designated as paragraph (1).

2727 (B) The newly designated paragraph (1) is amended by striking the phrase
2728 “Each candidate” and inserting the phrase “Except as provided in paragraph (2) of this
2729 subsection, each candidate” in its place.

2730 (C) A new paragraph (2) is added to read as follows:

2731 “(2) A duly qualified candidate for the following offices for the November 3,
2732 2020, general election may be nominated directly for election to such office by a petition that is
2733 filed with the Board not fewer than 90 days before the date of such General Election and signed
2734 by the number of voters duly registered under section 7 as follows:

2735 “(A) For member of the State Board of Education elected at-large, 150
2736 voters; and

2737 “(B) For member of the State Board of Education elected by ward, 50 voters
2738 who are registered in the ward from which the candidate seeks election.”.

2739 (e) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

2740 (1) Subsection (g) is amended by striking the phrase “white paper of good writing
2741 quality of the same size as the original or shall utilize the mobile application made available
2742 under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-
2743 sided sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good
2744 writing quality or shall utilize the mobile application made available under section 5(a)(19).
2745 Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines
2746 for printed” in its place.

2747 (2) A new subsection (g-1) is added to read as follows:

2748 “(g-1) In calendar year 2020:

2749 “(1) Petition sheets of proposers may be electronically:

2750 “(A) Made available by the proposers to qualified petition circulators; and

2751 “(B) Returned by qualified petition circulators to the proposers; and

2752 “(2) Signatures on petition sheets of proposers shall not be invalidated because the
2753 signer was also the circulator of the same petition sheet on which the signature appears.”.

2754 Sec. 804. Absentee ballot request signature waiver.

2755 Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR

2756 § 720.7(h)) is amended by striking the phrase “Voter’s signature” and inserting the phrase

2757 “Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16,
2758 2020, Ward 2 Special Election, voter’s signature” in its place.

2759 Sec. 805. Remote notarizations.

2760 The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018

2761 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 et seq.), is amended as follows:

2762 (a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph
2763 (1A) to read as follows:

2764 “(1A) “Audio-video communication” means an electronic device or process that:

2765 “(A) Enables a notary public to view, in real time, an individual and to
2766 compare for consistency the information and photos on that individual’s government-issued
2767 identification; and

2768 “(B) Is specifically designed to facilitate remote notarizations.”.

2769 (b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

2770 (1) The existing text is designated as subsection (a).

2771 (2) A new subsection (b) is added to read as follows:

2772 “(b) Notwithstanding any provision of District law, during a period of time for which the
2773 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2774 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2775 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual
2776 making the statement or executing the signature, notarial acts required or permitted under
2777 District law if:

2778 “(1) The notary public and the individual communicate with each other
2779 simultaneously by sight and sound using audio-video communication; and

2780 “(2) The notary public:

2781 “(A) Has notified the Mayor of the intention to perform notarial acts using
2782 audio-video communication and the identity of the audio-video communication the notary public
2783 intends to use;

2784 “(B) Has satisfactory evidence of the identity of the individual by personal
2785 knowledge or by the individual’s presentation of a current government-issued identification that
2786 contains the signature and photograph of the individual to the notary public during the video
2787 conference;

2788 “(C) Confirms that the individual made a statement or executed a signature
2789 on a document;

2790 “(D) Receives by electronic means a legible copy of the signed document
2791 directly from the individual immediately after it was signed;

2792 “(E) Upon receiving the signed document, immediately completes the
2793 notarization;

2794 “(F) Upon completing the notarization, immediately transmits by electronic
2795 means the notarized document to the individual;

2796 “(G) Creates, or directs another person to create, and retains an audio-visual
2797 recording of the performance of the notarial act for 3 years from the date of the notarial act; and

2798 “(H) Indicates on a certificate of the notarial act and in a journal that the
2799 individual was not in the physical presence of the notary public and that the notarial act was
2800 performed using audio-visual communication.”.

2801 (c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection
2802 (d) to read as follows:

2803 “(d) Notwithstanding any provision of District law, during a period of time
2804 for which the Mayor has declared a public health emergency pursuant to section 5a of the
2805 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
2806 194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the
2807 District regardless of the notary public’s physical location at the time of the notarial act so long
2808 as the requirements of section 6(b) are met.”.

2809 Sec. 806. Freedom of Information Act.

2810 The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96;
2811 D.C. Official Code § 2-531 *et seq.*), is amended as follows:

2812 (a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

2813 (1) Subsection (c) is amended as follows:

2814 (A) Paragraph (1) is amended by striking the phrase “Sundays, and” and
2815 inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2816 (B) Paragraph (2)(A) is amended by striking the phrase “Sundays, and”
2817 and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2818 (2) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times
2819 it appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2820 (b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase
2821 “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its
2822 place.

2823 (c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c)
2824 to read as follows:

2825 “(c) “COVID-19 closure” means:

2826 “(1) A period of time for which the Mayor has declared a public health emergency
2827 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2828 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

2829 “(2) A period of time during which a public body is closed due to the COVID-19
2830 coronavirus disease, as determined by the personnel authority of the public body.”.

2831 Sec. 807. Open meetings.

2832 The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code
2833 § 2-571 *et seq.*), is amended as follows:

2834 (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

2835 (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a
2836 semicolon in its place.

2837 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”
2838 in its place.

2839 (3) A new paragraph (4) is added to read as follows:

2840 “(4) During a period for which a public health emergency has been declared
2841 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2842 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes
2843 steps reasonably calculated to allow the public to view or hear the meeting while the meeting is
2844 taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably
2845 practicable.”.

2846 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)
2847 to read as follows:

2848 “(6) The public posting requirements of paragraph (2)(A) of this section shall not
2849 apply during a period for which a public health emergency has been declared pursuant to section
2850 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2851 Law 14-194; D.C. Official Code § 7-2304.01).”.

2852 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the
2853 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a
2854 meeting held during a period for which a public health emergency has been declared pursuant to
2855 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2856 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably
2857 calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if
2858 doing so is not technologically feasible, as soon thereafter as reasonably practicable.”.

2859 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new
2860 paragraph (3) to read as follows:

2861 “(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be
2862 tolled during a period for which a public health emergency has been declared pursuant to section
2863 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2864 Law 14-194; D.C. Official Code § 7-2304.01).”.

2865 Sec. 808. Electronic witnessing.

2866 (a) Title 16 of the District of Columbia Code is amended as follows:

2867 (1) Section 16-4802 is amended as follows:

2868 (A) New paragraphs (9A) and (9B) are added to read as follows:

2869 “(9A) “Electronic” means relating to technology having electrical, digital,
2870 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2871 “(9B) “Electronic presence” means when one or more witnesses are in a different
2872 physical location than the designator but can observe and communicate with the designator and
2873 one another to the same extent as if the witnesses and designator were physically present with
2874 one another.”.

2875 (B) New paragraphs (11A) and (11B) are added to read as follows:

2876 “(11A) “Record” means information that is inscribed on a tangible medium or that
2877 is stored in an electronic medium and is retrievable in perceivable form.

2878 “(11B) “Sign” means with present intent to authenticate or adopt a record to:

2879 “(A) Execute or adopt a tangible symbol; or

2880 “(B) Affix to or associate with the record an electronic signature.”.

2881 (2) Section 16-4803 is amended as follows:

2882 (A) Subsection (c) is amended by striking the phrase “the adult signs the
2883 designation in the presence of the designator” and inserting the phrase “the adult signs the

2884 designation in the presence or, during a period of time for which the Mayor has declared a public
2885 health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

2886 (B) Subsection (d) is amended by striking the phrase “in the presence of 2
2887 witnesses” and inserting the phrase “in the presence or, during a period of time for which the
2888 Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence
2889 of 2 witnesses” in its place.

2890 (b) Title 21 of the District of Columbia Code is amended as follows:

2891 (1) Section 21-2011 is amended as follows:

2892 (A) New paragraphs (5B-i), (5B-ii) are added to read as follows:

2893 “(5B-i) “Electronic” means relating to technology having electrical, digital,
2894 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2895 “(5B-ii) “Electronic presence” means when one or more witnesses are in a
2896 different physical location than the signatory but can observe and communicate with the
2897 signatory and one another to the same extent as if the witnesses and signatory were physically
2898 present with one another.”.

2899 (B) New paragraphs (23A) and (23B) are added to read as follows:

2900 “(23A) “Record” means information that is inscribed on a tangible medium or that
2901 is stored in an electronic medium and is retrievable in perceivable form.

2902 “(23B) “Sign” means with present intent to authenticate or adopt a record to:

2903 “(A) Execute or adopt a tangible symbol; or

2904 “(B) Affix to or associate with the record an electronic signature.”.

2905 (2) Section 21-2043 is amended by adding a new subsection (c-1) to read as
2906 follows:

2907 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2908 must be in the presence or, during a period of time for which the Mayor has declared a public
2909 health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

2910 (3) Section 21-2202 is amended as follows:

2911 (A) New paragraphs (3A) and (3B) are added to read as follows:

2912 “(3A) “Electronic” means relating to technology having electrical, digital,
2913 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2914 “(3B) “Electronic presence” means when one or more witnesses are in a
2915 different physical location than the principal but can observe and communicate with the principal
2916 and one another to the same extent as if the witnesses and principal were physically present with
2917 one another.”.

2918 (B) A new paragraph (6B) is added to read as follows:

2919 “(6B) “Record” means information that is inscribed on a tangible medium or that
2920 is stored in an electronic medium and is retrievable in perceivable form.”.

2921 (C) A new paragraph (8) is added to read as follows:

2922 “(8) “Sign” means with present intent to authenticate or adopt a record to:

2923 “(A) Execute or adopt a tangible symbol; or

2924 “(B) Affix to or associate with the record an electronic signature.”.

2925 (4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who
2926 affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in
2927 the presence or, during a period of time for which the Mayor has declared a public health
2928 emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the
2929 principal was of sound mind” in its place.

2930 (5) Section 21-2210(c)) is amended is amended by striking the phrase “There
2931 shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness
2932 present or, during a period of time for which the Mayor has declared a public health emergency
2933 pursuant to § 7-2304.01, electronically present” in its place.

2934 (c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5,
2935 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 et seq.), is amended as follows:

2936 (1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

2937 (A) New paragraphs (6A) and (6B) are added to read as follows:

2938 “(6A) “Electronic” means relating to technology having electrical, digital,
2939 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2940 “(6B) “Electronic presence” means when one or more witnesses are in a different
2941 physical location than the signatory but can observe and communicate with the signatory and one
2942 another to the same extent as if the witnesses and signatory were physically present with one
2943 another.”.

2944 (B) New paragraph (9A) and (9B) are added to read as follows:

2945 “(9A) “Record” means information that is inscribed on a tangible medium or that
2946 is stored in an electronic medium and is retrievable in perceivable form.

2947 “(9B) “Sign” means with present intent to authenticate or adopt a record to:

2948 “(A) Execute or adopt a tangible symbol; or

2949 “(B) Affix to or associate with the record an electronic signature.”.

2950 (2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a
2951 new subsection (c-1) to read as follows:

2952 “(c-1) With respect to witnesses referred to in subsection (c) of this
2953 section, witnesses must be in the presence or, during a period of time for which the Mayor has
2954 declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the
2955 signatory.”.

2956 Sec. 809. Electronic wills.

2957 Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

2958 (a) The table of contents is amended by adding a new section designation to read as
2959 follows:

2960 “18-813. Electronic wills.”.

2961 (b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator”
2962 and inserting the phrase “in the presence or, during a period of time for which the Mayor has
2963 declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined
2964 in § 18-813(a)(2), of the testator” in its place.

2965 (c) A new section 18-813 is added to read as follows:

2966 “§ 18-813. Electronic wills.

2967 “(a) Definitions.

2968 “For the purposes of this section, the term:

2969 “(1) “Electronic” means relating to technology having electrical, digital,
2970 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2971 “(2) “Electronic presence” means when one or more witnesses are in a different
2972 physical location than the testator but can observe and communicate with the testator and one
2973 another to the same extent as if the witnesses and testator were physically present with one
2974 another.

2975 “(3) “Electronic will” means a will or codicil executed by electronic means.

2976 “(4) “Record” means information that is inscribed on a tangible medium or that is
2977 stored in an electronic medium and is retrievable in perceivable form.

2978 “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

2979 “(A) Execute or adopt a tangible symbol; or

2980 “(B) Affix to or associate with the record an electronic signature.

2981 “(b)(1) A validly executed electronic will shall be a record that is:

2982 “(A) Readable as text at the time of signing pursuant to subparagraph (B)
2983 of this paragraph; and

2984 “(B) Signed:

2985 “(i) By the testator, or by another person in the testator’s physical
2986 presence and by the testator’s express direction; and

2987 “(ii) In the physical or electronic presence of the testator by at least
2988 2 credible witnesses, each of whom is physically located in the United States at the time of
2989 signing.

2990 “(2) In order for the electronic will to be admitted to the Probate Court, the
2991 testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who
2992 supervised the execution of the electronic will shall certify a paper copy of the electronic will by
2993 affirming under penalty of perjury that:

2994 “(A) The paper copy of the electronic will is a complete, true, and accurate
2995 copy of the electronic will; and

2996 “(B) The conditions in subparagraph (A) of this paragraph were satisfied
2997 at the time the electronic will was signed.

2998 “(3) Except as provided in subsection (c) of this section, a certified paper copy of
2999 an electronic will shall be deemed to be the electronic will of the testator for all purposes under
3000 this title.

3001 “(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

3002 “(2) An electronic will, or a part thereof, is revoked by:

3003 “(A) A subsequent will or electronic will that revokes the electronic will,
3004 or a part thereof, expressly or by inconsistency; or

3005 “(B) A direct physical act cancelling the electronic will, or a part thereof,
3006 with the intention of revoking it, by the testator or a person in the testator’s physical presence
3007 and by the testator’s express direction and consent.

3008 “(3) After it is revoked, an electronic will, or a part thereof, may not be revived
3009 other than by its re-execution, or by a codicil executed as provided in the case of wills or
3010 electronic wills, and then only to the extent to which an intention to revive is shown in the
3011 codicil.

3012 “(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if
3013 executed in compliance with the law of the jurisdiction where the testator is:

3014 “(1) Physically located when the electronic will is signed; or

3015 “(2) Domiciled or resides when the electronic will is signed or when the testator
3016 dies.

3017 “(e) Except as otherwise provided in this section:

3018 “(1) An electronic will is a will for all purposes under the laws of the District of
3019 Columbia; and

3020 “(2) The laws of the District of Columbia applicable to wills and principles of
3021 equity apply to an electronic will.

3022 “(f) This section shall apply to electronic wills made during a period of
3023 time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

3024 Sec. 810. Administrative hearings deadlines.

3025 Notwithstanding any provision of District law, but subject to applicable federal laws and
3026 regulations, during a period time for which the Mayor has declared a public health emergency
3027 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
3028 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the 90-day time period to
3029 request a hearing shall be tolled:

3030 (1) To review an adverse action by the Mayor concerning any new application for
3031 public assistance or any application or request for a change in the amount, kind or conditions of
3032 public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or
3033 conditions of public assistance benefits or to take other action adverse to the recipient pursuant to
3034 section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982
3035 (D.C. Law 4-101; D.C. Official Code § 4–210.09); or

3036 (2) To appeal an adverse decision listed in section 26(b) of the Homeless Services
3037 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4–
3038 754.41(b)).

3039 Sec. 811. Other boards and commissions.

3040 Notwithstanding any provision of law, during a period time for which the Mayor has
3041 declared a public health emergency pursuant to section 5a of the District of Columbia Public

3042 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3043 2304.01):

3044 (1) Any requirement for a board, commission, or other public body to meet is
3045 waived, unless the Mayor determines that it is necessary or appropriate for the board,
3046 commission, or other public body to meet during the period of the public health emergency, in
3047 which case the Mayor may order the board, commission, or other public body to meet;

3048 (2) Any vacancy that occurs on a board or commission shall not be considered a
3049 vacancy for the purposes of nominating a replacement; and

3050 (3) The review period for nominations transmitted to the Council for approval or
3051 disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3,
3052 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

3053 **TITLE IX. LEGISLATIVE BRANCH**

3054 Sec. 901. Council Rules.

3055 The Rules of Organization and Procedure for the Council of the District of Columbia,
3056 Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is
3057 amended as follows:

3058 (a) Section 367 of the Rules of Organization and Procedure for the Council of the District
3059 of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66
3060 DCR 272), is amended by striking the phrase “remote voting or proxy shall” and inserting the
3061 phrase “proxy shall” in its place.

3062 (b) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct,
3063 Council Period 23 is amended by adding a new paragraph (5) to read as follows:

3064 “(5) Notwithstanding any other rule, during a period of time for which the Mayor
3065 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
3066 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3067 2304.01), a Councilmember may disseminate information about, and connect constituents with,
3068 services and offers, including from for-profit entities, that the Councilmember determines is in
3069 the public interest in light of the public health emergency.”.

3070 (c) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct,
3071 Council Period 23 is amended by striking the phrase “The proposed” and inserting the phrase
3072 “Unless the electronic newsletter exclusively contains information relating to a declared public
3073 health emergency, the proposed” in its place.

3074 Sec. 603. Grant budget modifications.

3075 (a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the
3076 federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order
3077 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both
3078 declared on March 11, 2020, submitted to the Council for approval and accompanied by a report
3079 by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section
3080 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat.
3081 2040; D.C. Official Code § 1-204.46b(b)(1)).

3082 (b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act,
3083 approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the
3084 Council shall be deemed to have reviewed and approved the acceptance, obligation, and
3085 expenditure of a grant related to the Declaration of Public Emergency (Mayor’s Order 2020-045)
3086 and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on

3087 March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of
3088 addressing a public emergency, if:

3089 (1) No written notice of disapproval is filed with the Secretary to the Council
3090 within 2 business days of the receipt of the report from the Chief Financial Officer under section
3091 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3092 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

3093 (2) Such a notice of disapproval is filed within such deadline, the Council does
3094 not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5
3095 calendar days of the initial receipt of the report from the Chief Financial Officer under section
3096 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3097 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

3098 Sec. 902. Budget submission requirements.

3099 The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective
3100 November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

3101 (a) Section 2 is amended by striking the phrase “not later than March 19, 2020,” and
3102 inserting the phrase “not later than May 18, 2020, unless another date is set by subsequent
3103 resolution of the Council” in its place.

3104 (b) Section 3(2) is amended as follows:

3105 (1) Subparagraph (A) is amended by striking the phrase “the proposed Fiscal Year
3106 2021 Local Budget Act of 2020,” and inserting the phrase “the proposed Fiscal Year 2021 Local
3107 Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the
3108 proposed Fiscal Year 2021 Local Budget Temporary Act of 2020,” in its place.

3109 (2) Subparagraph (C) is amended by striking the phrase “produced from
3110 PeopleSoft on March 19, 2020” and inserting the phrase “produced from PeopleSoft on May 19,
3111 2020” in its place.

3112 Sec. 903. Tolling of matters transmitted to the Council.

3113 (a) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;
3114 D.C. Official Code § 1-523.01), is amended as follows:

3115 (1) Subsection (c) is amended by striking the phrase “180 days,” and inserting the
3116 phrase “180 days, excluding days occurring during a period of time for which the Mayor has
3117 declared a public health emergency pursuant to section 5a of the District of Columbia Public
3118 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3119 2304.01),” in its place

3120 (2) Subsection (e) is amended by striking the phrase “excluding days of Council
3121 recess” and inserting the phrase “excluding days of Council recess and days occurring during a
3122 period of time for which the Mayor has declared a public health emergency pursuant to section
3123 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3124 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3125 (3) Subsection (f) is amended by striking the phrase “Council shall have an
3126 additional 45 days, excluding days of Council recess,” and inserting the phrase “Council shall
3127 have an additional 45 days, excluding days of Council recess and days occurring during a period
3128 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
3129 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
3130 194; D.C. Official Code § 7-2304.01),” in its place.

3131 (b) Notwithstanding any provision of law, during a period time for which the Mayor has
3132 declared a public health emergency pursuant to section 5a of the District of Columbia Public
3133 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3134 2304.01), the review period for any matter transmitted to the Council for approval or
3135 disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation
3136 Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract
3137 approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming
3138 Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-
3139 363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved
3140 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3141 Sec. 904. Advisory Neighborhood Commissions.

3142 The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C.
3143 Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

3144 (a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

3145 (1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting
3146 the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

3147 (2) A new paragraph (3) is added to read as follows:

3148 “(3) For the November 3, 2020, general election:

3149 “(A) Candidates for member of an Advisory Neighborhood Commission
3150 shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are
3151 residents of the single-member district from which the candidate seeks election;

3152 “(B) The petitions of a candidate in subparagraph (A) of this paragraph
3153 may be electronically:

3154 “(i) Made available by the candidate to a qualified petition
3155 circulator; and

3156 “(ii) Returned by a qualified petition circulator to the candidate;
3157 and

3158 “(C) Signatures on a candidate’s petitions shall not be invalidated
3159 because the signer was also the circulator of the same petition on which the signature appears.”.

3160 (b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

3161 (1) Paragraph (1) is amended by striking the phrase “prior to a general election”
3162 both times it appears and inserting the phrase “prior to a general election or during a period of
3163 time for which a public health emergency has been declared by the Mayor pursuant to section 5a
3164 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3165 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3166 (2) Paragraph (6) is amended as follows:

3167 (A) Subparagraph (A) is amended by striking the phrase “and legal
3168 holidays” and inserting the phrase “legal holidays, and days during a period of time for which a
3169 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3170 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3171 Official Code § 7-2304.01)” in its place.

3172 (B) Subparagraph (C) is amended by striking the phrase “petitions
3173 available,” and inserting the phrase “petitions available, not including days during a period of
3174 time for which a public health emergency has been declared by the Mayor pursuant to section 5a
3175 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3176 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3177 (C) Subparagraph (E) is amended by striking the phrase “or special
3178 meeting” and inserting the phrase “or special meeting, not to include a remote meeting held
3179 during a period of time for which a public health emergency has been declared by the Mayor
3180 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
3181 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3182 (c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection
3183 (q) to read as follows:

3184 “(q) During a period of time for which a public health emergency has been declared by
3185 the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
3186 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

3187 “(1) The 30-day written notice requirement set forth in subsection (b) of this
3188 section shall be a 51-day written notice requirement; and

3189 “(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of
3190 this section shall be a 66-calendar-day notice requirement.”

3191 (d) Section 14(b) of the Advisory Neighborhood Commissions Act of 1975, effective
3192 March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.11(b)), is amended as follows:

3193 (1) Paragraph (1) is amended by striking the phrase “by the Commission.” and
3194 inserting the phrase “by the Commission; provided, that no meetings shall be required to be held
3195 during a period for which a public health emergency has been declared by the Mayor pursuant to
3196 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
3197 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be
3198 held in a given year shall be reduced by one for every 30 days that a public health emergency is
3199 in effect during the year.”

3200 (2) A new paragraph (1B) is added to read as follows:

3201 “(1B) Notwithstanding any other provision of law, during a period for which a
3202 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3203 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3204 Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and
3205 remotely participate in that meeting and vote on matters before the Commission without being
3206 physically present through a teleconference or through digital means identified by the
3207 Commission for this purpose. Members physically or re motely present shall be counted for
3208 determination of a quorum.”.

3209 (e) Section 16 is amended as follows:

3210 (1) Subsection (j)(3) (D.C. Official Code § 1-309.13(j)(3)) is amended by adding
3211 a new subparagraph (C) to read as follows:

3212 “(C) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not
3213 apply to the failure to file quarterly reports due during a period of time for which a public health
3214 emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia
3215 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
3216 Code § 7-2304.01).”.

3217 (2) Subsection (m)(1) (D.C. Official Code § 1-309.13(m)(1)) is amended by
3218 striking the phrase “District government” and inserting the phrase “District government; except,
3219 that notwithstanding any provision of District law, during a period for which a public health
3220 emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia
3221 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
3222 Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of

3223 providing humanitarian relief, including food or supplies, during the public health emergency, or
3224 otherwise assisting in the response to the public health emergency anywhere in the District, even
3225 if those services are duplicative of services also performed by the District government” in its
3226 place.

3227

3228 **TITLE X. BORROWING AUTHORITY**

3229 **SUBTITLE A. GENERAL OBLIGATION NOTES**

3230 Sec. 1001. Short title.

3231 This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes Emergency
3232 Act of 2020”.

3233 Sec. 1002. Definitions.

3234 For the purposes of this subtitle, the term:

3235 (1) “Additional Notes” means District general obligation notes described in
3236 section 609 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official
3237 Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the
3238 notes.

3239 (2) “Authorized delegate” means the City Administrator, the Chief Financial
3240 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
3241 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

3242 (3) “Available funds” means District funds required to be deposited with the
3243 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

3244 (4) “Bond Counsel” means a firm or firms of attorneys designated
3245 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

3246 (5) “Chief Financial Officer” means the Chief Financial Officer established
3247 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

3248 (6) “City Administrator” means the City Administrator established pursuant to
3249 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3250 (7) “Council” means the Council of the District of Columbia.

3251 (8) “District” means the District of Columbia.

3252 (9) “Escrow Agent” means any bank, trust company, or national banking
3253 association with requisite trust powers designated to serve in this capacity by the Chief Financial
3254 Officer.

3255 (10) “Escrow Agreement” means the escrow agreement between the District and
3256 the Escrow Agent authorized in section 607.

3257 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3258 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3259 (12) “Mayor” means the Mayor of the District of Columbia.

3260 (13) “Notes” means one or more series of District general obligation notes
3261 authorized to be issued pursuant to this subtitle.

3262 (14) “Receipts” means all funds received by the District from any source,
3263 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys
3264 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds
3265 that are pledged to debt or other obligations according to section 609 or that are restricted by law
3266 to uses other than payment of principal of, and interest on, the notes.

3267 (15) “Secretary” means the Secretary of the District of Columbia.

3268 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to
3269 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

3270 Sec. 1003. Findings.

3271 The Council finds that:

3272 (1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71),
3273 the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to
3274 meet appropriations for that fiscal year.

3275 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82),
3276 the full faith and credit of the District is pledged for the payment of the principal of, and interest
3277 on, any general obligation note.

3278 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83),
3279 the Council is required to provide in the annual budget sufficient funds to pay the principal of,
3280 and interest on, all general obligation notes becoming due and payable during that fiscal year,
3281 and the Mayor is required to ensure that the principal of, and interest on, all general obligation
3282 notes is paid when due, including by paying the principal and interest from funds not otherwise
3283 legally committed.

3284 (4) The issuance of general obligation notes in a sum not to exceed
3285 \$300,000,000 is in the public interest.

3286 Sec. 1004. Note authorization.

3287 (a) The District is authorized to incur indebtedness, for operating or capital expenses, by
3288 issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§
3289 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet
3290 appropriations for the fiscal year ending September 30, 2020.

3291 (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the
3292 costs and expenses of issuing and delivering the notes, including, but not limited to,
3293 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,
3294 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

3295 Sec. 1005. Note details.

3296 (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General
3297 Obligation Notes” and shall be due and payable, as to both principal and interest, on or before
3298 September 30, 2021.

3299 (b) The Chief Financial Officer is authorized to take any action necessary or appropriate
3300 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,
3301 delivery, security for, and payment of the notes, including, but not limited to, determinations of:

3302 (1) The final form, content, designation, and terms of the notes, including
3303 any redemptions applicable thereto and a determination that the notes may be issued in book-
3304 entry form;

3305 (2) Provisions for the transfer and exchange of the notes;

3306 (3) The principal amount of the notes to be issued;

3307 (4) The rate or rates of interest or the method of determining the rate or rates of
3308 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall
3309 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days
3310 elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an
3311 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the
3312 basis of a 365-day year (actual days elapsed);

3313 (5) The date or dates of issuance, sale, and delivery of the notes;

3314 (6) The place or places of payment of principal of, and interest on, the notes;

3315 (7) The designation of a registrar, if appropriate, for any series of the notes, and

3316 the execution and delivery of any necessary agreements relating to the designation;

3317 (8) The designation of paying agent(s) or escrow agent(s) for any series of the

3318 notes, and the execution and delivery of any necessary agreements relating to such designations;

3319 and

3320 (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed

3321 notes.

3322 (c) The notes shall be executed in the name of the District and on its behalf by the

3323 signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the

3324 District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a

3325 registrar is designated, the registrar shall authenticate each note by manual signature and

3326 maintain the books of registration for the payment of the principal of and interest on the notes

3327 and perform other ministerial responsibilities as specifically provided in its designation as

3328 registrar.

3329 (d) The notes may be issued at any time or from time to time in one or more

3330 issues and in one or more series.

3331 Sec. 1006. Sale of the notes.

3332 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract

3333 or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the

3334 terms that the Chief Financial Officer considers necessary or appropriate to carry out the

3335 purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase

3336 contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's

3337 approval, on behalf of the District, of the final form and content of the notes. The Chief
3338 Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon
3339 receiving the purchase price provided in the purchase contract or bid form.

3340 (b) The Chief Financial Officer may execute, in connection with each sale of the notes,
3341 an offering document on behalf of the District, and may authorize the document's distribution in
3342 relation to the notes being sold.

3343 (c) The Chief Financial Officer shall take actions and execute and deliver agreements,
3344 documents, and instruments (including any amendment of or supplement to any such agreement,
3345 document, or instrument) in connection with any series of notes as required by or incidental to:

3346 (1) The issuance of the notes;

3347 (2) The establishment or preservation of the exclusion from gross income for
3348 federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption
3349 from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

3350 (3) The performance of any covenant contained in this subtitle, in any
3351 purchase contract for the notes, or in any escrow or other agreement for the security thereof;

3352 (4) The provision for securing the repayment of the notes by a letter or line of
3353 credit or other form of credit enhancement, and the repayment of advances under any such credit
3354 enhancement, including the evidencing of such a repayment obligation with a negotiable
3355 instrument with such terms as the Chief Financial Officer shall determine; or

3356 (5) The execution, delivery, and performance of the Escrow Agreement, a
3357 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement
3358 relating to credit enhancement, if any, including any amendments of any of these agreements,
3359 documents, or instruments.

3360 (d) The notes shall not be issued until the Chief Financial Officer receives an approving
3361 opinion of Bond Counsel as to the validity of the notes and the exemption from the District
3362 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if
3363 issued tax-exempt, the establishment or preservation of the exclusion from gross income for
3364 federal income tax purposes of the interest on the notes. .

3365 (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the
3366 determinations and other actions taken by the Chief Financial Officer for each issue or series of
3367 the notes issued and shall designate in the note issuance certificate the date of the notes, the
3368 series designation, the aggregate principal amount to be issued, the authorized denominations of
3369 the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be
3370 delivered at the time of delivery of the notes and shall be conclusive evidence of the actions
3371 taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the
3372 Council not more than 3 days after the delivery of the notes covered by the certificate.

3373 Sec. 1007. Payment and security.

3374 (a) The full faith and credit of the District is pledged for the payment of the principal of,
3375 and interest on, the notes as they become due and payable through required sinking fund
3376 payments, redemptions, or otherwise.

3377 (b) The Council shall, in the full exercise of the authority granted in section 483 of the
3378 Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual
3379 budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the
3380 notes becoming due and payable for any reason during that fiscal year.

3381 (c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the
3382 Home Rule Act and under any other law, take such actions as may be necessary or appropriate to

3383 ensure that the principal of, and interest on, the notes are paid when due for any reason, including
3384 the payment of principal and interest from any funds or accounts of the District not otherwise
3385 legally committed.

3386 (d) The notes shall evidence continuing obligations of the District until paid in
3387 accordance with their terms.

3388 (e) The funds for the payment of the notes as described in this subtitle shall be
3389 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds
3390 shall be used for the payment of the principal of, and interest on, the notes when due, and shall
3391 not be used for other purposes so long as the notes are outstanding and unpaid.

3392 (f) The Chief Financial Officer may, without regard to any act or resolution of the
3393 Council now existing or adopted after the effective date of this subtitle, designate an Escrow
3394 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the
3395 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official
3396 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate
3397 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for
3398 Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and
3399 shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in
3400 the Escrow Agreement. Funds on deposit, including investment income, under the Escrow
3401 Agreement shall not be used for any purposes except for payment of the notes or, to the extent
3402 permitted by the Home Rule Act, to service any contract or other arrangement permitted under
3403 subsections (k) or (l) of this section, and may be invested only as provided in the Escrow
3404 Agreement.

3405 (g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with
3406 the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued
3407 interest and premium, if any, received upon the sale of the notes.

3408 (h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds
3409 in accordance with the Escrow Agreement at the time and in the amount as provided in the
3410 Escrow Agreement.

3411 (i) There are provided and approved for expenditure sums as may be necessary
3412 for making payments of the principal of, and interest on, the notes, and the provisions of the
3413 Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to
3414 the effective date of this subtitle, relating to borrowings are amended and supplemented
3415 accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official
3416 Code § 1-204.83).

3417 (j) The notes shall be payable, as to both principal and interest, in lawful money of the
3418 United States of America in immediately available or same day funds at a bank or trust company
3419 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the
3420 District. All of the paying agents shall be qualified to act as paying agents under the laws of the
3421 United States of America, of the District, or of the state in which they are located, and shall be
3422 designated by the Chief Financial Officer without regard to any other act or resolution of the
3423 Council now existing or adopted after the effective date of this subtitle.

3424 (k) In addition to the security available for the holders of the notes, the Chief Financial
3425 Officer is hereby authorized to enter into agreements, including any agreement calling for
3426 payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial
3427 institution to provide a letter of credit, line of credit, or other form of credit enhancement to

3428 secure repayment of the notes when due. The obligation of the District to reimburse the bank or
3429 financial institution for any advances made under any such credit enhancement shall be a general
3430 obligation of the District until repaid and shall accrue interest at the rate of interest established by
3431 the Chief Financial Officer not in excess of 20% per year until paid.

3432 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
3433 371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the
3434 D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from
3435 time to time determine to be necessary or appropriate to place, in whole or in part, including:

3436 (1) An investment or obligation of the District as represented by the notes;

3437 (2) An investment or obligation or program of investment; or

3438 (3) A contract or contracts based on the interest rate, currency, cash flow, or other

3439 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap

3440 agreements; currency swap agreements; insurance agreements; forward payment conversion

3441 agreements; futures; contracts providing for payments based on levels of, or changes in, interest

3442 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a

3443 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,

3444 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts

3445 or other arrangements also may be entered into by the District in connection with, or incidental

3446 to, entering into or maintaining any agreement that secures the notes. The contracts or other

3447 arrangements shall contain whatever payment, security, terms, and conditions as the Chief

3448 Financial Officer may consider appropriate and shall be entered into with whatever party or

3449 parties the Chief Financial Officer may select, after giving due consideration, where applicable,

3450 to the creditworthiness of the counterparty or counterparties including any rating by a nationally

3451 recognized rating agency or any other criteria as may be appropriate. In connection with, or
3452 incidental to, the issuance or holding of the notes, or entering into any contract or other
3453 arrangement referred to in this section, the District may enter into credit enhancement or
3454 liquidity agreements, with payment, interest rate, termination date, currency, security, default,
3455 remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds
3456 of the notes and any money set aside for payment of the notes or of any contract or other
3457 arrangement entered into pursuant to this section may be used to service any contract or other
3458 arrangement entered into pursuant to this section.

3459 Sec. 1008. Defeasance.

3460 (a) The notes shall no longer be considered outstanding and unpaid for the purpose of this
3461 subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow
3462 Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

3463 (1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow
3464 agent,” in a separate defeasance escrow account, established and maintained by the Escrow
3465 Agent solely at the expense of the District and held in trust for the note owners, sufficient
3466 moneys or direct obligations of the United States, the principal of and interest on which, when
3467 due and payable, will provide sufficient moneys to pay when due the principal of, and interest
3468 payable at maturity on, all the notes; and

3469 (2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to
3470 apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

3471 (b) The defeasance escrow agent shall not invest the defeasance escrow account in any
3472 investment callable at the option of its issuer if the call could result in less-than-sufficient
3473 moneys being available for the purposes required by this section.

3474 (c) The moneys and direct obligations referred to in subsection (a)(1) of this section may
3475 include moneys or direct obligations of the United States of America held under the Escrow
3476 Agreement and transferred, at the written direction of the Chief Financial Officer, to the
3477 defeasance escrow account.

3478 (d) The defeasance escrow account specified in subsection (a) of this section may be
3479 established and maintained without regard to any limitations placed on these accounts by any act
3480 or resolution of the Council now existing or adopted after this subtitle becomes effective, except
3481 for this subtitle.

3482 Sec. 1009. Additional debt and other obligations.

3483 (a) The District reserves the right at any time to: borrow money or enter into
3484 other obligations to the full extent permitted by law; secure the borrowings or obligations by the
3485 pledge of its full faith and credit; secure the borrowings or obligations by any other security and
3486 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional
3487 Notes, or other instruments to evidence the borrowings or obligations.

3488 (b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule
3489 Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the
3490 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other
3491 available funds for payment of the principal of, and the interest on, the Additional Notes issued
3492 pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis
3493 with the notes.

3494 (2) The receipts and available funds referred to in subsection (a) of this section
3495 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home

3496 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3497 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3498 (3) Any covenants relating to any Additional Notes shall have equal standing and
3499 be on a parity with the covenants made for payment of the principal of, and the interest on, the
3500 notes.

3501 (4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act
3502 (D.C. Official Code § 1-204.71), the provisions of section 607 shall apply to both the notes and
3503 the Additional Notes and increase the amounts required to be set aside and deposited with the
3504 Escrow Agent.

3505 (5) As a condition precedent to the issuance of any Additional Notes, the Chief
3506 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance
3507 with all covenants and obligations under this subtitle and the Escrow Agreement.

3508 Sec. 1010. Tax matters.

3509 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle
3510 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial
3511 Officer shall take all actions necessary to be taken so that the interest on the notes will not be
3512 includable in gross income for federal income tax purposes.

3513 Sec. 1011. Contract.

3514 This subtitle shall constitute a contract between the District and the owners of the notes
3515 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in
3516 conflict with this subtitle, this subtitle shall be controlling.

3517 Sec. 1012. District officials.

3518 (a) The elected or appointed officials, officers, employees, or agents of the District shall
3519 not be liable personally for the payment of the notes or be subject to any personal liability by
3520 reason of the issuance of the notes.

3521 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
3522 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding
3523 the fact that the official ceases to be that official before delivery of the notes.

3524 Sec. 1013. Authorized delegation of authority.

3525 To the extent permitted by the District and federal laws, the Mayor may delegate to the
3526 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act
3527 authorized to be performed by the Mayor under this subtitle.

3528 Sec. 1014. Maintenance of documents.

3529 Copies of the notes and related documents shall be filed in the Office of the Secretary.

3530

3531 **SUBTITLE B. TRANs NOTES**

3532 Sec. 1021. Short title.

3533 This subtitle may be cited as the “Fiscal Year 2020 Tax Revenue Anticipation Notes
3534 Emergency Act of 2020”.

3535 Sec. 1022. Definitions.

3536 For the purposes of this subtitle, the term:

3537 (1) “Additional Notes” means District general obligation revenue anticipation
3538 notes described in section 629 that may be issued pursuant to section 472 of the Home Rule Act

3539 (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a
3540 parity with the notes.

3541 (2) “Authorized delegate” means the City Administrator, the Chief Financial
3542 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
3543 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

3544 (3) “Available funds” means District funds required to be deposited with the
3545 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

3546 (4) “Bond Counsel” means a firm or firms of attorneys designated
3547 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

3548 (5) “Chief Financial Officer” means the Chief Financial Officer established
3549 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

3550 (6) “City Administrator” means the City Administrator established pursuant to
3551 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3552 (7) “Council” means the Council of the District of Columbia.

3553 (8) “District” means the District of Columbia.

3554 (9) “Escrow Agent” means any bank, trust company, or national banking
3555 association with requisite trust powers designated to serve in this capacity by the Chief Financial
3556 Officer.

3557 (10) “Escrow Agreement” means the escrow agreement between the District and
3558 the Escrow Agent authorized in section 627.

3559 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3560 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

3561 (12) “Mayor” means the Mayor of the District of Columbia.

3562 (13) “Notes” means one or more series of District general obligation
3563 revenue anticipation notes authorized to be issued pursuant to this subtitle.

3564 (14) “Receipts” means all funds received by the District from any source,
3565 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys
3566 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds
3567 that are pledged to debt or other obligations according to section 629 or that are restricted by law
3568 to uses other than payment of principal of, and interest on, the notes.

3569 (15) “Secretary” means the Secretary of the District of Columbia.

3570 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to
3571 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

3572 Sec. 1023. Findings.

3573 The Council finds that:

3574 (1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the
3575 Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a
3576 fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472
3577 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of
3578 general obligation revenue anticipation notes issued and outstanding at any time during a fiscal
3579 year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as
3580 certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-
3581 204.72), as of a date not more than 15 days before each original issuance of the notes.

3582 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the
3583 full faith and credit of the District is pledged for the payment of the principal of, and interest on,
3584 any general obligation revenue anticipation note.

3585 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the
3586 Council is required to provide in the annual budget sufficient funds to pay the principal of, and
3587 interest on, all general obligation revenue anticipation notes becoming due and payable during
3588 that fiscal year, and the Mayor is required to ensure that the principal of, and
3589 interest on, all general obligation revenue anticipation notes is paid when due, including by
3590 paying the principal and interest from funds not otherwise legally committed.

3591 (4) The Chief Financial Officer has advised the Council that, based upon the
3592 Chief Financial Officer’s projections of anticipated receipts and disbursements during the fiscal
3593 year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to
3594 exceed \$200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the
3595 District for such fiscal year, and to accomplish the borrowing by issuing general obligation
3596 revenue anticipation notes in one or more series.

3597 (5) The issuance of general obligation revenue anticipation notes in a sum not to
3598 exceed \$200,000,000 is in the public interest.

3599 Sec. 1024. Note authorization.

3600 (a) The District is authorized to incur indebtedness by issuing the notes pursuant to
3601 sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in
3602 one or more series, in a sum not to exceed \$200,000,000, to finance its general governmental
3603 expenses, including operating or capital expenses, in anticipation of the collection or receipt of
3604 revenues for the fiscal year ending September 30, 2020.

3605 (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the
3606 costs and expenses of issuing and delivering the notes, including, but not limited to,

3607 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,
3608 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

3609 Sec. 1025. Note details.

3610 (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General
3611 Obligation Tax Revenue Anticipation Notes” and shall be due and payable, as to both principal
3612 and interest, on or before September 30, 2020.

3613 (b) The Chief Financial Officer is authorized to take any action necessary or appropriate
3614 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,
3615 delivery, security for, and payment of the notes, including, but not limited to, determinations of:

3616 (1) The final form, content, designation, and terms of the notes, including
3617 any redemptions applicable thereto and a determination that the notes may be issued in book-
3618 entry form;

3619 (2) Provisions for the transfer and exchange of the notes;

3620 (3) The principal amount of the notes to be issued;

3621 (4) The rate or rates of interest or the method of determining the rate or rates of
3622 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall
3623 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days
3624 elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an
3625 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the
3626 basis of a 365-day year (actual days elapsed);

3627 (5) The date or dates of issuance, sale, and delivery of the notes;

3628 (6) The place or places of payment of principal of, and interest on, the notes;

3629 (7) The designation of a registrar, if appropriate, for any series of the notes, and
3630 the execution and delivery of any necessary agreements relating to the designation;

3631 (8) The designation of paying agent(s) or escrow agent(s) for any series of the
3632 notes, and the execution and delivery of any necessary agreements relating to such designations;
3633 and

3634 (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed
3635 notes.

3636 (c) The notes shall be executed in the name of the District and on its behalf by the manual
3637 or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or
3638 a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar
3639 is designated, the registrar shall authenticate each note by manual signature and maintain the
3640 books of registration for the payment of the principal of and interest on the notes and perform
3641 other ministerial responsibilities as specifically provided in its designation as registrar.

3642 (d) The notes may be issued at any time or from time to time in one or more
3643 issues and in one or more series.

3644 Sec. 1026. Sale of the notes.

3645 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract
3646 or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par
3647 plus accrued interest from the date of the notes to the date of delivery thereof. The purchase
3648 contract or bid form shall contain the terms that the Chief Financial Officer considers necessary
3649 or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution
3650 and delivery of the purchase contract or bid form shall constitute conclusive evidence of the
3651 Chief Financial Officer's approval, on behalf of the District, of the final form and content of the

3652 notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the
3653 purchasers upon receiving the purchase price provided in the purchase contract or bid form.

3654 (b) The Chief Financial Officer may execute, in connection with each sale of the notes,
3655 an offering document on behalf of the District, and may authorize the document's distribution in
3656 relation to the notes being sold.

3657 (c) The Chief Financial Officer shall take actions and execute and deliver agreements,
3658 documents, and instruments (including any amendment of or supplement to any such agreement,
3659 document, or instrument) in connection with any series of notes as required by or incidental to:

3660 (1) The issuance of the notes;

3661 (2) The establishment or preservation of the exclusion from gross income for
3662 federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption
3663 from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

3664 (3) The performance of any covenant contained in this subtitle, in any
3665 purchase contract for the notes, or in any escrow or other agreement for the security thereof;

3666 (4) The provision for securing the repayment of the notes by a letter or line of
3667 credit or other form of credit enhancement, and the repayment of advances under any such credit
3668 enhancement, including the evidencing of such a repayment obligation with a negotiable
3669 instrument with such terms as the Chief Financial Officer shall determine; or

3670 (5) The execution, delivery, and performance of the Escrow Agreement, a
3671 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement
3672 relating to credit enhancement, if any, including any amendments of any of these agreements,
3673 documents, or instruments.

3674 (d) The notes shall not be issued until the Chief Financial Officer receives an approving
3675 opinion of Bond Counsel as to the validity of the notes and the exemption from the District
3676 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if
3677 issued tax-exempt, the establishment or preservation of the exclusion from gross income for
3678 federal income tax purposes of the interest on the notes.

3679 (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the
3680 determinations and other actions taken by the Chief Financial Officer for each issue or series of
3681 the notes issued and shall designate in the note issuance certificate the date of the notes, the
3682 series designation, the aggregate principal amount to be issued, the authorized denominations of
3683 the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a
3684 separate certificate, not more than 15 days before each original issuance of a series, the total
3685 anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the
3686 total amount of all general obligation revenue anticipation notes issued and outstanding at any
3687 time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for
3688 the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall
3689 be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the
3690 certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery
3691 of the notes covered by the certificates.

3692 Sec. 1027. Payment and security.

3693 (a) The full faith and credit of the District is pledged for the payment of the principal of,
3694 and interest on, the notes when due.

3695 (b) The funds for the payment of the notes as described in this subtitle shall be
3696 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds

3697 shall be used for the payment of the principal of, and interest on, the notes when due, and shall
3698 not be used for other purposes so long as the notes are outstanding and unpaid.

3699 (c) The notes shall be payable from available funds of the District, including, but not
3700 limited to, any moneys advanced, loaned, or otherwise provided to the District by the United
3701 States Treasury, and shall evidence continuing obligations of the District until paid in accordance
3702 with their terms.

3703 (d) The Chief Financial Officer may, without regard to any act or resolution of the
3704 Council now existing or adopted after the effective date of this subtitle, designate an Escrow
3705 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the
3706 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official
3707 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate
3708 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for
3709 Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation
3710 Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of
3711 the notes as stated in the Escrow Agreement. Funds on deposit, including investment income,
3712 under the Escrow Agreement shall not be used for any purposes except for payment of the notes
3713 or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement
3714 permitted under subsections (k) or (l) of this section, and may be invested only as provided in the
3715 Escrow Agreement.

3716 (e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with
3717 the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued
3718 interest and premium, if any, received upon the sale of the notes.

3719 (f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent
3720 funds in accordance with the Escrow Agreement at the time and in the amount as provided in the
3721 Escrow Agreement.

3722 (2) If Additional Notes are issued pursuant to section 629(b), and if on the date set
3723 forth in the Escrow Agreement, the aggregate amount of principal and interest payable at
3724 maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit,
3725 including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of
3726 District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home
3727 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3728 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period
3729 August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow
3730 Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and
3731 deposit with the Escrow Agent the receipts received by the District after the date set forth in the
3732 Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on
3733 the outstanding notes, including any Additional Notes as described above, is less than 90% of
3734 actual receipts of District taxes (other than special taxes or charges levied pursuant to section
3735 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to
3736 particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-
3737 204.90)).

3738 (3) The District covenants that it shall levy, maintain, or enact taxes due and
3739 payable during August 1, 2020, through September 30, 2020, to provide for payment in full of
3740 the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall
3741 be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act

3742 (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to
3743 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3744 (g) Before the 16th day of each month, beginning in August 2020, the Chief Financial
3745 Officer shall review the current monthly cash flow projections of the District, and if the Chief
3746 Financial Officer determines that the aggregate amount of principal and interest payable at
3747 maturity on the notes then outstanding, less any amounts and investment income on deposit
3748 under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief
3749 Financial Officer to be received after such date by the District but before the maturity of the
3750 notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and
3751 deposit with the Escrow Agent the receipts received by the District on and after that date until
3752 the aggregate amount, including investment income, on deposit with the Escrow Agent equals or
3753 exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their
3754 maturity.

3755 (h) The Chief Financial Officer shall, in the full exercise of the authority granted the
3756 Chief Financial Officer under the Home Rule Act and under any other law, take actions as may
3757 be necessary or appropriate to ensure that the principal of and interest on the notes are paid when
3758 due, including, but not limited to, seeking an advance or loan of moneys from the United States
3759 Treasury if available under then current law. This action shall include, without limitation, the
3760 deposit of available funds with the Escrow Agent as may be required under section 483 of the
3761 Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement.
3762 Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief
3763 Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her
3764 discretion.

3765 (i) There are provided and approved for expenditure sums as may be necessary
3766 for making payments of the principal of, and interest on, the notes, and the provisions of the
3767 Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented
3768 accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official
3769 Code § 1-204.83)).

3770 (j) The notes shall be payable, as to both principal and interest, in lawful money of the
3771 United States of America in immediately available or same day funds at a bank or trust company
3772 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the
3773 District. All of the paying agents shall be qualified to act as paying agents under the laws of the
3774 United States of America, of the District, or of the state in which they are located, and shall be
3775 designated by the Chief Financial Officer without regard to any other act or resolution of the
3776 Council now existing or adopted after the effective date of this subtitle.

3777 (k) In addition to the security available for the holders of the notes, the Chief Financial
3778 Officer is hereby authorized to enter into agreements, including any agreement calling for
3779 payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial
3780 institution to provide a letter of credit, line of credit, or other form of credit enhancement to
3781 secure repayment of the notes when due. The obligation of the District to reimburse the bank or
3782 financial institution for any advances made under any such credit enhancement shall be a general
3783 obligation of the District until repaid and shall accrue interest at the rate of interest established by
3784 the Chief Financial Officer not in excess of 15% per year until paid.

3785 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
3786 371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the

3787 D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from
3788 time to time determine to be necessary or appropriate to place, in whole or in part, including:

3789 (1) An investment or obligation of the District as represented by the notes;

3790 (2) An investment or obligation or program of investment; or

3791 (3) A contract or contracts based on the interest rate, currency, cash flow, or other
3792 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap
3793 agreements; currency swap agreements; insurance agreements; forward payment conversion
3794 agreements; futures; contracts providing for payments based on levels of, or changes in, interest
3795 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a
3796 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,
3797 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts
3798 or other arrangements also may be entered into by the District in connection with, or incidental
3799 to, entering into or maintaining any agreement that secures the notes. The contracts or other
3800 arrangements shall contain whatever payment, security, terms, and conditions as the Chief
3801 Financial Officer may consider appropriate and shall be entered into with whatever party or
3802 parties the Chief Financial Officer may select, after giving due consideration, where applicable,
3803 to the creditworthiness of the counterparty or counterparties including any rating by a nationally
3804 recognized rating agency or any other criteria as may be appropriate. In connection with, or
3805 incidental to, the issuance or holding of the notes, or entering into any contract or other
3806 arrangement referred to in this section, the District may enter into credit enhancement or
3807 liquidity agreements, with payment, interest rate, termination date, currency, security, default,
3808 remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds
3809 of the notes and any money set aside for payment of the notes or of any contract or other

3810 arrangement entered into pursuant to this section may be used to service any contract or other
3811 arrangement entered into pursuant to this section.

3812 Sec. 1028. Defeasance.

3813 (a) The notes shall no longer be considered outstanding and unpaid for the purpose of this
3814 subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow
3815 Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

3816 (1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow
3817 agent,” in a separate defeasance escrow account, established and maintained by the Escrow
3818 Agent solely at the expense of the District and held in trust for the note owners, sufficient
3819 moneys or direct obligations of the United States, the principal of and interest on which, when
3820 due and payable, will provide sufficient moneys to pay when due the principal of, and interest
3821 payable at maturity on, all the notes; and

3822 (2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to
3823 apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

3824 (b) The defeasance escrow agent shall not invest the defeasance escrow account in any
3825 investment callable at the option of its issuer if the call could result in less than sufficient moneys
3826 being available for the purposes required by this section.

3827 (c) The moneys and direct obligations referred to in subsection (a)(1) of this section may
3828 include moneys or direct obligations of the United States of America held under the Escrow
3829 Agreement and transferred, at the written direction of the Chief Financial Officer, to the
3830 defeasance escrow account.

3831 (d) The defeasance escrow account specified in subsection (a) of this section may be
3832 established and maintained without regard to any limitations placed on these accounts by any act

3833 or resolution of the Council now existing or adopted after this subtitle becomes effective, except
3834 for this subtitle.

3835 Sec. 1029. Additional debt and other obligations.

3836 (a) The District reserves the right at any time to: borrow money or enter into
3837 other obligations to the full extent permitted by law; secure the borrowings or obligations by the
3838 pledge of its full faith and credit; secure the borrowings or obligations by any other security and
3839 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional
3840 Notes, or other instruments to evidence the borrowings or obligations.

3841 (b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule
3842 Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the
3843 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other
3844 available funds for payment of the principal of, and the interest on, the Additional Notes issued
3845 pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis
3846 with the notes.

3847 (2) The receipts and available funds referred to in subsection (a) of this section
3848 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home
3849 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3850 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3851 (3) Any covenants relating to any Additional Notes shall have equal standing and
3852 be on a parity with the covenants made for payment of the principal of, and the interest on, the
3853 notes.

3854 (4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act
3855 (D.C. Official Code § 1-204.72), the provisions of section 627 shall apply to both the notes and

3856 the Additional Notes and increase the amounts required to be set aside and deposited with the
3857 Escrow Agent.

3858 (5) As a condition precedent to the issuance of any Additional Notes, the Chief
3859 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance
3860 with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-
3861 aside and deposit of receipts pursuant to section 627(g) applied as of the date of issuance is
3862 required, and that no set-aside and deposit will be required under section 627(g) applied
3863 immediately after the issuance.

3864 Sec. 1030. Tax matters.

3865 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle
3866 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial
3867 Officer shall take all actions necessary to be taken so that the interest on the notes will not be
3868 includable in gross income for federal income tax purposes.

3869 Sec. 1031. Contract.

3870 This subtitle shall constitute a contract between the District and the owners of the notes
3871 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in
3872 conflict with this subtitle, this subtitle shall be controlling.

3873 Sec. 1032. District officials.

3874 (a) The elected or appointed officials, officers, employees, or agents of the District shall
3875 not be liable personally for the payment of the notes or be subject to any personal liability by
3876 reason of the issuance of the notes.

3877 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
3878 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding
3879 the fact that the official ceases to be that official before delivery of the notes.

3880 Sec. 1033. Authorized delegation of authority.

3881 To the extent permitted by the District and federal laws, the Mayor may delegate to the
3882 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act
3883 authorized to be performed by the Mayor under this subtitle.

3884 Sec. 1034. Maintenance of documents.

3885 Copies of the notes and related documents shall be filed in the Office of the Secretary.

3886

3887 **TITLE XI. REVENUE BONDS**

3888 **SUBTITLE A. STUDIO THEATER, INC.**

3889 Sec. 1101. Short title.

3890 This subtitle may be cited as the “The Studio Theatre, Inc. Revenue Bonds Emergency
3891 Act of 2020”.

3892 Sec. 1102. Definitions.

3893 For the purposes of this subtitle the term:

3894 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
3895 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
3896 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
3897 the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.
3898 Official Code § 422(6)).

3899 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
3900 counsel from time to time by the Mayor.

3901 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
3902 obligations (including refunding bonds, notes, and other obligations), in one or more series,
3903 authorized to be issued pursuant to this subtitle.

3904 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
3905 with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation
3906 organized under the laws of the District of Columbia, which is exempt from federal income taxes
3907 under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A
3908 Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal
3909 Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and
3910 which is liable for the repayment of the Bonds.

3911 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

3912 (6) “Closing Documents” means all documents and agreements, other than
3913 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the
3914 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,
3915 receipts, and other similar instruments.

3916 (7) “District” means the District of Columbia.

3917 (8) “Financing Documents” means the documents, other than Closing Documents,
3918 that relate to the financing, refinancing or reimbursement of transactions to be effected through
3919 the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering
3920 document, and any required supplements to any such documents.

3921 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3922 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3923 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
3924 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
3925 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
3926 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
3927 with the development and implementation of the Financing Documents, the Closing Documents,
3928 and those other documents necessary or appropriate in connection with the authorization,
3929 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
3930 Loan, together with financing fees, costs, and expenses, including program fees and
3931 administrative fees charged by the District, fees paid to financial institutions and insurance
3932 companies, initial letter of credit fees (if any), and compensation to financial advisors and other
3933 persons (other than full-time employees of the District) and entities performing services on
3934 behalf of or as agents for the District.

3935 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
3936 more series, of the Bonds to the Borrower.

3937 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
3938 of the Borrower’s costs of:

3939 (A) Renovating and expanding by approximately 2,780 gross square feet
3940 the Borrower’s mixed-use theater complex located at 1501 14th Street, N.W., in Washington,
3941 D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of
3942 above grade improvements (“Theater Facility”);

3943 (B) Renovating certain residential facilities in Washington, D.C., owned
3944 by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179,
3945 Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W.
3946 (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W.
3947 (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, “Ancillary Facilities” and together
3948 with the Theater Facility, “Facilities”);

3949 (C) Purchasing certain equipment and furnishings, together with other
3950 property, real and personal, functionally related and subordinate to the Facilities;

3951 (D) Funding certain expenditures associated with the financing of the
3952 Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt
3953 service reserve fund or working capital; and

3954 (E) Paying costs of issuance and other related costs, to the extent
3955 permissible.

3956 Sec. 1103. Findings.

3957 The Council finds that:

3958 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
3959 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
3960 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
3961 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the
3962 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
3963 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
3964 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
3965 the purchase, lease, or sale of any property.

3966 (2) The Borrower has requested the District to issue, sell, and deliver revenue
3967 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not
3968 to exceed \$12,500,000, and to make the Loan for the purpose of financing, refinancing, or
3969 reimbursing costs of the Project.

3970 (3) The Facilities are located in the District and will contribute to the health,
3971 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
3972 District, or to economic development of the District.

3973 (4) The Project is an undertaking in the area of capital projects in the form of
3974 facilities used for the Borrower's operations and, in part, as a venue to produce contemporary
3975 theater and serve the community through artistic innovation, engagement, education and
3976 professional development (and property used in connection with or supplementing the
3977 foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-
3978 204.90).

3979 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
3980 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
3981 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.
3982 Sec. 1104. Bond authorization.

3983 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
3984 financing, refinancing, or reimbursing the costs of the Project by:

3985 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
3986 aggregate principal amount not to exceed \$12,500,000; and

3987 (2) The making of the Loan.

3988 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
3989 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
3990 respect to the Bonds as required by the Financing Documents.

3991 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
3992 an amount sufficient to cover costs and expenses incurred by the District in connection with the
3993 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
3994 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
3995 with the District, and maintaining official records of each bond transaction, and assisting in the
3996 redemption, repurchase, and remarketing of the Bonds.

3997 Sec. 1105. Bond details.

3998 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
3999 necessary or appropriate in accordance with this subtitle in connection with the preparation,
4000 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
4001 including, but not limited to, determinations of:

4002 (1) The final form, content, designation, and terms of the Bonds, including a
4003 determination that the Bonds may be issued in certificated or book-entry form;

4004 (2) The principal amount of the Bonds to be issued and denominations of the
4005 Bonds;

4006 (3) The rate or rates of interest or the method for determining the rate or rates of
4007 interest on the Bonds;

4008 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4009 on, the Bonds, and the maturity date or dates of the Bonds;

4010 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4011 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4012 their respective stated maturities;

4013 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4014 replacement of mutilated, lost, stolen, or destroyed Bonds;

4015 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4016 the Bonds;

4017 (8) The time and place of payment of the Bonds;

4018 (9) Procedures for monitoring the use of the proceeds received from the sale of
4019 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4020 the purposes of the Home Rule Act and this subtitle;

4021 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4022 jurisdiction where the Bonds are marketed; and

4023 (11) The terms and types of credit enhancement under which the Bonds may be
4024 secured.

4025 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4026 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4027 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4028 District, and do not constitute lending of the public credit for private undertakings as prohibited
4029 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4030 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4031 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4032 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

4033 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4034 approval, on behalf of the District, of the final form and content of the Bonds.

4035 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4036 otherwise reproduced on the Bonds.

4037 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4038 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4039 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4040 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4041 204.90(a)(4)).

4042 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4043 in one or more series.

4044 Sec. 1106. Sale of the Bonds.

4045 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4046 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4047 the best interest of the District.

4048 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4049 the Bonds, offering documents on behalf of the District, may deem final any such offering
4050 document on behalf of the District for purposes of compliance with federal laws and regulations
4051 governing such matters and may authorize the distribution of the documents in connection with
4052 the sale of the Bonds.

4053 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4054 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4055 the original purchasers of the Bonds upon payment of the purchase price.

4056 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4057 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4058 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4059 for purposes of federal income taxation.

4060 Sec. 1107. Payment and security.

4061 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4062 from proceeds received from the sale of the Bonds, income realized from the temporary
4063 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4064 income realized from the temporary investment of those receipts and revenues prior to payment
4065 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4066 available to the District for the payment of the Bonds, and other sources of payment (other than
4067 from the District), all as provided for in the Financing Documents.

4068 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4069 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4070 the Financing Documents and Closing Documents, including a security interest in certain
4071 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4072 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4073 the sale of the Bonds pursuant to the Financing Documents.

4074 Sec. 1108. Financing and Closing Documents.

4075 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4076 Documents and all Closing Documents to which the District is a party that may be necessary or
4077 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

4078 the Financing Documents and each of the Closing Documents to which the District is not a party
4079 shall be approved, as to form and content, by the Mayor.

4080 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4081 Financing Documents and any Closing Documents to which the District is a party by the
4082 Mayor's manual or facsimile signature.

4083 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4084 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4085 which the District is a party.

4086 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4087 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
4088 approval, on behalf of the District, of the final form and content of the executed Financing
4089 Documents and the executed Closing Documents.

4090 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4091 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4092 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4093 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4094 Sec. 1109. Authorized delegation of authority.

4095 To the extent permitted by District and federal laws, the Mayor may delegate to any
4096 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4097 under this subtitle.

4098 Sec. 1110. Limited liability.

4099 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4100 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a

4101 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a
4102 debt of the District, and shall not constitute lending of the public credit for private undertakings
4103 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4104 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4105 shall have no obligation with respect to the purchase of the Bonds.

4106 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4107 Documents shall create an obligation on the part of the District to make payments with respect to
4108 the Bonds from sources other than those listed for that purpose in section 707.

4109 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4110 transaction or event to be effected by the Financing Documents.

4111 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4112 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4113 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4114 and agreements of the District to the fullest extent authorized by law, and each of those
4115 covenants, obligations, and agreements shall be binding upon the District, subject to the
4116 limitations set forth in this subtitle.

4117 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4118 any claims against the District or any of its elected or appointed officials, officers, employees, or
4119 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4120 or appointed officials, officers, employees or agents to either perform any covenant, undertaking,
4121 or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing
4122 Documents, or as a result of the incorrectness of any representation in or omission from the

4123 Financing Documents or the Closing Documents, unless the District or its elected or appointed
4124 officials, officers, employees, or agents have acted in a willful and fraudulent manner.

4125 Sec. 1111. District officials.

4126 (a) Except as otherwise provided in section 710(f), the elected or appointed officials,
4127 officers, employees, or agents of the District shall not be liable personally for the payment of the
4128 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
4129 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4130 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4131 Documents.

4132 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4133 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
4134 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4135 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4136 Documents.

4137 Sec. 1112. Maintenance of documents.

4138 Copies of the specimen Bonds and of the final Financing Documents and Closing
4139 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4140 Sec. 1113. Information reporting.

4141 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4142 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4143 Council.

4144 Sec. 1114. Disclaimer.

4145 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4146 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4147 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4148 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4149 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4150 against the District, its elected or appointed officials, officers, employees, or agents as a
4151 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4152 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4153 in its sole and absolute discretion. The District gives no assurance and makes no representations
4154 that any portion of any limited amount of bonds or other obligations, the interest on which is
4155 excludable from gross income for federal income tax purposes, will be reserved or will be
4156 available at the time of the proposed issuance of the Bonds.

4157 (c) The District, by enacting this subtitle or by taking any other action in connection with
4158 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4159 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4160 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4161 Bonds, nor any other person shall rely upon the District with respect to these matters.

4162 Sec. 1115. Expiration.

4163 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4164 the effective date of this act, the authorization provided in this subtitle with respect to the
4165 issuance, sale, and delivery of the Bonds shall expire.

4166 Sec. 1116. Severability.

4167 If any particular provision of this subtitle or the application thereof to any person or
4168 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4169 to other persons or circumstances shall not be affected thereby. If any action or inaction
4170 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4171 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
4172 the validity of the Bonds shall not be adversely affected.

4173 **SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.**

4174 Sec. 1121. Short title.

4175 This subtitle may be cited as the “DC Scholars Public Charter School, Inc. Revenue
4176 Bonds Emergency Act of 2020”.

4177 Sec. 1122. Definitions.

4178 For the purpose of this subtitle, the term:

4179 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4180 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4181 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4182 the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.
4183 Official Code § 1-204.22(6)).

4184 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4185 counsel from time to time by the Mayor.

4186 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4187 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4188 authorized to be issued pursuant to this subtitle.

4189 (4) “Borrower” means the owner, operator, manager and user of the assets
4190 financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars
4191 Public Charter School, Inc., a corporation organized under the laws of the District of Columbia,
4192 and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of
4193 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization
4194 described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954
4195 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

4196 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4197 (6) “Closing Documents” means all documents and agreements other than
4198 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
4199 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,
4200 opinions, forms, receipts, and other similar instruments.

4201 (7) “District” means the District of Columbia.

4202 (8) “Financing Documents” means the documents other than Closing Documents
4203 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,
4204 and delivery of the Bonds and the making of the Loan, including any offering document, and any
4205 required supplements to any such documents.

4206 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4207 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4208 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4209 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4210 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4211 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection

4212 with the development and implementation of the Financing Documents, the Closing Documents,
4213 and those other documents necessary or appropriate in connection with the authorization,
4214 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4215 Loan contemplated thereby, together with financing fees, costs, and expenses, including program
4216 fees and administrative fees charged by the District, fees paid to financial institutions and
4217 insurance companies, initial letter of credit fees (if any), compensation to financial advisors and
4218 other persons (other than full-time employees of the District) and entities performing services on
4219 behalf of or as agents for the District.

4220 (11) "Loan" means the District's lending of proceeds from the sale, in one or
4221 more series, of the Bonds to the Borrower.

4222 (12) "Project" means the financing, refinancing, or reimbursing of all or a portion
4223 of the Borrower's costs of:

4224 (A) Financing the acquisition of a leasehold interest in an existing
4225 school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the
4226 "Facility"), which Facility will be operated by the Borrower;

4227 (B) Refinancing the outstanding amount of existing taxable loans
4228 and related expenses, the proceeds of which were used to finance improvements to the Facility;

4229 (C) Funding a debt service reserve fund with respect to the Bonds,
4230 if deemed necessary in connection with the sale of the Bonds;

4231 (D) Paying capitalized interest with respect to the Bonds, if
4232 deemed necessary in connection with the sale of the Bonds; and

4233 (E) Paying allowable Issuance Costs.

4234 Sec. 1123. Findings.

4235 The Council finds that:

4236 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4237 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
4238 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
4239 refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of
4240 undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may
4241 effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any
4242 individual or legal entity, by the purchase of any mortgage, note, or other security, or by the
4243 purchase, lease, or sale of any property.

4244 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4245 bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000, and
4246 to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

4247 (3) The Project is located in the District and will contribute to the health,
4248 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4249 District, or to economic development of the District.

4250 (4) The Project is an undertaking in the area of elementary, secondary, and
4251 college and university facilities within the meaning of section 490 of the Home Rule Act (D.C.
4252 Official Code § 1-204.90).

4253 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4254 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4255 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

4256 Sec. 1124. Bond authorization.

4257 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4258 financing, refinancing, or reimbursing the costs of the Project by:

4259 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the
4260 aggregate principal amount not to exceed \$16,000,000; and

4261 (2) The making of the Loan.

4262 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4263 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4264 respect to the Bonds as required by the Financing Documents.

4265 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4266 an amount sufficient to cover costs and expenses incurred by the District in connection with the
4267 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4268 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
4269 with the District, and maintaining official records of each bond transaction and assisting in the
4270 redemption, repurchase, and remarketing of the Bonds.

4271 Sec. 1125. Bond details.

4272 (a) The Mayor is authorized to take any action reasonably necessary or appropriate in
4273 accordance with this subtitle in connection with the preparation, execution, issuance, sale,
4274 delivery, security for, and payment of the Bonds of each series, including, but not limited to,
4275 determinations of:

4276 (1) The final form, content, designation, and terms of the Bonds, including a
4277 determination that the Bonds may be issued in certificated or book-entry form;

4278 (2) The principal amount of the Bonds to be issued and denominations of the
4279 Bonds;

4280 (3) The rate or rates of interest or the method for determining the rate or rates of
4281 interest on the Bonds;

4282 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4283 on the Bonds, and the maturity date or dates of the Bonds;

4284 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4285 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4286 their respective stated maturities;

4287 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4288 replacement of mutilated, lost, stolen, or destroyed Bonds;

4289 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4290 the Bonds;

4291 (8) The time and place of payment of the Bonds;

4292 (9) Procedures for monitoring the use of the proceeds received from the sale of
4293 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4294 the purposes of the Home Rule Act and this subtitle;

4295 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4296 jurisdiction where the Bonds are marketed; and

4297 (11) The terms and types of credit enhancement under which the Bonds may be
4298 secured.

4299 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4300 obligations of the District, are without recourse to the District, are not a pledge of, and do not

4301 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4302 District, and do not constitute lending of the public credit for private undertakings as prohibited
4303 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4304 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4305 manual or facsimile signature of the Mayor and attested by the Secretary of the District of
4306 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
4307 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4308 approval, on behalf of the District, of the final form and content of the Bonds.

4309 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4310 otherwise reproduced on the Bonds.

4311 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4312 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4313 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4314 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4315 204.90(a)(4)).

4316 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4317 in one or more series.

4318 Sec. 1126. Sale of the Bonds.

4319 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4320 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4321 the best interest of the District.

4322 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4323 the Bonds, offering documents on behalf of the District, may deem final any such offering

4324 document on behalf of the District for purposes of compliance with federal laws and regulations
4325 governing such matters, and may authorize the distribution of the documents in connection with
4326 the sale of the Bonds.

4327 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4328 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4329 the original purchasers of the Bonds upon payment of the purchase price.

4330 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4331 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4332 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4333 for purposes of federal income taxation.

4334 Sec. 1127. Payment and security.

4335 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4336 from proceeds received from the sale of the Bonds, income realized from the temporary
4337 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4338 income realized from the temporary investment of those receipts and revenues prior to payment
4339 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4340 available to the District for the payment of the Bonds, and other sources of payment (other than
4341 from the District), all as provided for in the Financing Documents.

4342 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4343 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4344 the Financing Documents and Closing Documents, including a security interest in certain
4345 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4346 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4347 the sale of the Bonds pursuant to the Financing Documents.

4348 Sec. 1128. Financing and Closing Documents.

4349 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4350 Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and
4351 deliver the Bonds and to make the Loan to the Borrower.

4352 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4353 Financing Documents and any Closing Documents to which the District is a party by the
4354 Mayor's manual or facsimile signature.

4355 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4356 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4357 which the District is a party.

4358 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4359 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
4360 approval, on behalf of the District, of the final form and content of the executed Financing
4361 Documents and the executed Closing Documents.

4362 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4363 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4364 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4365 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4366 Sec. 1129. Authorized delegation of authority.

4367 To the extent permitted by District and federal laws, the Mayor may delegate to any
4368 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4369 under this subtitle.

4370 Sec. 1130. Limited liability.

4371 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4372 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
4373 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
4374 debt of the District, and shall not constitute lending of the public credit for private undertakings
4375 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4376 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4377 shall have no obligation with respect to the purchase of the Bonds.

4378 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4379 Documents shall create an obligation on the part of the District to make payments with respect to
4380 the Bonds from sources other than those listed for that purpose in section 727.

4381 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4382 transaction or event to be effected by the Financing Documents.

4383 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4384 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4385 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4386 and agreements of the District to the fullest extent authorized by law, and each of those
4387 covenants, obligations, and agreements shall be binding upon the District, subject to the
4388 limitations set forth in this subtitle.

4389 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4390 any claims against the District or any of its elected or appointed officials, officers, employees, or
4391 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4392 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
4393 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
4394 nor as a result of the incorrectness of any representation in, or omission from, the Financing
4395 Documents or the Closing Documents, unless the District or its elected or appointed officials,
4396 officers, employees, or agents have acted in a willful and fraudulent manner.

4397 Sec. 1131. District officials.

4398 (a) Except as otherwise provided in section 730(f), the elected or appointed officials,
4399 officers, employees, or agents of the District shall not be liable personally for the payment of the
4400 Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the
4401 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4402 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4403 Documents.

4404 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4405 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
4406 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4407 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4408 Documents.

4409 Sec. 1132. Maintenance of documents.

4410 Copies of the specimen Bonds and of the final Financing Documents and Closing
4411 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4412 Sec. 1133. Information reporting.

4413 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4414 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4415 Council.

4416 Sec. 1134. Disclaimer.

4417 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4418 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4419 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or
4420 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4421 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4422 against the District, its elected or appointed officials, officers, employees, or agents as a
4423 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4424 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4425 in its sole and absolute discretion. The District gives no assurance and makes no representations
4426 that any portion of any limited amount of bonds or other obligations, the interest on which is
4427 excludable from gross income for federal income tax purposes, will be reserved or will be
4428 available at the time of the proposed issuance of the Bonds.

4429 (c) The District, by enacting this subtitle or by taking any other action in connection with
4430 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4431 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4432 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4433 Bonds, nor any other person shall rely upon the District with respect to these matters.

4434 Sec. 1135. Expiration.

4435 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4436 the effective date of this act, the authorization provided in this subtitle with respect to the
4437 issuance, sale, and delivery of the Bonds shall expire.

4438 Sec. 1136. Severability.

4439 If any particular provision of this subtitle, or the application thereof to any person or
4440 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4441 to other persons or circumstances shall not be affected thereby. If any action or inaction
4442 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4443 law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the
4444 validity of the Bonds shall not be adversely affected.

4445

4446 **SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.**

4447 Sec. 1141. Short title.

4448 This subtitle may be cited as the “Washington Housing Conservancy/WHC Park Pleasant
4449 LLC Revenue Bonds Emergency Act of 2020”.

4450 Sec. 1142. Definitions.

4451 For the purposes of this subtitle, the term:

4452 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4453 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4454 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4455 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
4456 (D.C. Official Code § 1-204.22(6)).

4457 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4458 counsel from time to time by the Mayor.

4459 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4460 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4461 authorized to be issued pursuant to this resolution.

4462 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
4463 with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing
4464 Conservancy, a non-profit corporation organized under the laws of the District of Columbia,
4465 and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole
4466 member of which is the Washington Housing Conservancy, both of which are exempt from
4467 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved
4468 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section
4469 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26
4470 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the
4471 repayment of the Bonds.

4472 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4473 (6) “Closing Documents” means all documents and agreements, other than
4474 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the
4475 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,
4476 receipts, and other similar instruments.

4477 (7) “District” means the District of Columbia.

4478 (8) “Financing Documents” means the documents, other than Closing Documents,
4479 that relate to the financing, refinancing or reimbursement of transactions to be effected through

4480 the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering
4481 document, and any required supplements to any such documents.

4482 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4483 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4484 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4485 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4486 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4487 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
4488 with the development and implementation of the Financing Documents, the Closing Documents,
4489 and those other documents necessary or appropriate in connection with the authorization,
4490 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4491 Loan, together with financing fees, costs, and expenses, including program fees and
4492 administrative fees charged by the District, fees paid to financial institutions and insurance
4493 companies, initial letter of credit fees (if any), and compensation to financial advisors and other
4494 persons (other than full-time employees of the District) and entities performing services on
4495 behalf of or as agents for the District.

4496 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
4497 more series, of the Bonds to the Borrower.

4498 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
4499 of the Borrower’s costs of:

4500 (A) Acquiring and renovating real property, including a parcel of land
4501 comprising approximately 2.042 acres improved with approximately 69,910 square feet of
4502 residential rental property comprising 126 rental housing units and associated parking facilities

4503 located in Washington, D.C., commonly known as Park Pleasant Apartments with street
4504 addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant
4505 Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant
4506 Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant
4507 Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively,
4508 “Facility”);

4509 (B) Purchasing certain equipment and furnishings, together with other
4510 property, real and personal, functionally related and subordinate to the Facility;

4511 (C) Funding certain expenditures associated with the financing of the
4512 Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt
4513 service reserve fund or working capital; and

4514 (D) Paying costs of issuance and other related costs, to the extent
4515 permissible.

4516 Sec. 1143. Findings.

4517 The Council finds that:

4518 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4519 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
4520 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
4521 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the
4522 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
4523 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
4524 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
4525 the purchase, lease, or sale of any property.

4526 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4527 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not
4528 to exceed \$28,000,000, and to make the Loan for the purpose of financing, refinancing, or
4529 reimbursing costs of the Project.

4530 (3) The Facility is located in the District and will contribute to the health,
4531 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4532 District, or to economic development of the District.

4533 (4) The Project is an undertaking in the area of housing, within the meaning of
4534 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

4535 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4536 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4537 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.
4538 Sec. 1144. Bond authorization.

4539 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4540 financing, refinancing, or reimbursing the costs of the Project by:

4541 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
4542 aggregate principal amount not to exceed \$28,000,000; and

4543 (2) The making of the Loan.

4544 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4545 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4546 respect to the Bonds as required by the Financing Documents.

4547 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4548 an amount sufficient to cover costs and expenses incurred by the District in connection with the

4549 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4550 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
4551 with the District, and maintaining official records of each bond transaction, and assisting in the
4552 redemption, repurchase, and remarketing of the Bonds.

4553 Sec. 1145. Bond details.

4554 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
4555 necessary or appropriate in accordance with this subtitle in connection with the preparation,
4556 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
4557 including, but not limited to, determinations of:

4558 (1) The final form, content, designation, and terms of the Bonds, including a
4559 determination that the Bonds may be issued in certificated or book-entry form;

4560 (2) The principal amount of the Bonds to be issued and denominations of the
4561 Bonds;

4562 (3) The rate or rates of interest or the method for determining the rate or rates of
4563 interest on the Bonds;

4564 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4565 on, the Bonds, and the maturity date or dates of the Bonds;

4566 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4567 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4568 their respective stated maturities;

4569 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4570 replacement of mutilated, lost, stolen, or destroyed Bonds;

4571 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4572 the Bonds;

4573 (8) The time and place of payment of the Bonds;

4574 (9) Procedures for monitoring the use of the proceeds received from the sale of
4575 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4576 the purposes of the Home Rule Act and this subtitle;

4577 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4578 jurisdiction where the Bonds are marketed; and

4579 (11) The terms and types of credit enhancement under which the Bonds may be
4580 secured.

4581 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4582 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4583 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4584 District, and do not constitute lending of the public credit for private undertakings as prohibited
4585 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4586 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4587 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4588 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
4589 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4590 approval, on behalf of the District, of the final form and content of the Bonds.

4591 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4592 otherwise reproduced on the Bonds.

4593 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4594 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4595 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4596 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4597 204.90(a)(4)).

4598 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4599 in one or more series.

4600 Sec. 1146. Sale of the Bonds.

4601 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4602 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4603 the best interest of the District.

4604 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4605 the Bonds, offering documents on behalf of the District, may deem final any such offering
4606 document on behalf of the District for purposes of compliance with federal laws and regulations
4607 governing such matters and may authorize the distribution of the documents in connection with
4608 the sale of the Bonds.

4609 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4610 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4611 the original purchasers of the Bonds upon payment of the purchase price.

4612 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4613 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4614 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4615 for purposes of federal income taxation.

4616 Sec. 1147. Payment and security.

4617 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4618 from proceeds received from the sale of the Bonds, income realized from the temporary
4619 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4620 income realized from the temporary investment of those receipts and revenues prior to payment
4621 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4622 available to the District for the payment of the Bonds, and other sources of payment (other than
4623 from the District), all as provided for in the Financing Documents.

4624 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4625 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4626 the Financing Documents and Closing Documents, including a security interest in certain
4627 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4628 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4629 the sale of the Bonds pursuant to the Financing Documents.

4630 Sec. 1148. Financing and Closing Documents.

4631 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4632 Documents and all Closing Documents to which the District is a party that may be necessary or
4633 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of
4634 the Financing Documents and each of the Closing Documents to which the District is not a party
4635 shall be approved, as to form and content, by the Mayor.

4636 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4637 Financing Documents and any Closing Documents to which the District is a party by the
4638 Mayor's manual or facsimile signature.

4639 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4640 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4641 which the District is a party.

4642 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4643 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
4644 approval, on behalf of the District, of the final form and content of the executed Financing
4645 Documents and the executed Closing Documents.

4646 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4647 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4648 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4649 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4650 Sec. 1149. Authorized delegation of authority.

4651 To the extent permitted by District and federal laws, the Mayor may delegate to any
4652 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4653 under this subtitle.

4654 Sec. 1150. Limited liability.

4655 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4656 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
4657 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a
4658 debt of the District, and shall not constitute lending of the public credit for private undertakings
4659 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4660 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4661 shall have no obligation with respect to the purchase of the Bonds.

4662 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4663 Documents shall create an obligation on the part of the District to make payments with respect to
4664 the Bonds from sources other than those listed for that purpose in section 747.

4665 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4666 transaction or event to be effected by the Financing Documents.

4667 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4668 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4669 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4670 and agreements of the District to the fullest extent authorized by law, and each of those
4671 covenants, obligations, and agreements shall be binding upon the District, subject to the
4672 limitations set forth in this subtitle.

4673 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4674 any claims against the District or any of its elected or appointed officials, officers, employees, or
4675 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4676 or appointed officials, officers, employees or agents to either perform any covenant, undertaking,
4677 or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing
4678 Documents, or as a result of the incorrectness of any representation in or omission from the
4679 Financing Documents or the Closing Documents, unless the District or its elected or appointed
4680 officials, officers, employees, or agents have acted in a willful and fraudulent manner.

4681 Sec. 1151. District officials.

4682 (a) Except as otherwise provided in section 750(f), the elected or appointed officials,
4683 officers, employees, or agents of the District shall not be liable personally for the payment of the
4684 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the

4685 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4686 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4687 Documents.

4688 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4689 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
4690 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4691 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4692 Documents.

4693 Sec. 1152. Maintenance of documents.

4694 Copies of the specimen Bonds and of the final Financing Documents and Closing
4695 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4696 Sec. 1153. Information reporting.

4697 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4698 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4699 Council.

4700 Sec. 1154. Disclaimer.

4701 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4702 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4703 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4704 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4705 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4706 against the District, its elected or appointed officials, officers, employees, or agents as a
4707 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4708 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4709 in its sole and absolute discretion. The District gives no assurance and makes no representations
4710 that any portion of any limited amount of bonds or other obligations, the interest on which is
4711 excludable from gross income for federal income tax purposes, will be reserved or will be
4712 available at the time of the proposed issuance of the Bonds.

4713 (c) The District, by enacting this subtitle or by taking any other action in connection with
4714 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4715 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4716 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4717 Bonds, nor any other person shall rely upon the District with respect to these matters.

4718 Sec. 1155. Expiration.

4719 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4720 the effective date of this act, the authorization provided in this subtitle with respect to the
4721 issuance, sale, and delivery of the Bonds shall expire.

4722 Sec. 1156. Severability.

4723 If any particular provision of this subtitle or the application thereof to any person or
4724 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4725 to other persons or circumstances shall not be affected thereby. If any action or inaction
4726 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4727 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
4728 the validity of the Bonds shall not be adversely affected.

4729 **SUBTITLE D. NATIONAL PUBLIC RADIO, INC.**

4730 Sec. 1161. Short title.

4731 This subtitle may be cited as the “National Public Radio, Inc., Refunding Revenue Bonds
4732 Emergency Act of 2020”.

4733 Sec. 1162. Definitions.

4734 For the purpose of this subtitle, the term:

4735 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4736 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4737 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4738 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
4739 (D.C. Official Code § 1-204.22(6)).

4740 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4741 counsel from time to time by the Mayor.

4742 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4743 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4744 authorized to be issued pursuant to this resolution.

4745 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
4746 with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit
4747 corporation organized and existing under the laws of the District of Columbia, and exempt from
4748 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved
4749 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section
4750 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26
4751 U.S.C. § 501(c)(3)).

4752 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4753 (6) “Closing Documents” means all documents and agreements other than
4754 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
4755 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,
4756 opinions, forms, receipts, and other similar instruments.

4757 (7) “District” means the District of Columbia.

4758 (8) “Financing Documents” means the documents, other than Closing Documents,
4759 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,
4760 and delivery of the Bonds and the making of the Loan, including any offering document and any
4761 required supplements to any such documents.

4762 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4763 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4764 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4765 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4766 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4767 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
4768 with the development and implementation of the Financing Documents, the Closing Documents,
4769 and those other documents necessary or appropriate in connection with the authorization,
4770 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4771 Loan contemplated thereby, together with financing fees, costs, and expenses, including program
4772 fees and administrative fees charged by the District, fees paid to financial institutions and
4773 insurance companies, letter of credit fees (if any), compensation to financial advisors and other

4774 persons (other than full-time employees of the District) and entities performing services on
4775 behalf of or as agents for the District.

4776 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
4777 more series, of the Bonds to the Borrower.

4778 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
4779 of the Borrower’s costs (including payments of principal of, and interest on, the bonds being
4780 refunded) to:

4781 (A) Refund all or a portion of the outstanding District of Columbia
4782 Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of
4783 which were used to advance refund a portion of the District of Columbia Revenue Bonds
4784 (National Public Radio, Inc. Issue) Series 2010 (the “Series 2010 Bonds”) and to pay Issuance
4785 Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of
4786 the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office,
4787 production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C.
4788 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

4789 (B) Refund all or a portion of the outstanding District of Columbia
4790 Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of
4791 which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance
4792 Costs.

4793 Sec. 1163. Findings.

4794 The Council finds that:

4795 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4796 that the Council may by act authorize the issuance of District revenue bonds, notes, or other

4797 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
4798 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the
4799 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
4800 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
4801 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
4802 the purchase, lease, or sale of any property.

4803 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4804 bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000 and
4805 to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

4806 (3) The Project is located in the District and will contribute to the health,
4807 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4808 District, or to economic development of the District.

4809 (4) The Project is an undertaking in the area of education and contributes to the
4810 health, education, safety, or welfare of residents of the District within the meaning of section 490
4811 of the Home Rule Act (D.C. Official Code § 1-204.90).

4812 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4813 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4814 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

4815 Sec. 1164. Bond authorization.

4816 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4817 financing, refinancing, or reimbursing the costs of the Project by:

4818 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the
4819 aggregate principal amount not to exceed \$210,000,000; and

4820 (2) The making of the Loan.

4821 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4822 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4823 respect to the Bonds as required by the Financing Documents.

4824 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4825 an amount sufficient to cover costs and expenses incurred by the District in connection with the
4826 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4827 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
4828 with the District, and maintaining official records of each bond transaction and assisting in the
4829 redemption, repurchase, and remarketing of the Bonds.

4830 Sec. 1165. Bond details.

4831 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
4832 necessary or appropriate in accordance with this subtitle in connection with the preparation,
4833 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
4834 including, but not limited to, determinations of:

4835 (1) The final form, content, designation, and terms of the Bonds, including a
4836 determination that the Bonds may be issued in certificated or book-entry form;

4837 (2) The principal amount of the Bonds to be issued and denominations of the
4838 Bonds;

4839 (3) The rate or rates of interest or the method for determining the rate or rates of
4840 interest on the Bonds;

4841 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4842 on the Bonds, and the maturity date or dates of the Bonds;

4843 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4844 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4845 their respective stated maturities;

4846 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4847 replacement of mutilated, lost, stolen, or destroyed Bonds;

4848 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4849 the Bonds;

4850 (8) The time and place of payment of the Bonds;

4851 (9) Procedures for monitoring the use of the proceeds received from the sale of
4852 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4853 the purposes of the Home Rule Act and this subtitle;

4854 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4855 jurisdiction where the Bonds are marketed; and

4856 (11) The terms and types of credit enhancement under which the Bonds may be
4857 secured.

4858 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4859 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4860 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4861 District, and do not constitute lending of the public credit for private undertakings as prohibited
4862 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4863 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4864 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4865 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

4866 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4867 approval, on behalf of the District, of the final form and content of the Bonds.

4868 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4869 otherwise reproduced on the Bonds.

4870 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4871 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4872 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4873 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4874 204.90(a)(4)).

4875 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4876 in one or more series.

4877 Sec. 1166. Sale of the Bonds.

4878 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4879 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4880 the best interest of the District.

4881 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4882 the Bonds, offering documents on behalf of the District, may deem final any such offering
4883 document on behalf of the District for purposes of compliance with federal laws and regulations
4884 governing such matters and may authorize the distribution of the documents in connection with
4885 the sale of the Bonds.

4886 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4887 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4888 the original purchasers of the Bonds upon payment of the purchase price.

4889 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4890 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4891 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4892 for purposes of federal income taxation.

4893 Sec. 1167. Payment and security.

4894 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4895 from proceeds received from the sale of the Bonds, income realized from the temporary
4896 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4897 income realized from the temporary investment of those receipts and revenues prior to payment
4898 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4899 available to the District for the payment of the Bonds, and other sources of payment (other than
4900 from the District), all as provided for in the Financing Documents.

4901 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4902 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4903 the Financing Documents and Closing Documents, including a security interest in certain
4904 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4905 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4906 the sale of the Bonds pursuant to the Financing Documents.

4907 Sec. 1168. Financing and Closing Documents.

4908 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4909 Documents and all Closing Documents to which the District is a party that may be necessary or
4910 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

4911 the Financing Documents and each of the Closing Documents to which the District is not a party
4912 shall be approved, as to form and content, by the Mayor.

4913 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4914 Financing Documents and any Closing Documents to which the District is a party by the
4915 Mayor's manual or facsimile signature.

4916 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4917 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4918 which the District is a party.

4919 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4920 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
4921 approval, on behalf of the District, of the final form and content of said executed Financing
4922 Documents and said executed Closing Documents.

4923 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4924 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4925 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4926 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4927 Sec. 1169. Authorized delegation of authority.

4928 To the extent permitted by District and federal laws, the Mayor may delegate to any
4929 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4930 under this subtitle.

4931 Sec. 1170. Limited liability.

4932 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4933 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a

4934 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
4935 debt of the District, and shall not constitute lending of the public credit for private undertakings
4936 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4937 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4938 shall have no obligation with respect to the purchase of the Bonds.

4939 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4940 Documents shall create an obligation on the part of the District to make payments with respect to
4941 the Bonds from sources other than those listed for that purpose in section 767.

4942 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4943 transaction or event to be effected by the Financing Documents.

4944 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4945 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4946 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4947 and agreements of the District to the fullest extent authorized by law, and each of those
4948 covenants, obligations, and agreements shall be binding upon the District, subject to the
4949 limitations set forth in this subtitle.

4950 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4951 any claims against the District or any of its elected or appointed officials, officers, employees, or
4952 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4953 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
4954 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
4955 nor as a result of the incorrectness of any representation in or omission from the Financing

4956 Documents or the Closing Documents, unless the District or its elected or appointed officials,
4957 officers, employees, or agents have acted in a willful and fraudulent manner.

4958 Sec. 1171. District officials.

4959 (a) Except as otherwise provided in section 770(f), the elected or appointed officials,
4960 officers, employees, or agents of the District shall not be liable personally for the payment of the
4961 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
4962 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4963 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4964 Documents.

4965 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4966 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
4967 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4968 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4969 Documents.

4970 Sec. 1172. Maintenance of documents.

4971 Copies of the specimen Bonds and of the final Financing Documents and Closing
4972 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4973 Sec. 1173. Information reporting.

4974 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4975 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4976 Council.

4977 Sec. 1174. Disclaimer.

4978 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4979 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4980 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4981 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4982 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4983 against the District, its elected or appointed officials, officers, employees, or agents as a
4984 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4985 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4986 in its sole and absolute discretion. The District gives no assurance and makes no representations
4987 that any portion of any limited amount of bonds or other obligations, the interest on which is
4988 excludable from gross income for federal income tax purposes, will be reserved or will be
4989 available at the time of the proposed issuance of the Bonds.

4990 (c) The District, by enacting this subtitle or by taking any other action in connection with
4991 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4992 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4993 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4994 Bonds, nor any other person shall rely upon the District with respect to these matters.

4995 Sec. 1175. Expiration.

4996 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4997 the effective date of this act, the authorization provided in this subtitle with respect to the
4998 issuance, sale, and delivery of the Bonds shall expire.

4999 Sec. 1176. Severability.

5000 If any particular provision of this subtitle or the application thereof to any person or
5001 circumstance is held invalid, the remainder of this subtitle and the application of such provision
5002 to other persons or circumstances shall not be affected thereby. If any action or inaction
5003 contemplated under this subtitle is determined to be contrary to the requirements of applicable
5004 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
5005 the validity of the Bonds shall not be adversely affected.

5006

5007 **SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.**

5008 Sec. 1181. Short title.

5009 This subtitle may be cited as the “Public Welfare Foundation, Inc., Revenue Bonds
5010 Emergency Act of 2020”.

5011 Sec. 1182. Definitions.

5012 For the purpose of this subtitle, the term:

5013 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
5014 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
5015 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
5016 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
5017 (D.C. Official Code § 1-204.22(6)).

5018 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
5019 counsel from time to time by the Mayor.

5020 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
5021 obligations (including refunding bonds, notes, and other obligations), in one or more series,
5022 authorized to be issued pursuant to this resolution.

5023 (4) “Borrower” means the owner of the assets financed or refinanced with
5024 proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit
5025 corporation organized and existing under the laws of the State of Delaware, duly authorized to
5026 transact business as a foreign corporation in the District of Columbia, and exempt from federal
5027 income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of
5028 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

5029 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

5030 (6) “Closing Documents” means all documents and agreements, other than
5031 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
5032 and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts,
5033 and other similar instruments.

5034 (7) “District” means the District of Columbia.

5035 (8) “Financing Documents” means, the documents, other than Closing
5036 Documents, that relate to the financing, refinancing or reimbursement of transactions to be
5037 effected through the issuance, sale, and delivery of the Bonds and the making of the Loan,
5038 including any offering document and any required supplements to any such documents.

5039 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
5040 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

5041 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
5042 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
5043 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
5044 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
5045 with the development and implementation of the Financing Documents, the Closing Documents,
5046 and those other documents necessary or appropriate in connection with the authorization,
5047 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
5048 Loan, together with financing fees, costs, and expenses, including program fees and
5049 administrative fees charged by the District, fees paid to financial institutions and insurance
5050 companies, initial letter of credit fees (if any), compensation to financial advisors and other
5051 persons (other than full-time employees of the District) and entities performing services on
5052 behalf of or as agents for the District.

5053 (11) “Loan” means the District’s lending to the Borrower of the proceeds from the
5054 sale, in one or more series, of the Bonds.

5055 (12) “Project” means the financing, refinancing or reimbursing of the Borrower,
5056 on a tax exempt or taxable basis, for all or a portion of the Borrower’s costs incurred in
5057 connection with the renovation of certain facilities of the Borrower located at 1200 U Street,
5058 N.W., Washington, D.C. (the “Building”) in one or more phases and comprised of the following:

5059 (A) Replacement of nearly all exterior windows of the Building and the
5060 repair of certain sheet metal and masonry;

5061 (B) Soft costs, including architectural, engineering, and permitting fees, in
5062 connection therewith;

5063 (C) Purchase of certain equipment and furnishings, together with other
5064 property, real and personal, functionally related and subordinate thereto;

5065 (D) Refinancing, in whole or in part, of existing indebtedness; and

5066 (E) Certain expenditures associated therewith to the extent financeable,
5067 including, without limitation, Issuance Costs, credit costs, and working capital.

5068 Sec. 1183. Findings.

5069 The Council finds that:

5070 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
5071 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
5072 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
5073 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the
5074 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
5075 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
5076 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
5077 the purchase, lease, or sale of any property.

5078 (2) The Borrower has requested the District to issue, sell, and deliver revenue and
5079 refunding bonds, in one or more series, in an aggregate principal amount not to exceed
5080 \$13,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs
5081 of the Project.

5082 (3) The Project is located in the District and will contribute to the health,
5083 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
5084 District, or to economic development of the District.

5085 (4) The Project is an undertaking in the area of a capital project as facilities used
5086 to house and equip operations related to the study, development, application, or production of
5087 social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-
5088 204.90).

5089 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
5090 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
5091 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.
5092 Sec. 1184. Bond authorization.

5093 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
5094 financing, refinancing, or reimbursing the costs of the Project by:

5095 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
5096 aggregate principal amount not to exceed \$13,000,000; and

5097 (2) The making of the Loan.

5098 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
5099 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
5100 respect to the Bonds as required by the Financing Documents.

5101 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
5102 an amount sufficient to cover costs and expenses incurred by the District in connection with the
5103 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
5104 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
5105 with the District, and maintaining official records of each bond transaction and assisting in the
5106 redemption, repurchase, and remarketing of the Bonds.

5107 Sec. 1185. Bond details.

5108 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
5109 necessary or appropriate in accordance with this subtitle in connection with the preparation,
5110 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
5111 including, but not limited to, determinations of:

5112 (1) The final form, content, designation, and terms of the Bonds, including a
5113 determination that the Bonds may be issued in certificated or book-entry form;

5114 (2) The principal amount of the Bonds to be issued and denominations of the
5115 Bonds;

5116 (3) The rate or rates of interest or the method for determining the rate or rates of
5117 interest on the Bonds;

5118 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
5119 on the Bonds, and the maturity date or dates of the Bonds;

5120 (5) The terms under which the Bonds may be paid, optionally or mandatorily
5121 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
5122 their respective stated maturities;

5123 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
5124 replacement of mutilated, lost, stolen, or destroyed Bonds;

5125 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
5126 the Bonds;

5127 (8) The time and place of payment of the Bonds;

5128 (9) Procedures for monitoring the use of the proceeds received from the sale of
5129 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
5130 the purposes of the Home Rule Act and this subtitle;

5131 (10) Actions necessary to qualify the Bonds under blue sky laws of any
5132 jurisdiction where the Bonds are marketed; and

5133 (11) The terms and types of credit enhancement under which the Bonds may be
5134 secured.

5135 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
5136 obligations of the District, are without recourse to the District, are not a pledge of, and do not
5137 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
5138 District, and do not constitute lending of the public credit for private undertakings as prohibited
5139 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5140 (c) The Bonds shall be executed in the name of the District and on its behalf by the
5141 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
5142 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
5143 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
5144 approval, on behalf of the District, of the final form and content of the Bonds.

5145 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
5146 otherwise reproduced on the Bonds.

5147 (e) The Bonds of any series may be issued in accordance with the terms of a trust
5148 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
5149 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered

5150 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
5151 204.90(a)(4)).

5152 (f) The Bonds may be issued at any time or from time to time in one or more issues and
5153 in one or more series.

5154 Sec. 1186. Sale of the Bonds.

5155 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
5156 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
5157 the best interest of the District.

5158 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
5159 the Bonds, offering documents on behalf of the District, may deem final any such offering
5160 document on behalf of the District for purposes of compliance with federal laws and regulations
5161 governing such matters and may authorize the distribution of the documents in connection with
5162 the sale of the Bonds.

5163 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
5164 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
5165 the original purchasers of the Bonds upon payment of the purchase price.

5166 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
5167 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
5168 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
5169 for purposes of federal income taxation.

5170 Sec. 1187. Payment and security.

5171 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
5172 from proceeds received from the sale of the Bonds, income realized from the temporary

5173 investment of those proceeds, receipts and revenues realized by the District from the Loan,
5174 income realized from the temporary investment of those receipts and revenues prior to payment
5175 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
5176 available to the District for the payment of the Bonds, and other sources of payment (other than
5177 from the District), all as provided for in the Financing Documents.

5178 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
5179 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
5180 the Financing Documents and Closing Documents, including a security interest in certain
5181 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

5182 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
5183 the sale of the Bonds pursuant to the Financing Documents.

5184 Sec. 1188. Financing and Closing Documents.

5185 (a) The Mayor is authorized to prescribe the final form and content of all Financing
5186 Documents and all Closing Documents to which the District is a party that may be necessary or
5187 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of
5188 the Financing Documents and each of the Closing Documents to which the District is not a party
5189 shall be approved, as to form and content, by the Mayor.

5190 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
5191 Financing Documents and any Closing Documents to which the District is a party by the
5192 Mayor's manual or facsimile signature.

5193 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
5194 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
5195 which the District is a party.

5196 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
5197 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
5198 approval, on behalf of the District, of the final form and content of said executed Financing
5199 Documents and said executed Closing Documents.

5200 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
5201 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
5202 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
5203 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

5204 Sec. 1189. Authorized delegation of authority.

5205 To the extent permitted by District and federal laws, the Mayor may delegate to any
5206 Authorized Delegate the performance of any function authorized to be performed by the Mayor
5207 under this subtitle.

5208 Sec. 1190. Limited liability.

5209 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
5210 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
5211 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
5212 debt of the District, and shall not constitute lending of the public credit for private undertakings
5213 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5214 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
5215 shall have no obligation with respect to the purchase of the Bonds.

5216 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
5217 Documents shall create an obligation on the part of the District to make payments with respect to
5218 the Bonds from sources other than those listed for that purpose in section 787.

5219 (d) The District shall have no liability for the payment of any Issuance Costs or for any
5220 transaction or event to be effected by the Financing Documents.

5221 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
5222 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
5223 Documents to which the District is a party, shall be considered to be the covenants, obligations,
5224 and agreements of the District to the fullest extent authorized by law, and each of those
5225 covenants, obligations, and agreements shall be binding upon the District, subject to the
5226 limitations set forth in this subtitle.

5227 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
5228 any claims against the District or any of its elected or appointed officials, officers, employees, or
5229 agents for monetary damages suffered as a result of the failure of the District or any of its elected
5230 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
5231 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
5232 or as a result of the incorrectness of any representation in or omission from the Financing
5233 Documents or the Closing Documents, unless the District or its elected or appointed officials,
5234 officers, employees, or agents have acted in a willful and fraudulent manner.

5235 Sec. 1191. District officials.

5236 (a) Except as otherwise provided in section 790(f), the elected or appointed officials,
5237 officers, employees, or agents of the District shall not be liable personally for the payment of the
5238 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
5239 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
5240 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
5241 Documents.

5242 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
5243 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
5244 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
5245 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
5246 Documents.

5247 Sec. 1192. Maintenance of documents.

5248 Copies of the specimen Bonds and of the final Financing Documents and Closing
5249 Documents shall be filed in the Office of the Secretary of the District of Columbia.

5250 Sec. 1193. Information reporting.

5251 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
5252 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
5253 Council.

5254 Sec. 1194. Disclaimer.

5255 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
5256 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
5257 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
5258 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
5259 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
5260 against the District, its elected or appointed officials, officers, employees, or agents as a
5261 consequence of any failure to issue any Bonds for the benefit of the Borrower.

5262 (b) The District reserves the right to issue the Bonds in the order or priority it determines
5263 in its sole and absolute discretion. The District gives no assurance and makes no representations
5264 that any portion of any limited amount of bonds or other obligations, the interest on which is

5265 excludable from gross income for federal income tax purposes, will be reserved or will be
5266 available at the time of the proposed issuance of the Bonds.

5267 (c) The District, by enacting this subtitle or by taking any other action in connection with
5268 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
5269 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
5270 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
5271 Bonds, nor any other person shall rely upon the District with respect to these matters.

5272 Sec. 1195. Expiration.

5273 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
5274 the effective date of this act, the authorization provided in this subtitle with respect to the
5275 issuance, sale, and delivery of the Bonds shall expire.

5276 Sec. 1196. Severability.

5277 If any particular provision of this subtitle or the application thereof to any person or
5278 circumstance is held invalid, the remainder of this subtitle and the application of such provision
5279 to other persons or circumstances shall not be affected thereby. If any action or inaction
5280 contemplated under this subtitle is determined to be contrary to the requirements of applicable
5281 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
5282 the validity of the Bonds shall not be adversely affected.

5283 **TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT;**

5284 **EFFECTIVE DATE**

5285 Sec. 1201. Repeals.

5286 (a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17,
5287 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

5288 (b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020,
5289 effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178) is repealed.

5290 (c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020,
5291 effective May 4, 2020 (D.C. Act 23-299; 67 DCR XXXX) is repealed.

5292 (d) The Coronavirus Omnibus Emergency Amendment Act of 2020, passed on
5293 emergency basis on May 5, 2020 (D.C. Act 23-XXX, DCR XXXX) is repealed.

5294 (e) The Foreclosure Moratorium Emergency Amendment Act of 2020, passed on
5295 emergency basis on May 5, 2020 (D.C. Act 23-XXX, DCR XXXX) is repealed.

5296 (f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted
5297 May X, 2020 (D.C. Act 23-XXX; 67 DCR XXXX) is repealed.

5298 Sec. 1202. Applicability.

5299 (a) Titles I through XI of this act shall apply as of March 11, 2020.

5300 Sec. 1203. Fiscal impact statement.

5301 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
5302 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
5303 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

5304 Sec. 1204. Effective date.

5305 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
5306 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
5307 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
5308 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
5309 Columbia Register.