

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 extend the Mayor’s authority to declare a public health emergency; to amend the Coronavirus Support Temporary Amendment Act of 2020 to clarify certified business enterprise subcontracting requirements, sunset the blanket moratorium on utility shutoffs, clarify utility service levels during a payment plan, and waive community service requirements for school graduations for the 2020-2021 school year; and to repeal an obsolete provision of the Protecting Businesses and Workers from COVID-19 Temporary Amendment Act of 2020..

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Public Health Extension Emergency Declaration Resolution of 2020.”

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Order 2020-45, 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Additional orders have since been issued. It is clear that in order to continue to protect public health, the Mayor must continue the public health emergency for the foreseeable future. However, certain provisions of the Coronavirus Support Temporary Amendment Act of 2020 (D.C. Law 23-130) and associated legislation, which is currently controlling, should be amended in light of the ongoing pandemic response.

39 (b) The Mayor’s current authority to declare a public health emergency expires on
40 December 31, 2020. To continue to limit the spread of COVID-19, it is necessary to extend the
41 Mayor’s authority to continue the public health emergency through March 31, 2021.

42 (c) Under the current law, all “beneficiaries of government-assisted projects” during the
43 public health emergency are subject to a 50% CBE subcontracting requirement, even where the
44 contractor is already a CBE. Thus, a CBE acting as the prime contractor can only perform up to
45 50% of the dollar volume contract. It should be clarified that a CBE contractor must only
46 subcontract the remaining dollar volume to achieve the 50% overall subcontracting requirement.

47 (d) Utility customers entering into authorized payment plans are currently not subject to
48 service disconnection. However, some customers have chosen to not enter into payment plans,
49 because, under current law, there is a blanket disconnection moratorium. Existing law also
50 already prohibits disconnection of service for non-competitive utilities during periods of extreme
51 temperatures. To ensure that utility providers are paid for service, especially providers in the
52 competitive marketplace, the moratorium should sunset January 31, 2020 and customers
53 currently not making payments should transition to a payment plan to continue service. Service
54 may be reduced for cellular and internet customers depending the provisions of a payment plan.

55 (e) The Bridge Fund provides entities with grant funding to continue operations through
56 the pandemic. A clarification is necessary in the Mayor’s grantmaking authority to administer
57 the fund.

58 (f) Community service graduation requirements for the 2019-2020 school year were
59 waived under previous COVID-related legislation, and such waivers should be extended to the
60 2020-2021 school year.

61 Sec. 3. The Council of the District of Columbia determines that the circumstances in
62 section 2 constitute emergency circumstances, making it necessary that the Coronavirus
63 Public Health Extension Emergency Amendment Act of 2020 be adopted after a single reading.

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