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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 PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency, due to congressional review, with respect to the need to provide protections to Districts residents and businesses, expand the authority of the Mayor, and ensure continuity of government during the current public health emergency.

45 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
46 resolution may be cited as the “Coronavirus Support Congressional Review Emergency
47 Declaration Resolution of 2020.”

48 Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s
49 Order 2020-45, 2020-46, declaring a public emergency and a public health emergency in the
50 District due to the imminent threat to the health, safety, and welfare of District residents posed
51 by the spread of COVID-19, and on April 17, 2020, Mayor’s Order 2020-63 extending the state
52 of emergency and public health emergency. That order is currently in effect through May 15,
53 2020. Additional orders extending the emergency are likely to be issued.

54 (b) The widespread closure of businesses during this public health emergency makes it
55 necessary to provide wage relief for affected employees through the extension of unemployment
56 benefits.

57 (c) To further aid residents whose employment has been impacted by the public health
58 emergency, it is necessary to clarify eligibility for unemployment insurance, expand the
59 District’s work share program, and align the Accrued Sick and Safe Leave Act of 2008, effective
60 May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 et seq.), with the federal
61 Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134
62 Stat. 178), with respect to emergency leave requirements.

63 (d) Due to the impact of closures and reduced operations, it is necessary to provide
64 businesses in the District relief through the creation of a small business grant program.

65 (e) To aid restaurants while they are unable to provide unrestricted dine-in service, it is
66 necessary to cap the commission fee that third-party food delivery platforms may charge a

67 restaurant to a maximum of 15% of the purchase price on delivery or pick-up orders and to
68 require third-party food delivery platforms to disclose fees to the customer.

69 (f) To ensure businesses who do not have the income to file upcoming corporate
70 registration and trade name renewal applications are not penalized, it is necessary to waive late
71 fees for corporate registration filings and tradename renewal applications to provide some relief.

72 (g) To help District residents who utilize opportunity accounts meet their financial needs,
73 it is necessary to amend the Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C.
74 Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), to allow for greater financial flexibility
75 during a public health emergency.

76 (h) To provide transparency for residents who must bury their loved ones, it is necessary
77 to require the Department of Consumer and Regulatory Affairs, the Board of Funeral Directors,
78 and the Attorney General for the District of Columbia to create a “Funeral Bill of Rights.”

79 (i) To protect consumers and the public during this public health emergency, it is crucial
80 to prohibit price gouging and the hoarding of supplies, and to increase penalties for unlawful
81 trade practices.

82 (j) Many District tenants who have been laid off or had their hours reduced have
83 experienced significant reductions in their earnings, making it imperative to prohibit utility
84 shutoffs or evictions during this public health emergency.

85 (k) As part of the Sustainable Solid Waste Management Act of 2014, the District
86 established incentives for composting and explicitly residents to engage in residential
87 composting to reduce waste. To continue to promote sustainable waste practices during this
88 public health emergency, it is crucial to allow virtual composting training.

89 (l) Since many business are unable to operate during this public health emergency, it is
90 necessary to clarify that vacant property designations due not apply to those businesses who have
91 been ordered to close pursuant to an order for the Mayor.

92 (m) District agencies are operating at reduced capacity due to the public health
93 emergency, creating a need to allow the Mayor to waive deadlines for licenses, registrations, or
94 certifications for businesses and residents.

95 (n) To ensure tenants are not adversely impacted by the public health emergency, it is
96 necessary to prohibit evictions, direct mortgage providers establish mortgage relief plans, enable
97 tenants and residents to establish rental payment plans, prohibit increases in rent during the
98 public health emergency, and extend deadlines for tenants and tenant associations to exercise
99 their rights.

100 (o) To ensure that District residents have an adequate supply of medication to treat
101 medical conditions, it is necessary to allow licensed pharmacists to dispense a refill of a
102 medication prior to the expiration of a waiting period between refills.

103 (p) Homeless individuals in the District are particularly vulnerable to viruses like
104 COVID-19, necessitating amendments to the Homeless Services Reform Act of 2005 (D.C.
105 Official Code § 4-751.01 *et seq.*).

106 (q) To aid the Mayor in addressing the critical needs of District residents during this
107 emergency, there is an immediate need to expand the Mayor's authority under the District of
108 Columbia Public Emergency Act of 1980, and to expand the authority of the authority of the
109 Commissioner of the Department of Insurance, Securities, and Banking.

110 (r) Public benefits such as the Healthcare Alliance, Temporary Assistance for Needy
111 Families (known as, TANF) and the Supplemental Nutritional Assistance Program (known as,

112 SNAP) are crucial supports for the health and well-being of many District residents, creating an
113 immediate need to allow the Mayor to extend the expiration of assistance under these programs
114 until after the expiration this public health emergency.

115 (s) The medical surge projected by the Johns Hopkins model shows that hospitals in the
116 District will need additional capacity, such as increased acute care and ICU beds, to care for
117 patients with COVID19. To prepare for the medical surge, it is necessary to establish a grant
118 program for District hospitals that can be used to purchase necessary equipment, pay for
119 increased personnel costs, and fund the construction and operation of temporary structures to test
120 or treat patients with COVID-19.

121 (t) Long-term care facilities in the District have been disproportionately impacted by the
122 spread of coronavirus, with 322 cases and 73 deaths as of May 4, 2020. Given that long-term
123 care facilities house particularly vulnerable populations, it is necessary to require daily reporting
124 of cases to the Department of Health.

125 (u) As District schools implement distance learning to protect the health and well-being
126 of students, parents and staff during this public health emergency, it is necessary to amend
127 service requirements for graduation, and requirements for out of school time report waivers and
128 summer school attendance.

129 (v) Four individuals currently serving on the University of the District of Columbia's
130 Board of Trustees are set to have their terms expire on May 15, 2020. To make sure that the
131 Board can continue operating effectively and not experience quorum issues, it is necessary to
132 amend the terms for certain Board of Trustee members.

133 (w) As of May 12, 2020, 179 residents in DC jail facilities have tested positive for
134 COVID-19 and one individual has died. Conditions in the facilities have led to lawsuits and

135 ongoing monitoring of Department of Correction practices to keep residents safe. For the
136 Council and the public to have the best possible information on developments occurring within
137 DC jail facilities, it is vital to prescribe reporting requirements.

138 (x) To protect the health and safety of elderly individuals and individuals who have
139 chronic conditions in the criminal justice system, it is necessary to extend the application of good
140 time credits for certain defendants, and align the use of compassionate release with the federal
141 First Step Act of 2018, approved December 21, 2018 (Pub. L. No. 115-391; 132 Stat. 5194).

142 (y) For the health and well-being of District residents, the DC Board of Elections is
143 encouraging voters to request absentee mail-in ballots for the primary election on June 2nd and
144 the special election for Ward 2 on June 16th. To make the process of requesting such a ballot as
145 easy as possible, it is imperative to make changes to the petitioning requirements for ballot
146 access.

147 (z) Notarization is required for many critical activities in the District, including real estate
148 transactions, and legal proceedings. So that these activities can continue without interruption, it
149 is crucial to allow remote notarization during a public health emergency.

150 (aa) Due to the fact that District agencies are operating at reduced capacity during this
151 public health emergency, it is necessary to amend the Freedom of Information Act of 1976,
152 effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.) to allow agencies
153 more time to respond to requests.

154 (bb) To conduct legislative business during the emergency, the Council requires changes
155 to its rules to allow for remote committee and legislative meetings.

156 (cc) It is also necessary to allow flexibility to delay transmission of the fiscal year 2021
157 budget currently scheduled for May 12, 2020.

158 (dd) To ensure continuity of government operations while the public health emergency is
159 in effect, it is necessary to toll certain matters transmitted to the Council, and to confirm
160 appointments and reappointments of Mayoral nominees for specific agencies, boards,
161 committees, and commissions.

162 (ee) Advisory Neighborhood Commissions (“ANCs”) are a vital component of District
163 government, providing advice and insight on critical matters such as planning, social service
164 programs, and public safety in their neighborhoods. To enable ANCs to better respond to the
165 needs of their neighborhoods during this public health emergency, it is necessary to amend
166 petition requirements for ANC candidates, allow for remote ANC meetings, and expand the
167 grantmaking authority of ANCs.

168 (ff) Due to the adverse impacts of this public health emergency on businesses and
169 employees, the District is expected to lose \$721 million in revenue in fiscal year 2020 alone. To
170 ensure that the District has the cash on-hand to meet its budgetary obligations, it is necessary to
171 allow the Chief Financial Officer to engage in short-term borrowing through the issuance of
172 general obligation notes and tax revenue anticipation notes.

173 (gg) To make certain that several nonprofit development projects can move forward
174 during the public health emergency, it is necessary to authorize the issuance of industrial revenue
175 bonds for these projects.

176 Sec. 3. The Council of the District of Columbia determines that the circumstances in
177 section 2 constitute emergency circumstances, making it necessary that the Coronavirus Support
178 Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

179 Sec. 4. This resolution shall take effect immediately.