


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: December 10, 2020

RE: **Request to Place Measures on the December 15, 2020 Legislative Meeting Agenda**

The following measures are placed on the agenda for the December 15, 2020 Legislative Meeting:

- **Coronavirus Public Health Extension Emergency Declaration Resolution of 2020**
- **Coronavirus Public Health Extension Emergency Amendment Act of 2020**
- **Coronavirus Public Health Extension Temporary Amendment Act of 2020**

On March 11, 2020, the Mayor of the District of Columbia issued Mayor's Orders 2020-45 and 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. In light of the new COVID surge, it is clear that in order to continue to protect public health, the Mayor must continue the 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 due to the ongoing pandemic response.

- The Mayor's current authority to declare a public health emergency expires on December 31, 2020. To continue to limit the spread of COVID-19, it is necessary to extend the Mayor's authority to continue the public health emergency through March 31, 2021.
- Under the current law, all "beneficiaries of government-assisted projects" (contractors) during the public health emergency are subject to a 50% CBE subcontracting requirement, even where the contractor is already a CBE. Thus, a CBE acting as the prime contractor can only perform up to 50% of the dollar volume contract. It should be clarified that a CBE contractor must subcontract only the remaining dollar volume to achieve the 50% overall subcontracting requirement.
- Utility customers entering into authorized payment plans are currently not subject to service disconnection. However, some customers have chosen to not enter into payment plans because, under current law, there is a blanket disconnection moratorium. Existing law also already prohibits disconnection of service for non-competitive utilities during periods of extreme temperatures. To ensure that utility providers are paid for service, especially providers in the competitive marketplace, the moratorium should sunset January 31, 2020 and customers currently not making payments should transition to a payment plan to continue service. Service may be reduced for cellular and internet customers depending the provisions of a payment plan.
- The Bridge Fund provides entities with grant funding to continue operations through the pandemic. A clarification is necessary in the Mayor's grantmaking authority to administer the fund.
- Community service graduation requirements for the 2019-2020 school year were waived, and such waivers should be allowed for the 2020-2021 school year.

The draft measures are attached. Please call me or Mr. Evan Cash if you have any questions at (202) 724-7002.

cc: All Councilmembers
Council Officers
