

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To extend, on an temporary basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Public Health Extension Temporary Amendment Act of 2020”.

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read as follows:

“(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order (“emergency orders”) issued in response to the coronavirus (SARS CoV-2) until March 31, 2021. After the extension authorized by this subsection, the Mayor may

37 extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of
38 this section.”.

39 Sec. 3. The Coronavirus Support Temporary Amendment Act of 2020, effective October
40 9, 2020 (D.C. Law 23-130; 67 DCR 12236) is amended as follows:

41 (a) Section 203(a) is amended by adding new subsections (a-1) and (a-2) to read as
42 follows:

43 “(a-1) Notwithstanding subsection (a) of this section, a certified business enterprise
44 awarded a contract as a beneficiary for a government-assisted project in excess of \$250,000 that
45 is unrelated to the District’s response to the COVID-19 emergency, but entered into during the
46 COVID-19 emergency, shall:

47 “(1) Perform at least 35% of the contracting effort with its own organization and
48 resources if granted points or a price reduction pursuant to D.C. Code § 2–218.43 or selected
49 through a set-aside program; and

50 “(2) If it subcontracts, 50% of the dollar volume of the subcontracted effort shall
51 be with certified business enterprises unless a waiver is granted pursuant to section 2351 of the
52 CBE Act.

53 “(a-2) Notwithstanding subsection (a) of this section, a certified joint venture awarded a
54 contract as a beneficiary for a government-assisted project in excess of \$250,000 that is unrelated
55 to the District’s response to the COVID-19 emergency, but entered into during the COVID-19
56 emergency, shall:

57 “(1) Include a requirement that the certified business enterprise perform at least
58 50% of the contracting effort with its own organization and resources if the certified joint
59 venture is granted points or a price reduction pursuant to D.C. Code § 2–218.43 or selected
60 through a set-aside program; and

61 “(2) If the certified joint venture subcontracts, 50% of the dollar volume of the
62 subcontracted effort shall be with certified business enterprises unless a waiver is granted
63 pursuant to section 2351 of the CBE Act.”

64 (b) Section 307 is amended by adding a new subsection (h) to read as follows:

65 “(h) Subsections (b) through (g) of this section shall sunset on January 30, 2021.”

66 (c) Section 308(e) is amended by striking the phrase “terms of the payment plan” and
67 inserting the phrase “terms of the payment plan, provided that a cable operator or a
68 telecommunications provider may offer a lower level of service commensurate with the actual
69 payments made under the payment plan” in its place.

70 (d) Amendatory Section 5b(a) contained in Section 507(c) is amended as follows:

71 (1) Strike the phrase “program or organization” and insert the phrase “program,
72 organization, business, or entity” in its place.

73 (2) Paragraph (4) is amended by striking the phrase “; or” and inserting a
74 semicolon in its place.

75 (3) Paragraph (5) is amended by striking the phrase “services.” and inserting the
76 phrase “services; or” in its place.

77 (4) A new paragraph (6) is added to read as follows:

78 “(6) Covering the costs of operating a business or organization including rent,
79 utilities or employee wages and benefits.”

80 (e) Section 601 is amended to read as follows:

81 “Sec. 601. Graduation requirements.

82 “Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR
83 § 2201 *et seq.*) is amended as follows:

84 “(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall
85 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,
86 that this requirement shall be waived for a senior who otherwise would be eligible to graduate
87 from high school in the District of Columbia in the 2019-2020 or 2020-2021 school year” in its
88 place.

89 “(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one
90 hundred and twenty (120) hours of classroom instruction over the course of an academic year”
91 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the
92 course of an academic year; except, that following the Superintendent’s approval to grant an
93 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A
94 DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer
95 than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-
96 2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled”
97 in its place.

98 Sec. 4. Section 301 of the Protecting Businesses and Workers from COVID-19
99 Temporary Amendment Act of 2020, enacted on October 28, 2020 (D.C. Act 23-443; 67 DCR
100 13025), is amended as follows:

101 (a) Amendatory section 7(c-1) of the District of Columbia Public Emergency Act of
102 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), in
103 subsection (a) is amended by striking the date “December 31, 2020” and inserting the date
104 “March 31, 2021” in its place.

105 (b) Subsection (b) is repealed.

106 Sec. 5. Fiscal impact statement.

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

110 Sec. 6. Effective date.

111 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
112 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
113 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
114 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
115 Columbia Register.

116 (b) This act shall expire after 225 days of its having taken effect.