

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 support to businesses during the current public health emergency; and for other purposes.

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114 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
115 act may be cited as the “Coronavirus Support Emergency Amendment Act of 2021”.

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

117 Sec. 101. Wage replacement.

118 (a) Notwithstanding any provision of District law, but subject to applicable federal laws
119 and regulations, during a period of time for which the Mayor has declared a public health
120 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
121 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected

122 employee shall be eligible for unemployment insurance in accordance with subsection (b) of this
123 section.

124 (b)(1) Upon application, an affected employee shall receive unemployment insurance
125 compensation (“UI”), which the Director of the Department of Employment Services shall
126 administer under the Unemployment Compensation Program established pursuant to the District
127 of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C.
128 Official Code § 51-101 *et seq.*).

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

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

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

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

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

140 (d) For the purposes of this section, the term “affected employee” means an employee
141 who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to
142 section 9 of the District of Columbia Unemployment Compensation Act, approved August 28,
143 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have
144 become unemployed or partially unemployed as a result of the circumstances giving rise to the

145 public health emergency. The term “affected employee” includes an employee who has been
146 quarantined or isolated by the Department of Health or any other applicable District or federal
147 agency, an employee who has self-quarantined or self-isolated in a manner consistent with the
148 recommendations or guidance of the Department of Health, any other applicable District or
149 federal agency, or a medical professional, or an employee of an employer that ceased or reduced
150 operations due to an order or guidance from the Mayor or the Department of Health or a
151 reduction in business revenue resulting from the circumstances giving rise to the public health
152 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation
153 required by the Mayor or the Mayor’s designee.

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

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

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

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

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

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

171 (g) Notwithstanding any provision of District law, but subject to applicable federal laws
172 and regulations, during a period of time for which the Mayor has declared a public health
173 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
174 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
175 requirements of section 9(a)(4)(B) and (5) of the District of Columbia Unemployment
176 Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-
177 109(a)(4)(B) and (5)), shall not apply.

178

179 Sec. 102. Unemployment insurance clarification.

180 The District of Columbia Unemployment Compensation Act, effective August 28, 1935
181 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

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

184 “(A-i) During a period of time for which the Mayor has declared a public
185 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
186 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and in
187 conformity with federal law, the Director may determine that the term “employment” as defined
188 in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-
189 time employment, do not have sufficient work history, or otherwise would not qualify for regular

190 unemployment or extended benefits under District or federal law or pandemic emergency
191 unemployment compensation.”.

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

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

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

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

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

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

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

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

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

211 “(b) During a period of time for which the Mayor has declared a public health emergency
212 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

213 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have
214 broad discretion to waive any eligibility requirements set forth in this act, other than the physical
215 ability and availability requirement, when the Director considers such waiver to be in the public
216 interest.”.

217

218 Sec. 103. Shared work compensation program clarification.

219 The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238;
220 D.C. Official Code § 51-171 *et seq.*), is amended as follows:

221 (a) Section 2 (D.C. Official Code § 51-171) is amended as follows:

222 (1) Paragraph (4) is repealed.

223 (2) New paragraphs (4A) and (4B) are added to read as follows:

224 “(4A) “Health and retirement benefits” means employer-provided health benefits,
225 and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal
226 Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or
227 contributions under a defined contribution plan, as defined in section 414(i) of the Internal
228 Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which
229 are incidents of employment in addition to the cash remuneration earned.

230 “(4B) “Participating employee” means an employee who voluntarily agrees to
231 participate in an employer’s shared work plan.”.

232 (3) Paragraph (5) is amended to read as follows:

233 “(5) “Usual weekly hours of work” means the usual hours of work per week for
234 full-time or part-time employees in the affected unit when that unit is operating on its regular
235 basis, not to exceed 40 hours and not including hours of overtime work.”.

236 (4) Paragraph (7) is amended to read as follows:

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

240 (5) Paragraph (8) is amended to read as follows:

241 “(8) “Shared work plan” means a written plan to participate in the shared work
242 unemployment compensation program approved by the Director, under which the employer
243 requests the payment of shared work benefits to participating employees in an affected unit of
244 the employer to avert temporary or permanent layoffs, or both.”.

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

246 “Sec. 4. Employer participation in the shared work unemployment compensation
247 program.

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

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

253 “(c) The Director shall develop an application form consistent with the requirements of
254 this section. The application and shared work plan shall require the employer to:

255 “(1) Identify the affected unit (or units) to be covered by the shared work plan,
256 including:

257 “(A) The number of full-time or part-time employees in such unit;

258 “(B) The percentage of employees in the affected unit covered by the plan;

259 “(C) Identification of each individual employee in the affected unit by
260 name and social security number;

261 “(D) The employer’s unemployment tax account number, and

262 “(E) Any other information required by the Director to identify
263 participating employees;

264 “(2) Provide a description of how employees in the affected unit will be notified
265 of the employer’s participation in the shared work unemployment compensation program if such
266 application is approved, including how the employer will notify those employees in a collective
267 bargaining unit as well as any employees in the affected unit who are not in a collective
268 bargaining unit. If the employer will not provide advance notice of the shared work plan to
269 employees in the affected unit, the employer shall explain in a statement in the application why it
270 is not feasible to provide such notice.

271 “(3) Identify the usual weekly hours of work for employees in the affected unit
272 and the specific percentage by which hours will be reduced during all weeks covered by the plan.
273 A shared work plan may not reduce participating employees’ usual weekly hours of work by less
274 than 10% or more than 60%. If the plan includes any week for which the employer regularly
275 provides no work (due to a holiday or other plant closing), then such week shall be identified in
276 the application;

277 “(4) If the employer provides health and retirement benefits to any participating
278 employee whose usual weekly hours of work are reduced under the plan, certify that such
279 benefits will continue to be provided to participating employees under the same terms and
280 conditions as though the usual weekly hours of work of such participating employee had not
281 been reduced or to the same extent as employees not participating in the shared work plan. For

282 defined benefit retirement plans, the hours that are reduced under the shared work plan shall be
283 credited for purposes of participation, vesting, and accrual of benefits as though the participating
284 employee’s usual weekly hours of work had not been reduced. The dollar amount of employer
285 contributions to a defined contribution plan that are based on a percentage of compensation may
286 be reduced due to the reduction in the participating employee’s compensation. A reduction in
287 health and retirement benefits scheduled to occur during the duration of a shared work plan that
288 is equally applicable to employees who are not participating in the plan and to participating
289 employees does not violate a certification made pursuant to this paragraph;

290 “(5) Certify that the aggregate reduction in work hours under the shared work
291 plan is in lieu of temporary or permanent layoffs, or both, and provide a good faith estimate of
292 the number of employees who would be laid off in the absence of the proposed shared work
293 plan;

294 “(6) Agree to:

295 “(A) Furnish reports to the Director relating to the proper conduct of the
296 shared work plan;

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

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

300 “(D) Follow any other directives the Director considers necessary for the
301 agency to implement the shared work plan consistent with the requirements for shared work plan
302 applications;

303 “(7) Certify that participation in the shared work unemployment compensation
304 program and implementation of the shared work plan will be consistent with the employer’s
305 obligations under applicable federal and state laws;

306 “(8) State the duration of the proposed shared work plan, which shall not exceed
307 365 days from the effective date established pursuant to section 6;

308 “(9) Provide any additional information or certifications that the Director
309 determines to be appropriate for purposes of the shared work unemployment compensation
310 program, consistent with requirements issued by the United States Secretary of Labor; and

311 “(10) Provide written approval of the proposed shared work plan by the collective
312 bargaining representative for any employees covered by a collective bargaining agreement who
313 will participate in the plan.”.

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

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

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

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

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

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

326 “(1) Complies with the requirements of section 4; and
327 “(2) Has filed all reports required to be filed under the employment security law
328 for all past and current periods and:
329 “(A) Has paid all contributions and benefit cost payments; or
330 “(B) If the employer is a reimbursing employer, has made all payments in
331 lieu of contributions due for all past and current periods.
332 “(c) Except as provided in subsection (d) of this section, the Director may not approve a
333 shared work plan:
334 “(1) To provide payments to an employee if the employee is employed by the
335 participating employer on a seasonal, temporary, or intermittent basis;
336 “(2) If the employer's unemployment insurance account has a negative
337 unemployment experience rating;
338 “(3) If the employer's unemployment insurance account is taxed at the maximum
339 tax rate in effect for the calendar year;
340 “(4) For employers who have not qualified to have a tax rate assigned based on
341 actual experience; or
342 “(5) For employees who are receiving or who will receive supplemental
343 unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue
344 Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any
345 period a shared work plan is in effect.
346 “(d) During the effective period of a shared work plan entered into during a public health
347 emergency, subsection (c) of this section shall not apply. During a public health emergency, the
348 Director may not approve a shared work plan:

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

351 “(2) For employees who are receiving or who will receive supplemental
352 unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue
353 Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any
354 period a shared work plan is in effect; or

355 “(3) For employers that have reported quarterly earnings to the Director for fewer
356 than 3 quarters at the time of the application for the shared work unemployment compensation
357 program.

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

361 (d) Section 6 (D.C. Official Code § 51-175) is amended to read as follows:

362 “Sec. 6. Effective date and expiration, termination, or revocation of a shared work plan.

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

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

368 “(c) An employer may terminate a shared work plan at any time upon written notice to
369 the Director, participating employees, and a collective bargaining representative for the
370 participating employees. After receipt of such notice from the employer, the Director shall issue
371 to the employer, the appropriate collective bargaining representative, and participating

372 employees an Acknowledgment of Voluntary Termination, which shall state the date the shared
373 work plan terminated.

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

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

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

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

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

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

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

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

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

385 “(e) Upon a decision to revoke a shared work plan, the Director shall issue a written
386 revocation order to the employer that specifies the reasons for the revocation and the date the
387 revocation is effective. The Director shall provide a copy of the revocation order to all
388 participating employees and their collective bargaining representative.

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

391 “(g) An employer may submit a new application for a shared work plan at any time after
392 the expiration or termination of a shared work plan.”.

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

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

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

397 “(b)(1) An employer must report, in writing, every proposed modification of the shared
398 work plan to the Director a least 5 calendar days before implementing the proposed modification.
399 The Director shall review the proposed modification to determine whether the modification is
400 substantial. If the Director determines that the proposed modification is substantial, the Director
401 shall notify the employer of the need to request a substantial modification.

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

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

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

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

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

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

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

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

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

423 “(2) Notwithstanding any other provision of the employment security law relating
424 to availability for work and actively seeking work, the participating employee was available for
425 the individual’s usual hours of work with the shared work employer, which may include
426 availability to participate in training to enhance job skills approved by the Director, such as
427 employer-sponsored training or training funded under the Workforce Innovation and Opportunity
428 Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

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

433 “(b) A participating employee may be eligible for shared work benefits or unemployment
434 compensation, as appropriate, except that no participating employee may be eligible for
435 combined benefits in any benefit year in an amount more than the maximum entitlement
436 established for regular unemployment compensation, nor shall a participating employee be paid
437 shared work benefits for more than 52 weeks under a shared work plan or in an amount more
438 than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

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

442 “(d) Provisions applicable to unemployment compensation claimants under the
443 employment security law shall apply to participating employees to the extent that they are not
444 inconsistent with this act. A participating employee who files an initial claim for shared work
445 benefits shall receive a monetary determination whether the individual is eligible to receive
446 benefits.

447 “(e) A participating employee who has received all of the shared work benefits or
448 combined unemployment compensation and shared work benefits available in a benefit year shall
449 be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia
450 Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code
451 § 51–107(g)(1)(H)) (“Act”), for purposes of eligibility to receive extended benefits pursuant to
452 section 7(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that
453 section, shall be eligible to receive extended benefits.

454 “(f) Shared work benefits shall be charged to employers’ experience rating accounts in
455 the same manner as unemployment compensation is charged under the employment security law,
456 unless waived by federal or District law. Employers liable for payments in lieu of contributions
457 shall have shared work benefits attributed to service in their employ in the same manner as
458 unemployment compensation is attributed, unless waived by federal or District law.”.

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

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

461 “(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a
462 participating employee shall be the product of the regular weekly unemployment compensation
463 amount for a week of total unemployment multiplied by the percentage of reduction in the
464 participating employee’s usual weekly hours of work.

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

467 “(A) If the combined hours of work in a week for both employers results
468 in a reduction of less than 10% of the usual weekly hours of work the participating employee
469 works for the shared work employer, the participating employee is not eligible for shared work
470 benefits;

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

477 “(C) If an individual worked the reduced percentage of the usual weekly
478 hours of work for the shared work employer and is available for all the participating employee’s
479 usual hours of work with the shared work employer, and the participating employee did not work
480 any hours for the other employer, either because of the lack of work with that employer or
481 because the participating employee is excused from work with the other employer, the
482 participating employee shall be eligible for the full value of the shared work benefit for that
483 week.”.

484 (2) Subsection (b) is repealed

485 (3) New subsections (c) and (d) are added to read as follows:

486 “(c) A participating employee who is not provided any work during a week by the shared
487 work employer or any other employer and who is otherwise eligible for unemployment
488 compensation shall be eligible for the amount of regular unemployment compensation to which
489 the individual would otherwise be eligible.

490 “(d) A participating employee who is not provided any work by the shared work
491 employer during a week, but who works for another employer and is otherwise eligible for
492 unemployment compensation may be paid unemployment compensation for that week subject to
493 the disqualifying income provision and other provisions applicable to claims for regular
494 unemployment compensation.”.

495

496 Sec. 104. Family and medical leave.

497 The District of Columbia Family and Medical Leave Act of 1990, effective October 3,
498 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

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

500 “(1) “Employee” means:

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

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

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

509 “Sec. 3a. COVID-19 leave.

510 “(a) During the COVID-19 public health emergency, an employee shall be entitled to
511 leave if the employee is unable to work due to:

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

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

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

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

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

524 “(c) An employer may require reasonable certification of the need for COVID-19 leave
525 as follows:

526 “(1) If the leave is necessitated by the recommendation of a health care provider
527 to the employee, a written, dated statement from a health care provider stating that the employee
528 has such need and the probable duration of the need for leave.

529 “(2) If the leave is necessitated by the recommendation of a health care provider
530 to an employee’s family member or individual with whom the employee shares a household, a
531 written, dated statement from a health care provider stating that the individual has such need and
532 the probable duration of the condition.

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

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

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

541 “(2) Any paid leave provided by an employer that the employee elects to use for
542 leave under this section shall count against the 16 workweeks of allowable leave provided in this
543 section.

544 “(3) If an employer has a program that allows an employee to use the paid leave
545 of another employee under certain conditions and the conditions have been met, the employee
546 may use the paid leave and the leave shall count against the 16 workweeks of leave provided in
547 this section.

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

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

553 “(g) An employer who willfully violates subsections (a) through (e) of this section shall
554 be assessed a civil penalty of \$1,000 for each offense.

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

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

564

565 Sec. 105. Paid public health emergency leave.

566 (a) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-
567 152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

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

571 (2) A new section 3a (to be codified at D.C. Official Code § 32-531.02a) is added
572 to read as follows:

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

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

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

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

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

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

594 “(b)(1) An employee may only use paid leave provided under this section concurrently
595 with or after exhausting any other paid leave to which the employee may be entitled for covered
596 reasons under federal or District law or an employer’s policies.

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

601 “(3) If an employee elects to use paid leave provided under this section after
602 exhausting other paid leave, the employer may reduce the number of hours of paid leave an
603 employee may use under this section by the number of hours of paid leave taken under federal or
604 District law or the employer’s policies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

663 “(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19
664 emergency, no more than \$500,000 of the money in the Fund may be used for activities related

665 to enforcement of the paid public health emergency leave requirement contained in section 3a of
666 the Accrued Sick and Safe Leave Act of 2008, passed on 2nd reading on June 9, 2020 (Enrolled
667 version of Bill 23-758).

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

672

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

674 Sec. 201. Small business microgrants.

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

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

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

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

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

683 “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a
684 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
685 Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant
686 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code

687 § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant or loan to an eligible small
688 business; provided, that the eligible small business:

689 “(A) Submit a grant application in the form and with the information
690 required by the Mayor; and

691 “(B) Demonstrate, to the satisfaction of the Mayor, financial distress
692 caused by a reduction in business revenue due to the circumstances giving rise to or resulting
693 from the public health emergency.

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

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

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

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

701 “(C) Repayment of loans obtained through the United States Small
702 Business Administration.

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

706 “(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative
707 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
708 issue emergency rules to implement the provisions of this section.

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

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

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

719 “(2) “Eligible small business” means a business enterprise eligible for
720 certification under section 2332, a nonprofit entity, or an independent contractor or self-
721 employed individual determined ineligible for unemployment insurance by the Director of the
722 Department of Employment Services, unless the independent contractor or self-employed
723 individual is eligible for and receiving unemployment insurance benefits unrelated to their self-
724 employment or independent contractor work and is otherwise eligible for a grant pursuant to this
725 subsection.”.

726

727 Sec. 202. Contractor advance payment.

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

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

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

734 “(a-1) During a period of time for which the Mayor has declared a public health
735 emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of
736 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency
737 may make advance payments to a certified contractor for purchases related to the PHE when the
738 payments are necessary to achieve the purposes of this subtitle and may provide an advance of
739 more than 10% of the total value of the contract.”.

740

741 Sec. 203. Certified Business Enterprise assistance.

742 (a) Notwithstanding the Small and Certified Business Enterprise Development and
743 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
744 218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the
745 period of the COVID-19 emergency, any contract for a government-assisted project in excess of
746 \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered
747 into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act,
748 shall provide that:

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

751 (2) If there are insufficient qualified small business enterprises to meet the
752 requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied
753 by subcontracting 50% of the dollar volume (“CBE minimum expenditure”) to any qualified

754 certified business enterprises; provided, that best efforts shall be made to ensure that qualified
755 small business enterprises are significant participants in the overall subcontracting work.

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

760 (1) Perform at least 35% of the contracting effort with its own organization and
761 resources if the certified business enterprise is granted points or a price reduction pursuant to
762 section 2343 of the CBE Act or selected through a set-aside program; and

763 “(2) If the certified business enterprise subcontracts, ensure that 50% of the dollar
764 volume of the subcontracted effort be with certified business enterprises unless a waiver is
765 granted pursuant to section 2351 of the CBE Act.

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

769 (1) Perform at least 50% of the contracting effort with its own organization and
770 resources if the certified joint venture is granted points or a price reduction pursuant to section
771 2343 of the CBE Act or selected through a set-aside program; and

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

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

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

779 (3) For every dollar expended by a beneficiary that uses a company designated as
780 both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-
781 owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a credit for
782 \$1.30 against the CBE minimum expenditure.

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

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

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

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

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

794 (5) “Government-assisted project” has the same meaning as set forth in section
795 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

796 (6) “Longtime resident business” has the same meaning as set forth in section
797 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

798 (7) “Resident-owned business” has the same meaning as set forth in section
799 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

800 (8) “Small Business Enterprises” has the same meaning as set forth in section
801 2332 of the CBE Act (D.C. Official Code § 2-218.32).

802 (d) Contracts entered into on an emergency basis or that are made in furtherance of, or that
803 are related to, the District’s response to the COVID-19 emergency shall not be subject to the
804 requirements of the CBE Act or the First Source Employment Agreement Act of 1984, effective June
805 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

806

807 Sec. 204. Alcoholic beverage regulation.

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

809 (a) Chapter 1 is amended as follows:

810

811 (1) Section 25-113(a) is amended as follows:

812 (A) Paragraph (3) is amended by adding new subparagraph (D) to read as
813 follows:

814 “(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
815 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered
816 with the Board under subparagraph (C) of this paragraph may also register with the Board to sell,
817 on a temporary basis, beer, wine, or spirits for on-premises consumption indoors and to sell beer,
818 wine, or spirits in closed containers accompanied by one or more prepared food items for off-
819 premises consumption from up to 2 additional locations other than the licensed premises.

820 “(ii) Board approval shall not be required for the additional
821 registration under this subparagraph; provided, that:

822 “(I) The licensee separately registers with the Board and
823 receives written authorization from ABRA prior to offering beer, wine, or spirits for carryout or
824 delivery or on-premises consumption indoors at the additional location;

825 “(II) For carry-out and delivery, the licensee, the additional
826 location’s owner, or a prior tenant at the additional location possesses a valid certificate of
827 occupancy for the building used as the additional location, unless the additional location is
828 located on outdoor private space;

829 “(III) For on-premises consumption indoors, the additional
830 location’s owner or a prior tenant at the additional location possesses a valid certificate of
831 occupancy for a restaurant or other eating or drinking establishment;

832 “(IV) The licensee has been legally authorized by the
833 owner of the building or the property utilized as the additional location to utilize the space for
834 carryout and delivery, or indoor dining;

835 “(V) The licensee agrees to follow all applicable District
836 laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and
837 permit requirements or conditions, which may contain requirements that supersede provisions
838 contained in this section; and

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

843 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T,
844 C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, may sell,

845 serve, and allow the consumption of beer, wine, or spirits indoors on the premises of the
846 additional location pursuant to sub-subparagraph (i) of this paragraph; provided, that the licensee
847 shall:

848 “(I) Limit its indoor capacity to no more than 50% of the
849 lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding
850 employees and any separately registered outdoor seating;

851 “(II) Place indoor tables serving separate parties at least 6
852 feet apart from one another;

853 “(III) Ensure for non-movable communal tables that parties
854 are seated at least 6 feet apart from one another and that the communal table is marked with 6
855 foot divisions, such as with tape or signage;

856 “(IV) Ensure that all indoor dining customers are seated
857 and place orders and are served food or alcoholic beverages at tables;

858 “(V) Prohibit events and activities that would require
859 patrons to be standing, cluster, or be in close contact with one another, including dancing,
860 playing darts, bowling, ping pong, pool, throwing axes, or indoor playgrounds;

861 “(VI) Prohibit patrons from bringing their own alcoholic
862 beverages;

863 “(VII) Prohibit self-service buffets;

864 “(VIII) Have a menu in use containing a minimum of 3
865 prepared food items available for purchase by patrons;

866 “(IX) Require the purchase of one or more prepared food
867 items per table;

868 “(X) Ensure that prepared food items offered for sale or
869 served to patrons are prepared on the licensed premises or off-premises at another licensed entity
870 that has been approved to sell and serve food by the District of Columbia Department of Health
871 (“DC Health”);

872 “(XI) Restrict its operations, excluding carry-out and
873 delivery, and the sale, service, or the consumption of alcoholic beverages indoors for on-
874 premises consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday,
875 effective October 1, 2020;

876 “(XII) Not have more than 6 individuals seated at a table or
877 a joined table;

878 “(XIII) Require patrons to wait outside at least 6 feet apart
879 until they are ready to be seated or make an on-site reservation;

880 “(XIV) Not provide live music or entertainment on the
881 registered indoor space without a waiver from the District of Columbia Homeland Security and
882 Emergency Management Agency; except, that background or recorded music played at a
883 conversational level that is not heard in the homes of District residents shall be permitted;

884 “(XV) Not serve alcoholic beverages or food to standing
885 patrons;

886 “(XVI) Prohibit standing at indoor bars and only permit
887 seating at indoor bars that are not being staffed or utilized by a bartender;

888 “(XVII) Require a minimum of 6 feet between parties
889 seated at indoor bars, rail seats, or communal tables;

890 “(XVIII) Provide and require that wait staff wear masks;

891 “(XIX) Require that patrons wear masks or face coverings
892 when waiting in line outside of the establishment or while traveling to use the restroom or until
893 they are seated and eating or drinking;

894 “(XX) Implement a reservation system by phone, on-line,
895 or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

896 “(XXI) Implement sanitization and disinfection protocols
897 including the provision of single use condiment packages; and

898 “(XXII) Have its own clearly delineated indoor space and
899 not share tables and chairs with another business.

900 “(iv) An on-premises retailer licensee shall not offer beer, wine, or
901 spirits for carryout and delivery on public space; except, that an additional location under this
902 subparagraph may include a sidewalk café that has been issued a public space permit by the
903 District Department of Transportation (“DDOT”).

904 “(v) An on-premises retailer’s licensee who has been registered to
905 offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do
906 so only at the additional location.

907 “(vi) An on-premises retailer licensee who has been registered to
908 offer beer, wine, or spirits for carryout or delivery or on-premises alcohol consumption for
909 indoor dining in accordance with this subparagraph may do so for no longer than 60 calendar
910 days. The Board may approve a written request from an on-premises retailer’s licensee to extend
911 carryout or delivery alcohol sales or on-premises alcohol sales and consumption for indoor
912 dining from an additional location pursuant to this subparagraph for one additional 30 calendar-
913 day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-

914 premises consumption or on-premises alcohol sales and consumption for indoor dining from the
915 additional location for more than 90 calendar days unless a completed application to do so has
916 been filed with the Board with notice provided to the public in accordance with § 25-421.

917 “(vii) The on-premises retailer licensee may sell and deliver
918 alcoholic beverages for carryout and delivery from an additional location in accordance with this
919 subparagraph only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week, effective
920 October 1, 2020.

921 “(viii) The Board may fine, suspend, cancel, or revoke an on-
922 premises retailer’s license, and shall revoke its registration to offer beer, wine, or spirits for
923 carryout or delivery or on-premises alcohol sales and consumption of the indoor location at the
924 additional location if the licensee fails to comply with sub-subparagraphs (i) through (vi) of this
925 subparagraph.”.

926 “(ix) Notwithstanding sub-subparagraph (iii) of this subparagraph, if an
927 on-premises retailer’s license, class C or D, has a settlement agreement governing its operations,
928 the Board shall interpret the settlement agreement language that restricts the indoor sale, service,
929 and consumption of beer, wine, or spirits to on-premises as applying only to indoor sales,
930 service, or consumption of beer, wine, or spirits at the licensed premises and not the additional
931 location on a temporary basis because prior to the Coronavirus pandemic this new registration
932 process was not available to eligible licensees.

933

934 (B) A new paragraph (6) is added to read as follows:

935 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H,
936 C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s

937 licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center
938 food and alcohol business may register with the Board at no cost to sell, serve, and permit the
939 consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level
940 outdoor public or private space not listed on its existing license. Upon registration, Board
941 approval shall not be required; provided, that the licensee:

942 “(i) Registers with the Board and receives written authorization
943 from ABRA prior to selling, serving, or permitting the consumption of beer, wine, or spirits on
944 the proposed outdoor public or private space;

945 “(ii) Registers with DDOT prior to operating on any proposed
946 outdoor public space or receives written approval from the property owner prior to utilizing any
947 proposed outdoor private space; and

948 “(iii) Agrees to follow all applicable District laws, regulations,
949 guidance documents, administrative orders, including Mayor’s Orders and permit requirements
950 or conditions, which may contain requirements that supersede provisions contained in this
951 section.

952 “(B) An on-premises retailer’s license, class C or D, or a manufacturer’s
953 license, class A or B, with an on-site sales and consumption permit, or a Convention Center food
954 and alcohol business that has registered with the Board to sell, serve, and permit the consumption
955 of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its
956 existing license in accordance with subparagraph (A) of this paragraph shall:

957 “(i) Place tables on the outdoor public or private space so that
958 patrons in separate parties are at least 6 feet apart from one another;

959 “(ii) Ensure that all outdoor dining customers are seated and place
960 orders and are served food or alcoholic beverages at tables;

961 “(iii) Prohibit events and activities that would require patrons to
962 cluster or be in close contact with one another, including dancing, playing darts, video games, or
963 other outdoor games;

964 “(iv) Prohibit patrons from bringing their own alcoholic beverages;

965 “(v) Prohibit self-service buffets;

966 “(vi) Have a menu in use containing a minimum of 3 prepared food
967 items available for purchase by patrons;

968 “(vii) Require the purchase of one or more prepared food items per
969 table;

970 “(viii) Ensure that prepared food items offered for sale or served to
971 patrons are prepared on the licensed premises or off-premises at another licensed entity that has
972 been approved to sell and serve food by DC Health;

973 “(ix) Ensure that the proposed outdoor public or private space is
974 located in a commercial or mixed-use zone as defined in the District’s zoning regulations;

975 “(x) Restrict its operations, excluding carry-out and delivery, and
976 the sale, service, or the consumption of alcoholic beverages outdoors for on-premises
977 consumption to the hours between 6:00 a.m. and midnight, Sunday through Saturday, effective
978 October 1, 2020;

979 “(xi) Not have more than 6 individuals seated at a table;

980 “(xii) Require patrons to wait outside at least 6 feet apart until they
981 are ready to be seated or make an on-site reservation;

982 “(xiii) Not provide live music or entertainment, except for
983 background or recorded music played at a conversational level that is not heard in the homes of
984 District residents;

985 “(xiv) Not serve alcoholic beverages or food to standing patrons;

986 “(xv) Prohibit standing at outdoor bars and only permit seating at
987 outdoor bars that are not being staffed or utilized by a bartender;

988 “(xvi) Abide by the terms of their public space permit with regard
989 to the allowable placement of alcohol advertising, if any, in outdoor public space;

990 “(xvii) Provide and require that wait staff wear masks;

991 “(xviii) Require that patrons wear masks or face coverings while
992 waiting in line outside of the restaurant or while traveling to use the restroom or until they are
993 seated and eating or drinking;

994 “(xix) Implement a reservation system by phone, on-line, or on-site
995 and consider keeping customer logs to facilitate contact tracing by DC Health;

996 “(xx) Implement sanitization and disinfection protocols including
997 the provision of single-use condiment packages; and

998 “(xxi) Have its own clearly delineated outdoor space and not share
999 tables and chairs with another business.

1000 “(C) Registration under subparagraph (A) of this paragraph shall be valid
1001 until December 31 2021.

1002 “(D) The Board may fine, suspend, or revoke an on-premises retailer’s
1003 licensee, class C or D, or a manufacturer’s licensee, class A or B, with an on-site sales and
1004 consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of

1005 beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee
1006 fails to comply with subparagraph (A) or (B) of this paragraph.

1007 “(E)(i) Notwithstanding subparagraph (B) of this paragraph, the Board
1008 shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as
1009 applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés
1010 or summer gardens.

1011 “(ii) The Board shall not interpret settlement agreement language
1012 that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor
1013 space, the use of which is now permitted under this paragraph.

1014 “(iii) The Board shall not interpret settlement agreement language
1015 that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the
1016 temporary operation of sidewalk cafés or summer gardens.

1017 “(iv) The Board shall require all on-premises retailer licenses, class
1018 C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to
1019 delineate or mark currently licensed outdoor space from new or extended outdoor space
1020 authorized by the DDOT or the property owner.

1021 “(v) With regard to existing outdoor public or private space, parties
1022 to a settlement agreement shall be permitted to waive provisions of settlement agreements that
1023 address currently licensed outdoor space for a period not to exceed 180 days.

1024 “(E) For purposes of this paragraph, ground floor or street level sidewalk
1025 cafés or summer gardens enclosed by awnings or tents having no more than one side shall be
1026 considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable
1027 walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer

1028 gardens not located on the ground floor or street level are not eligible for registration under
1029 subparagraph (A) of this paragraph.

1030 “(F) A manufacturer’s licensee, class A or B, with an on-site sales and
1031 consumption permit or a retailer’s licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner
1032 with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi)
1033 of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered
1034 by the licensee or the food vendor to the seated patron.”.

1035 (2) Section 25-113.01 is amended by adding a new subsection (c-1) to read as
1036 follows:

1037 “(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer’s licensee,
1038 class C or D, or manufacturer’s licensee, class A or B, with an on-site sales and consumption
1039 permit may conduct business on ground floor or street level outdoor public or private space,
1040 including the sale, service, and consumption alcoholic beverages; provided, that the licensee
1041 complies with § 25-113(a)(6).”.

1042

1043 (b) Chapter 4 is amended as follows:

1044 (1) Section 25-401(c) is amended by striking the phrase “shall sign a notarized
1045 statement certifying” and inserting the phrase “shall sign a statement with an original signature,
1046 which may be a signature by wet ink, an electronic signature, or a signed copy thereof,
1047 certifying” in its place.

1048 (2) Section 25-403(a) is amended by striking the phrase “verify, by affidavit,” and
1049 inserting the word “self-certify” in its place.

1050 (3) Section 25-421(e) is amended by striking the phrase “by first-class mail,
1051 postmarked not more than 7 days after the date of submission” and inserting the phrase “by
1052 electronic mail on or before the first day of the 66-day public comment period” in its place.

1053 (4) Section 25-423 is amended as follows:

1054 (A) Subsection (e) is amended as follows:

1055 (i) Strike the phrase “45-day protest period” and insert the phrase
1056 “66-day protest period” in its place.

1057 (ii) Strike the phrase “45 days” and insert the phrase “66 days” in
1058 its place.

1059 (B) Subsection (h) is amended by striking the phrase “45-day public
1060 comment period” and inserting the phrase “66-day public comment period” in its place.

1061 (5) Section 25-431 is amended as follows:

1062 (A) Subsection (f) is amended by striking the phrase “45-day protest period”
1063 and inserting the phrase “66-day protest period” in its place.

1064 (B) Subsection (g) is amended by striking the phrase “45 days” and inserting
1065 the phrase “66 days” in its place.

1066 (c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,”
1067 and inserting the phrase “21 or more calendar days, excluding each day during a period of time
1068 for which the Mayor has declared a public health emergency pursuant to § 7-2304.01,” in its
1069 place.

1070

1071 Sec. 205. Third-party food delivery commissions.

1072 (a) During a period of time for which the Mayor has declared a public health emergency
1073 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1074 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“public health
1075 emergency”), a person, corporation, partnership, or association operating a third-party food
1076 platform within the District shall register with the Department of Consumer and Regulatory
1077 Affairs.

1078 (b) Notwithstanding any provision of District law, during a public health emergency, it
1079 shall be unlawful for a person to cause a third-party food delivery platform to charge a restaurant
1080 a commission fee for the use of the platform’s services for delivery or pick-up that totals more
1081 than 15% of the purchase price per online order.

1082 (c) It shall be unlawful for a person to cause a third-party food delivery platform to
1083 reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to
1084 comply with subsection (b) of this section.

1085 (d) During a public health emergency, at the time a final price is disclosed to a customer
1086 for the intended purchase and delivery of food from a restaurant through a third-party food
1087 delivery platform and before that transaction is completed by the customer, the third-party food
1088 delivery platform shall disclose to the customer, in plain language and in a conspicuous manner,
1089 any commission, fee, or any other monetary payment charged to the customer by the third-party
1090 food delivery platform.

1091 (e)(1) A person who violates this section shall be subject to a fine of not less than \$250
1092 and not more than \$1,000 for each such violation.

1093 (2) A violation of this section shall be a civil infraction for purposes of the
1094 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October
1095 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

1096 (f) For purposes of this section, the term:

1097 (1) “Online order” means an order placed by a customer through a platform
1098 provided by the third-party food delivery service for delivery or pickup within the District.

1099 (2) “Purchase price” means the menu price of an online order, excluding taxes,
1100 gratuities, or any other fees that may make up the total cost to the customer of an online order.

1101 (3) “Restaurant” shall have the same meaning as provided in D.C. Official Code §
1102 25-101(43).

1103 (4) “Third-party food delivery platform” means any website, mobile application,
1104 or other internet service that offers or arranges for the sale of food and beverages prepared by,
1105 and the same-day delivery or same-day pickup of food and beverages from, restaurants.

1106 (g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
1107 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
1108 rules to implement the provisions of this section.

1109 (h) Nothing in this section limits or otherwise impacts the requirement of a third-party
1110 food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the
1111 District of Columbia Official Code.

1112

1113 Sec. 207. Taxes and trade name renewals.

1114 Title 47 of the District of Columbia Official Code is amended as follows:

1115 (a) Section 47-1803.02(a)(2) is amended by adding new subparagraphs (GG), (HH), and
1116 (II) to read as follows:

1117 “(GG) Small business loans awarded and subsequently forgiven under
1118 section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27,
1119 2020 (Pub. L. No. 116-136; 134 Stat. 281).

1120 “(HH) Public health emergency small business grants awarded pursuant to
1121 section 2316 of the Small and Certified Business Enterprise Development and Assistance Act of
1122 2005, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758).

1123 “(II) Public health emergency grants authorized pursuant to section 16(m)(1)
1124 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law
1125 1-58; D.C. Official Code § 1-309.13(m)(1)).”.

1126 (b) Section 47-1803.03(a)(14) is amended by adding a new subparagraph (H) to read as
1127 follows:

1128 “(H) For tax years beginning after December 31, 2017, corporations,
1129 unincorporated businesses, or financial institutions shall be allowed an 80% deduction for
1130 apportioned District of Columbia net operating loss carryover to be deducted from the net
1131 income after apportionment.”.

1132

1133 **TITLE III. CONSUMER PROTECTION AND REGULATION**

1134 Sec. 301. Reserved.

1135 Sec. 302. Funeral services consumer protection.

1136 (a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22,
1137 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section
1138 4a to read as follows:

1139 “Sec. 4a. Funeral Bill of Rights.

1140 For a period of time for which the Mayor has declared a public health emergency
1141 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1142 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), there shall be established
1143 a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other
1144 available consumer rights. The Department of Consumer and Regulatory Affairs, in consultation
1145 with the Board of Funeral Directors and the Attorney General for the District of Columbia
1146 (“Attorney General”), shall write the Funeral Bill of Rights, which shall be published in the
1147 District of Columbia Register no later than May 8, 2020. If the foregoing does not occur on or
1148 before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall have it
1149 published in the District of Columbia Register no later than May 15, 2020.”.

1150 (b) Section 28-3904 of the District of Columbia Official Code is amended as follows:

1151 (1) Subsection (jj) is amended by striking the phrase “; or” and inserting a
1152 semicolon in its place.

1153 (2) Subsection (kk) is amended by striking the period at the end and inserting the
1154 phrase “; or” in its place.

1155 (3) New subsections (ll) and (mm) are added to read as follows:

1156 “(ll) violate any provision of 17 DCMR § 3013; or”

1157 “(mm) violate any provision of 17 DCMR § 3117.”

1158 (c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*)

1159 is amended as follows:

1160 (1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

1161 (A) The lead-in language of subparagraph (8) is amended by striking the

1162 phrase “customer, or failing to passing” and inserting the phrase “customer, failing to provide to

1163 the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the

1164 customer, or failing to pass” in its place.

1165 (B) Subparagraph (24) is amended by striking the phrase “; or” and

1166 inserting a semicolon in its place.

1167 (C) Subparagraph (25) is amended by striking the period at the end and

1168 inserting a semicolon in its place.

1169 (D) New subparagraphs (26), (27), (28), and (29) are added to read as

1170 follows:

1171 “(26) Failing to clearly and conspicuously post a General Price List, a Casket

1172 Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral

1173 Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any

1174 website maintained by the applicant or licensee;

1175 “(27) Failing to provide to any customer a General Price List, a Casket Price List,

1176 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry

1177 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*);

1178 “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as

1179 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,

1180 passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758), on any website
1181 maintained by the applicant or licensee; or

1182 “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in
1183 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd
1184 reading on June 9, 2020 (Enrolled version of Bill 23-758), during an initial meeting to discuss or
1185 make arrangements for the purchase of funeral goods or services.”.

1186 (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection
1187 3110.9 to read as follows:

1188 “3110.9 A funeral services establishment shall keep and retain records documenting any
1189 required disclosures to consumers, including disclosure of its General Price List, Casket Price
1190 List, and Outer Burial Container Price List, and the Funeral Bill of Rights signed by the
1191 consumer, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act
1192 of 1984, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758), after the
1193 completion or termination of a funeral contract.”.

1194

1195 Sec. 303. Debt collection.

1196 Section 28-3814 of the District of Columbia Official Code is amended as follows:

1197 (a) Subsection (b) is amended as follows:

1198 (1) New paragraphs (1A) and (1B) are added to read as follows:

1199 “(1A) “collection lawsuit” means any legal proceeding, including
1200 civil actions, statements of small claims, and supplementary process actions, commenced in any
1201 court for the purpose of collecting any debt or other past due balance owed or alleged to be
1202 owed.

1203 “(1B) “debt” means money or its equivalent which is, or is alleged to be, more
1204 than 30 days past due and owing, unless a different period is agreed to by the debtor, under a
1205 single account as a result of a purchase, lease, or loan of goods, services, or real or personal
1206 property for personal, family, or household purposes or as a result of a loan of money that was
1207 obtained for personal, family, or household purposes whether or not the obligation has been
1208 reduced to judgment.”.

1209 (2) A new paragraph (4) is added to read as follows:

1210 “(4) “public health emergency” means a period of time for which the Mayor has
1211 declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to
1212 § 28-4102.”.

1213 (b) New subsections (l), (m), and (n) are added to read as follows:

1214 “(l)(1) Notwithstanding subsection (a) of this section, subsections (l) and (m) of this
1215 section shall apply to any debt, including loans directly secured on motor vehicles or direct
1216 motor vehicle installment loans covered by Chapter 36 of Title 28.

1217 “(2) During a public health emergency and for 60 days after its conclusion, no
1218 creditor or debt collector shall, with respect to any debt:

1219 “(A) Initiate, file, or threaten to file any new collection lawsuit;

1220 “(B) Initiate, threaten to initiate, or act upon any statutory remedy for the
1221 garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the
1222 payment of a debt to a creditor;

1223 “(C) Initiate, threaten to initiate, or act upon any statutory remedy for the
1224 repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is
1225 voluntarily surrendered;

1226 “(D) Visit or threaten to visit the household of a debtor at any time for the
1227 purpose of collecting a debt;

1228 “(E) Visit or threaten to visit the place of employment of a debtor at any
1229 time; or

1230 “(F) Confront or communicate in person with a debtor regarding the
1231 collection of a debt in any public place at any time, unless initiated by the debtor.

1232 “(3) This subsection shall not apply to collecting or attempting to collect a debt
1233 that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for
1234 common expenses pursuant to § 42-1903.12.

1235 “(4) Any statute of limitations on any collection lawsuit is tolled during the
1236 duration of the public health emergency and for 60 days thereafter.

1237 “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt
1238 collector shall initiate any communication with a debtor via any written or electronic
1239 communication, including email, text message, or telephone. A debt collector shall not be
1240 deemed to have initiated a communication with a debtor if the communication by the debt
1241 collector is in response to a request made by the debtor for the communication or is the mailing
1242 of monthly statements related to an existing payment plan or payment receipts related to an
1243 existing payment plan.

1244 “(2) This subsection shall not apply to:

1245 “(A) Communications initiated solely for the purpose of informing a
1246 debtor of a rescheduled court appearance date or discussing a mutually convenient date for a
1247 rescheduled court appearance;

1248 “(B) Original creditors collecting or attempting to collect their own debt;

1249 “(C) Collecting or attempting to collect a debt which is, or is alleged to be,
1250 owed on a loan secured by a mortgage on real property or owed for common expenses pursuant
1251 to § 42-1903.12; or

1252 “(D) Receiving and depositing payments the debtor chooses to make
1253 during a public health emergency.

1254 “(n) Subsections (l) and (m) of this section shall not be construed to:

1255 “(1) Exempt any person from complying with existing laws or rules of
1256 professional conduct with respect to debt collection practices;

1257 “(2) Supersede or in any way limit the rights and protections available to
1258 consumers under applicable local, state, or federal foreclosure laws; or

1259 “(3) Supersede any obligation under the District of Columbia Rules of
1260 Professional Conduct, to the extent of any inconsistency.”.

1261

1262 Sec. 304. Emergency credit alerts.

1263 Title 28 of the District of Columbia Official Code is amended as follows:

1264 (a) The table of contents for Chapter 38 is amended by adding a new subchapter
1265 designation to read as follows:

1266 “Subchapter IV. COVID-19 Emergency Credit Alert.

1267 “28-3871. COVID-19 Emergency credit alert.

1268 (b) A new section 28-3871 is added to read as follows:

1269 “§ 28-3871. COVID-19 Emergency credit alert.

1270 “(a) If a consumer reports in good faith that he or she has experienced financial hardship
1271 resulting directly or indirectly from the public health emergency declared pursuant to § 7-

1272 2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in
1273 that file a personal statement, if furnished by the consumer, indicating that the consumer has
1274 been financially impacted by the COVID-19 emergency and shall provide that personal
1275 statement along with or accompanying any credit report provided by the agency, beginning on
1276 the date of such request, unless the consumer requests that the personal statement be removed.

1277 “(b) This section shall not apply to a federal credit union, as defined 12 U.S.C. § 1752(1)
1278 a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as defined
1279 by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not apply to
1280 any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

1281 “(c) No user of a credit report shall consider adverse information in a report that was the
1282 result of an action or inaction by a consumer that occurred during, and was directly or indirectly
1283 the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report
1284 includes a personal statement pursuant to subsection (a) of this section.”

1285 “(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
1286 1681j, the entity providing the credit report must notify the resident of his or her right to request
1287 a personal statement to accompany the credit report.

1288 “(e) If a credit reporting agency violates this section, the affected consumer may bring a
1289 civil action consistent with 15 U.S.C. § 1681n.

1290 “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia
1291 for temporary or permanent injunctive relief for, and for an award of damages for property loss
1292 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
1293 deceptive conduct in violation of this section that harms a District resident.

1294 “(2) In an action under this section, the Attorney General may recover:

1295 “(A) A civil penalty not to exceed \$1,000 for each violation; and
1296 “(B) Reasonable attorney’s fees and costs of the action.
1297 “(g) The following terms shall have the same meaning as defined in § 28-3861:
1298 “(1) “Consumer;”
1299 “(2) “Credit report;” and
1300 “(3) “Credit reporting agency.
1301 “(h) This section shall not be construed in a manner inconsistent with the Fair Credit
1302 Reporting Act, (15 U.S.C. § 1681 *et seq.*), or any other federal law or regulation.
1303 “(i) This section shall not be enforced until July 1, 2020.”.
1304
1305 Sec. 305. Enhanced penalties for unlawful trade practices.
1306 Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking
1307 the phrase “by the Department.” and inserting the phrase “by the Department; except, that
1308 notwithstanding any other provision of District law or regulation, during a period of time for
1309 which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of
1310 this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction
1311 within the meaning of 16 DCMR § 3200.1(a).”.
1312
1313 Sec. 306. Price gouging and stockpiling.
1314 Title 28 of the District of Columbia Official Code is amended as follows:
1315 (a) Section 28-4101 is amended by adding a new subparagraph (2)(C) to read as follows:
1316 “(C) Notwithstanding subsection (2)(A) or (B) otherwise to the contrary:

1317 “(i) For calendar year 2021, the “normal average retail price”
1318 means for a rental vehicle as defined in § 50-1505.01(8) as the average price at which a rental
1319 vehicle was leased during the same week of the same month in 2019 in the Washington
1320 Metropolitan Area; and

1321 “(ii) For calendar year 2022 and thereafter, the “normal average
1322 retail price” means for a rental vehicle as defined in § 50-1505.01(8) the price at which a rental
1323 vehicle was leased during the same week of the same month of the prior year in the Washington
1324 Metropolitan Area.”

1325 (b) The table of contents is amended by adding a new section designation to read as
1326 follows:

1327 “28-4102.01. Stockpiling.”.

1328 (c) Section 28-4102(a) is amended to read as follows:

1329 “(a) It shall be unlawful for any person to charge more than the normal average retail
1330 price for any merchandise or service sold during a public health emergency declared pursuant to
1331 § 7-2304.01, or during an emergency resulting from a natural disaster declared pursuant to
1332 subsection (b) of this section.”.

1333 (d) A new section 28-4102.01 is added to read as follows:

1334 “§ 28-4102.01. Stockpiling.

1335 “It shall be unlawful for any person to purchase, in quantities greater than those specified
1336 by the Mayor, the Department of Health (“DOH”), the Homeland Security and Emergency
1337 Management Agency (“HSEMA”), or the federal government goods that the Mayor, DOH,
1338 HSEMA, or the federal government have declared:

1339 “(1) Necessary for first responders or others following a natural disaster or a
1340 declaration of a public health emergency pursuant to § 7-2304.01 (“public health emergency”);
1341 “(2) Necessary to maintain supply chains of commerce during a natural disaster or
1342 a public health emergency; or
1343 “(3) Subject to rationing.”.

1344 (e) Section 28-4103 is amended as follows:

1345 (1) Strike the phrase “§ 28-4102(a)” wherever it appears and insert the phrase “§
1346 28-4102(a) or § 28-4102.01” in its place.

1347 (2) A new subsection (c) is added to read as follows:

1348 “(c) When the Office of the Attorney General brings a civil action for any violation of §
1349 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty
1350 authorized by § 28-3909 shall be assessed for each such violation.”.

1351

1352 Sec. 307. Utility shutoff.

1353 (a) Section 113a(c) of the District Department of the Environment Establishment Act of
1354 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is
1355 amended as follows:

1356 (1) The existing text is designated paragraph (1).

1357 (2) A new paragraph (2) is added to read as follows:

1358 “(2) Notwithstanding paragraph (1) of this subsection, during a period of time for
1359 which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the
1360 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1361 194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund

1362 may be used to assist low-income residential customers located in the District of Columbia with
1363 the payment of an outstanding water bill balance; except, that not less than \$1.26 million of
1364 funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit
1365 organizations located in the District with the payment of impervious area charges, pursuant to
1366 section 216b(a) of the Water and Sewer Authority Establishment and Department of Public
1367 Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official
1368 Code § 34-2202.16b(a)), and not less than \$360,000 of funding allocated in the fiscal year in
1369 which the PHE occurs shall be reserved to assist residential customers with the payment of
1370 impervious area charges, pursuant to section 216b(b).”.

1371 (b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television
1372 Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code
1373 § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic
1374 cable operator services for non-payment of a bill, any fees for service or equipment, or any other
1375 charges, or for noncompliance with a deferred payment agreement during a period of time for
1376 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
1377 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1378 Official Code § 7-2304.01), or for 15 calendar days thereafter.

1379 “(2) For purposes of this subsection, the term “other basic cable operator
1380 services” includes only basic broadband internet service and Voice over Internet Protocol service
1381 (known as VOIP service) .”.

1382 (c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May
1383 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new
1384 section 106b to read as follows:

1385 “Sec. 106b. Disconnection of service during a public health emergency prohibited.

1386 “(a) For the purposes of this section, the term “public health emergency” means a period

1387 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

1388 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-

1389 194; D.C. Official Code § 7-2304.01).

1390 “(b) An electric company shall not disconnect electric service for non-payment of a bill

1391 or fees during a public health emergency or for 15 calendar days thereafter.”.

1392 (d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004,

1393 effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is

1394 amended by adding a new section 7b to read as follows:

1395 “Sec. 7b. Disconnection of service during a public health emergency prohibited.

1396 “(a) For the purposes of this section, the term “public health emergency” means a period

1397 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

1398 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-

1399 194; D.C. Official Code § 7-2304.01).

1400 “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees

1401 during a public health emergency or for 15 calendar days thereafter.”.

1402 (e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,

1403 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read

1404 as follows:

1405 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a

1406 period of time for which the Mayor has declared a public health emergency pursuant to section

1407 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1408 Law 14-194; D.C. Official Code § 7-2304.01).

1409 “(2) During a public health emergency, or for 15 calendar days thereafter,
1410 notwithstanding any other provision of this act, the water supply to any property shall not be shut
1411 off for non-payment of a bill or fees.”.

1412 (f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C.
1413 Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a
1414 to read as follows:

1415 “Section 3a. Disconnection of telecommunications service during a public health
1416 emergency prohibited.

1417 “(a) For the purposes of this section, the term “public health emergency” means a period
1418 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1419 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1420 194; D.C. Official Code § 7-2304.01).

1421 “(b) A telecommunications service provider shall not disconnect, suspend, or degrade
1422 basic telecommunications service for non-payment of a bill, any fees for service or equipment, or
1423 other charges, or for noncompliance with a deferred payment agreement during a public health
1424 emergency or for 15 calendar days thereafter.”.

1425 (g) Notwithstanding any District law, the Attorney General for the District of Columbia
1426 may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any
1427 merchant, including a utility provider, that violates any provision of this act.

1428

1429 Sec. 308. Utility payment plans.

1430 (a) During a program period, a utility provider shall offer a utility-payment-plan program
1431 (“program”) for eligible customers. Under its program, a utility provider shall:

1432 (1) Make a payment plan (“payment plan”) available to an eligible customer for
1433 the payment of amounts that come due during the program period, with a minimum term length
1434 of one year, unless a shorter time period is requested by the eligible customer;

1435 (2) Waive any fee, interest, or penalty that arises out of the eligible customer
1436 entering into a payment plan;

1437 (3) Not report to a credit reporting agency as delinquent the amounts subject to
1438 the payment plan; and

1439 (4) Notify all customers of the availability, terms, and application process for its
1440 program.

1441 (b)(1) Customers entering into a payment plan shall be required to make payments in
1442 equal monthly installments for the duration of the payment plan unless a shorter payment
1443 schedule is requested by the customer.

1444 (2) A utility provider shall permit a customer that has entered into a payment plan
1445 to pay an amount greater than the monthly amount provided for in the payment plan.

1446 (3) A utility provider shall not require or request a customer provide a lump-sum
1447 payment under a payment plan.

1448 (4) A utility provider shall provide confirmation in writing to the customer of the
1449 payment plan entered into, including the terms of a payment plan.

1450 (c) A utility provider shall utilize existing procedures or, if necessary, establish new
1451 procedures to provide a process by which a customer may apply for a payment plan, which may

1452 include requiring the customer to submit supporting documentation. A utility provider shall
1453 permit application for a payment plan to occur online and by telephone.

1454 (d)(1) A utility provider shall approve each application for a payment plan submitted
1455 during the covered time period made by an eligible customer.

1456 (2) If the customer is not eligible and the customer's application for a payment
1457 plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the
1458 option to file a written complaint pursuant to subsection (g) of this section.

1459 (e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees
1460 when a customer has entered into a payment plan under this section and has made payments in
1461 accordance with the terms of the payment plan;

1462 (2) When a customer fails to pay in full the amounts due under a payment plan
1463 and the customer and utility provider have not mutually agreed to a modification of the terms of
1464 the payment plan, nothing under this section shall prevent a utility provider from either offering
1465 the customer a new payment plan or disconnecting service.

1466 (3) Notwithstanding any provision in this section, a utility provider is not required
1467 to offer a customer a new payment plan when a customer has defaulted on a previous payment
1468 plan offered pursuant to this section.

1469 (f)(1) A utility provider that receives an application for a payment plan pursuant to this
1470 section shall retain the application, whether approved or denied, for at least 3 years.

1471 (2) Upon request by the customer, a utility provider shall make an application for
1472 a payment plan available to:

1473 (A) For utility providers regulated by the Public Service Commission and
1474 DC Water, the Office of the People's Counsel;

1475 (B) For a cable operator, the Office of Cable Television, Film, Music and
1476 Entertainment; and

1477 (C) For all other utility providers, the Department of Consumer and
1478 Regulatory Affairs and the Office of the Attorney General.

1479 (g) A customer whose application for a payment plan is denied may file a written
1480 complaint with:

1481 (1) For utility providers regulated by the Public Service Commission, the Public
1482 Service Commission, and the Office of the People’s Counsel;

1483 (2) For a cable operator, the Office of Cable Television, Film, Music and
1484 Entertainment; and

1485 (3) For all other utility providers, the Department of Consumer and Regulatory
1486 Affairs.

1487 (h) During a period of time for which the Mayor has declared a public health emergency,
1488 a utility provider regulated by the Public Service Commission shall reconnect service to
1489 occupied residential property upon an eligible customer’s request and not charge a fee for this
1490 reconnection.

1491 (i) For the purposes of this section, the term:

1492 (1) “Cable operator” shall have the same meaning as provided in section 103(6) of
1493 the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193;
1494 D.C. Official Code § 34-1251.03(6)).

1495 (2) “DC Water” means the District of Columbia Water and Sewer Authority
1496 established pursuant to section 202(a) of the Water and Sewer Authority Establishment and

1497 Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law
1498 11-111; D.C. Official Code § 34-2202.02(a)).

1499 (3) “Electric company” shall have the same meaning as provided in section 8 of
1500 An Act Making appropriations to provide for the expenses of the government of the District of
1501 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other
1502 purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

1503 (4) “Eligible Customer” means a customer that:

1504 (A) Has notified the utility provider of an inability to pay all or a portion
1505 of the amount due as a result, directly or indirectly, of the public health emergency; and

1506 (B) Agrees in writing to make payments in accordance with the payment
1507 plan.

1508 (5) “Gas company” shall have the same meaning as provided in section 3(11) of
1509 the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective
1510 March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(11)).

1511 (6) “Program period” means a period of time for which the Mayor has declared a
1512 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1513 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)
1514 and:

1515 (A) For a cable operator, or a telecommunications provider not regulated
1516 by the Public Service Commission, 60 days thereafter; or

1517 (B) For any other utility provider, 6 months thereafter.

1518 (7) “Telecommunications provider” means an entity that provides
1519 telecommunications services, whether through a telecommunications system or universal service,

1520 as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications
1521 Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code §
1522 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by
1523 the Public Service Commission of the District of Columbia or the Federal Communications
1524 Commission, or is currently not regulated by either local or federal law.

1525 (8) “Utility provider” means a cable operator, DC Water, an electric company, a
1526 gas company, or a telecommunications provider.

1527

1528 Sec. 309. Composting virtual training.

1529 Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014,
1530 effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended
1531 by adding a new paragraph (1A) to read as follows:

1532 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time
1533 for which the Mayor has declared a public health emergency pursuant to section 5a of the
1534 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1535 194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may
1536 provide the training required by paragraph (1) of this subsection remotely through
1537 videoconference.”.

1538

1539 Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

1540 The Department of Insurance and Securities Regulation Establishment Act of 1996,
1541 effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by
1542 adding a new section 5a to read as follows:

1543 “Sec. 5a. Emergency authority of the Commissioner during a declared public health
1544 emergency.

1545 “(a) For the duration of a public health emergency declared by the Mayor pursuant to
1546 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1547 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise
1548 to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

1549 “(1) Apply to any person or entity regulated by the Commissioner; and

1550 “(2) Address:

1551 “(A) Submission of claims or proof of loss;

1552 “(B) Grace periods for payment of premiums and performance of other
1553 duties by insureds;

1554 “(C) Temporary postponement of:

1555 “(i) Cancellations;

1556 “(ii) Nonrenewals; or

1557 “(iii) Premium increases;

1558 “(D) Modifications to insurance policies;

1559 “(E) Insurer operations;

1560 “(F) Filing requirements;

1561 “(G) Procedures for obtaining nonelective health care services;

1562 “(H) Time restrictions for filling or refilling prescription drugs;

1563 “(I) Time frames applicable to an action by the Commissioner under this

1564 section;

1565 “(J) Temporarily waiving application of laws, rulemaking, or requirements
1566 to ensure that depository services, non-depository services, and securities transactions can
1567 continue to be provided, including allowing for the opening of a temporary service location,
1568 which may be a mobile branch, temporary office space, or other facility; and

1569 “(K) Any other activity related to insurance, securities, and banking and
1570 under the purview of the Commissioner reasonably calculated to protect the health, safety, and
1571 welfare of District residents during the public health emergency.

1572 “(b) The Commissioner may require licensees to answer questions related to, and submit
1573 documentation of, the licensee’s continuity of operations plan.

1574 “(c)(1) To accomplish the purposes of this section, the Commissioner may issue
1575 emergency rulemaking, orders, or bulletins pursuant to this section specifying:

1576 “(A) That the rulemaking, order, or bulletin is effective immediately;

1577 “(B) The line or lines of business or the class or classes of licenses to
1578 which the regulation, order, or bulletin applies;

1579 “(C) The geographic areas to which the regulation, order, or bulletin
1580 applies; and

1581 “(D) The period of time for which the regulation, order, or bulletin
1582 applies.

1583 “(2) A regulation issued under paragraph (1) of this subsection may not apply for
1584 longer than the duration of the effects of a declared public health emergency.”.

1585

1586 Sec. 311. Vacant property designations.

1587 Section 6(b) of An Act To provide for the abatement of nuisances in the District of
1588 Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001
1589 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

1590 (a) Paragraph (8) is amended by striking the phrase “; or” and inserting a semicolon in its
1591 place.

1592 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; or” in its
1593 place.

1594 (c) A new paragraph (10) is added to read as follows:

1595 “(10) A commercial property that houses a business that has closed during a
1596 period of time for which the Mayor has declared a public health emergency pursuant to section
1597 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1598 Law 14-194; D.C. Official Code § 7-2304.01), as a result of the circumstances giving rise to or
1599 resulting from the public health emergency, and for 60 days thereafter.”.

1600

1601 Sec. 312. Extension of licenses and registrations; waiver of deadlines.

1602 Notwithstanding any provision of law during, or within 45 days after the end of, a period
1603 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1604 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1605 194; D.C. Official Code § 7-2304.01), the Mayor, may:

1606 (1) Prospectively or retroactively extend the validity of a license, registration,
1607 permit, or authorization, including driver licenses, vehicle registrations, professional licenses,
1608 registrations, and certifications;

1609 (2) Waive the deadlines for filings, and waive fees, fines, and penalties associated
1610 with the failure to timely renew a license, registration, permit, or other authorization or to timely
1611 submit a filing; or

1612 (3) Extend or waive the deadline by which action is required to be taken by the
1613 executive branch of the District government or by which an approval or disapproval is deemed to
1614 have occurred based on inaction by the executive branch of the District government.

1615

1616 **TITLE IV. HOUSING AND TENANT PROTECTIONS**

1617 Sec. 401. Mortgage relief.

1618 (a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency
1619 Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(15)),
1620 and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective
1621 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other
1622 provision of District law, during a period of time for which the Mayor has declared a public
1623 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1624 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public
1625 Emergency Act”), and for 60 days thereafter, a mortgage lender that makes or holds a residential
1626 mortgage loan or commercial mortgage loan in the District shall develop a deferment program
1627 for borrowers that, at a minimum:

1628 (1) Grants at least a 90-day deferment of the monthly payment of principal and
1629 interest on a mortgage for borrowers;

1630 (2) Waives any late fee, processing fee, or any other fee accrued during the period
1631 of time for which the Mayor has declared a public health emergency pursuant to the Public
1632 Emergency Act; and

1633 (3) Does not report to a credit reporting agency as delinquent the amounts subject
1634 to the deferral.

1635 (b) The mortgage lender shall establish application criteria and procedures for borrowers
1636 to apply for the deferment program. An application or summary of procedures shall be made
1637 available online or by telephone.

1638 (c) The mortgage lender shall approve each application in which a borrower:

1639 (1) Demonstrates to the mortgage lender evidence of a financial hardship resulting
1640 directly or indirectly from the public health emergency, including an existing delinquency or
1641 future inability to make payments; and

1642 (2) Agrees in writing to pay the deferred payments within:

1643 (A) A reasonable time agreed to in writing by the applicant and the
1644 mortgage lender; or

1645 (B) If no reasonable time can be agreed to pursuant to subparagraph (A) of
1646 this paragraph, 3 years from the end of the deferment period, or the end of the original term of
1647 the mortgage loan, whichever is earlier.

1648 (d)(1) A mortgage lender who receives an application for deferment pursuant to this
1649 section shall retain the application, whether approved or denied, for at least 3 years after final
1650 payment is made on the mortgage or the mortgage is sold, whichever occurs first.

1651 (2) Upon request, a mortgage lender shall make an application for deferment
1652 available to the Commissioner.

1653 (3)(A)(i) A mortgage lender who approves an application for deferment pursuant
1654 to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all
1655 approved applications on a form prescribed by the Commissioner.

1656 (ii) After the initial submission prescribed in this paragraph, a
1657 mortgage lender who approves an application for deferment pursuant to this section shall provide
1658 the Commissioner with a list of all new approvals in 15-day intervals for the duration of the
1659 public health emergency and for 60 days thereafter.

1660 (iii) The Commissioner may request information on the number
1661 and nature of approvals between 15-day intervals.

1662 (B) The Commissioner shall maintain a publicly available list of approved
1663 commercial loan deferral applications. The requirement of this subparagraph may be satisfied by
1664 posting to the Department of Insurance, Securities, and Banking website.

1665 (e) A mortgage lender shall be prohibited from requesting or requiring a lump sum
1666 payment from any borrower making payments under a deferred payment program pursuant to
1667 this section, subject to investor guidelines.

1668 (f) A person or business whose application for deferment is denied may file a written
1669 complaint with the Commissioner. The Commissioner is authorized to investigate the complaint
1670 in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective
1671 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

1672 (g) The provisions of this section shall apply to any lender who makes or holds a
1673 commercial mortgage loan in the District, with the exception of national banks and federally
1674 chartered credit unions.

1675 (h) To the extent necessary to conform with the provisions of this section, the provisions
1676 in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89;
1677 D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health
1678 emergency.

1679 (i) This section shall not apply to a property for which, as of March 11, 2020, a mortgage
1680 lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity
1681 date of the loan on or before March 11, 2020.

1682 (j) This section shall not apply to a mortgage loan that is a Federally backed mortgage
1683 loan, as that term is defined in section 4022(a)(2) of the Coronavirus Aid, Relief, and Economic
1684 Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9056(a)(2)) (“CARES Act”),
1685 or a Federally backed multifamily mortgage loan, as that term is defined in section 4023(f)(2) of
1686 the CARES Act (15 U.S.C. § 9057(f)(2)).

1687 (k) A mortgage lender that violates the provisions of this section shall be subject to the
1688 penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective
1689 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

1690 (l) For the purposes of this section, the term:

1691 (1) “Commercial mortgage loan” means a loan for the acquisition, construction,
1692 or development of real property, or a loan secured by collateral in such real property, that is
1693 owned or used by a person, business, or entity for the purpose of generating profit, and includes
1694 real property used for single-family housing, multifamily housing, retail, office space, and
1695 commercial space that is made, owned, or serviced by a mortgage lender.

1696 (2) “Commissioner” means the Commissioner of the Department of Insurance,
1697 Securities, and Banking.

1698 (3) “Mortgage lender” means any person that makes a mortgage loan to any
1699 person or that engages in the business of servicing mortgage loans for others or collecting or
1700 otherwise receiving mortgage loan payments directly from borrowers for distribution to any
1701 other person. The term “mortgage lender” does not include the Federal Home Loan Mortgage
1702 Corporation, the Federal National Mortgage Association, or the Government National Mortgage
1703 Association.

1704

1705 Sec. 402. Tenant payment plans.

1706 (a) During a period of time for which the Mayor has declared a public health emergency
1707 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1708 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year
1709 thereafter (“program period”), a provider shall offer a rent-payment-plan program (“program”)
1710 for eligible tenants. Under its program, a provider shall:

1711 (1) Make a payment plan available to an eligible tenant for the payment of gross
1712 rent and any other amounts that come due under the lease during the program period and prior to
1713 the cessation of tenancy (“covered time period”), with a minimum term length of one year unless
1714 a shorter payment plan term length is requested by the eligible tenant.

1715 (2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering
1716 into a payment plan;

1717 (3) Not report to a credit reporting agency as delinquent the rent subject to the
1718 payment plan;

1719 (4) Provide that an eligible tenant does not lose any rights under the lease by
1720 entering into the payment plan; and

1721 (5) Notify all tenants of the availability, terms, and application process for its
1722 program.

1723 (b)(1) Tenants entering into a payment plan shall be required to make payments in equal
1724 monthly installments for the duration of the payment plan unless a different payment schedule is
1725 requested by the tenant.

1726 (2) A provider shall permit a tenant that has entered into a payment plan to pay an
1727 amount greater than the monthly amount provided for in the payment plan.

1728 (3) A provider shall not require or request a tenant to provide a lump-sum
1729 payment under a payment plan.

1730 (4) A provider shall agree in writing to the terms of a payment plan.

1731 (c) A provider shall utilize existing procedures or, if necessary, establish new procedures
1732 to provide a process by which an eligible tenant may apply for a payment plan, which may
1733 include requiring the tenant to submit supporting documentation. A provider shall permit an
1734 application for a payment plan to occur online and by telephone.

1735 (d) A provider shall approve each application for a payment plan submitted during a
1736 covered time period in which an eligible tenant:

1737 (1) Demonstrates to the provider evidence of a financial hardship resulting
1738 directly or indirectly from the public health emergency, regardless of an existing delinquency or
1739 a future inability to make rental payments established prior to the start of the public health
1740 emergency; and

1741 (2) Agrees in writing to make payments in accordance with the payment plan.

1742 (e)(1) A provider who receives an application for a payment plan shall retain the
1743 application, whether approved or denied, for at least 3 years.

1744 (2) Upon request of the tenant, a provider shall make an application for a payment
1745 plan available to:

1746 (A) For residential tenants, the Rent Administrator, Office of the Tenant
1747 Advocate; and

1748 (B) For commercial tenants, the Department of Consumer and Regulatory
1749 Affairs.

1750 (f)(1) A residential tenant whose application for a payment plan is denied may file a
1751 written complaint with the Rent Administrator. The Rent Administrator shall forward the
1752 complaint to the Office of Administrative Hearings for adjudication.

1753 (2) A commercial tenant whose application for a payment plan is denied may file
1754 a written complaint with the Department of Consumer and Regulatory Affairs.

1755 (g) During the program period, unless the provider has offered a rent payment plan
1756 pursuant to this section and approved a rent payment plan pursuant to subsection (d) of this
1757 section, that provider shall be prohibited from filing any collection lawsuit or eviction for non-
1758 payment of rent; provided, that the tenant does not default on the terms of the payment plan.

1759 (h) For the purposes of this section, the term:

1760 (1) "Eligible tenant" means a tenant that:

1761 (A) Has notified a provider of an inability to pay all or a portion of the rent
1762 due as a result of the public health emergency; and

1763 (B) Is not a franchisee unless the franchise is owned by a District resident;
1764 and

1765 (C) Has leased from a provider:

1766 (i) A residential property;

1767 (ii) Commercial retail space; or
1768 (iii) Commercial space that is less than 6,500 square feet in size
1769 and that comprises all or part of a commercial building.

1770 (2) “Housing provider” means a person or entity who is a residential landlord,
1771 residential owner, residential lessor, residential sublessor, residential assignee, or the agent of
1772 any of the foregoing or any other person receiving or entitled to receive the rents or benefits for
1773 the use or occupancy of any residential rental unit within a housing accommodation within the
1774 District.

1775 (3) “Non-housing provider” means a person or entity who is a non-residential
1776 landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential
1777 assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other
1778 person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial
1779 unit.

1780 (4) “Provider” means a housing provider or a non-housing provider.

1781

1782 Sec. 403. Residential cleaning.

1783 (a) During a period of time for which a public health emergency has been declared
1784 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1785 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or
1786 representative of the owner of a housing accommodation shall clean common areas of the
1787 housing accommodation on a regular basis, including surfaces that are regularly touched, such as
1788 doors, railings, seating, and the exterior of mailboxes.

1789 (b) For the purposes of this section “housing accommodation” means any structure or
1790 building in the District containing one or more residential units that are not occupied by the
1791 owner of the housing accommodation, including any apartment, efficiency apartment, room,
1792 accessory dwelling unit, cooperative, homeowner association, condominium, multifamily
1793 apartment building, nursing home, assisted living facility, or group home.

1794 (c) The Mayor may, pursuant to Title I of the District of Columbia Administrative
1795 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
1796 promulgate rules to implement this section.

1797

1798 Sec. 404. Eviction prohibition.

1799 (a) Title 16 of the District of Columbia Official Code is amended as follows:

1800 (1) Section 16-1501 is amended as follows:

1801 (A) The existing text is designated as subsection (a).

1802 (B) A new subsection (b) is added to read as follows:

1803 “(b) During a period of time for which the Mayor has declared a public health emergency
1804 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1805 October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter,
1806 the person aggrieved shall not file a complaint seeking relief pursuant to this section.”.

1807 (2) Section 16-1502 is amended by striking the phrase “exclusive of Sundays and
1808 legal holidays” and inserting the phrase “exclusive of Sundays, legal holidays, and a period of
1809 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1810 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1811 194; D.C. Official Code § 7-2304.01)” in its place.

1812 (b) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law
1813 6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

1814 (1) Paragraph (1) is amended by striking the phrase “; or” and inserting a
1815 semicolon in its place.

1816 (2) Paragraph (2) is amended by striking the period and inserting the phrase “; or”
1817 in its place.

1818 (3) A new paragraph (3) is added to read as follows:

1819 “(3) During a period of time for which the Mayor has declared a public health
1820 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1821 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

1822

1823 Sec. 405. Residential tenant protections.

1824 (a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980
1825 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section
1826 510b to read as follows:

1827 “Sec. 510b. Tolling of tenant deadlines during a public health emergency.

1828 “The running of all time periods for tenants and tenant organizations to exercise rights
1829 under this act shall be tolled from the beginning of the period of a public health emergency
1830 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1831 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of
1832 the public health emergency, and for 30 days thereafter.”.

1833 (b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
1834 Official Code § 42-3501.01 *et seq.*), is amended as follows:

1835 (1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read
1836 as follows:

1837 “(2)(A) A majority of the Rental Housing Commissioners shall constitute a
1838 quorum to do business, and a single vacancy shall not impair the right of the remaining Rental
1839 Housing Commissioners to exercise all powers of the Rental Housing Commission.

1840 “(B) In the event that a majority of the Rental Housing Commissioners (or
1841 any one Commissioner if there is a vacancy) will be unable to perform their official duties for an
1842 extended period of time due to circumstances related to a declared state of emergency in the
1843 District of Columbia, including quarantine or movement restrictions, illness, or the care of a
1844 close family member, one Commissioner shall constitute a quorum to do business.

1845 “(i) If the Chairperson will be unable to perform his or her duties,
1846 he or she shall designate an acting Chairperson or, if only one Commissioner is available, that
1847 Commissioner shall be automatically designated as acting Chairperson.

1848 “(ii) The Chairperson of the Rental Housing Commission shall
1849 notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and
1850 whether the Commission is operating as a quorum of one.

1851 “(iii) For such time as the Rental Housing Commission is operating
1852 as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency
1853 basis in accordance with section 105(c) of the District of Columbia Administrative Procedure
1854 Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

1855 “(iv) The authority to operate as a quorum of one shall terminate
1856 when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or
1857 she is able to resume his or her duties. The authority may extend beyond the termination of the

1858 original declared state of emergency if Commissioners are personally affected by continuing
1859 circumstances.

1860 (2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as
1861 follows:

1862 (A) Subparagraph (F) is amended by striking the phrase “; and” and
1863 inserting a semicolon in its place.

1864 (B) Subparagraph (G) is amended by striking the period at the end and
1865 inserting the phrase “; and” in its place.

1866 (C) A new subparagraph (H) is added to read as follows:

1867 “(H) None of the circumstances set forth in section 904(c) applies.”.

1868 (3) Section 211 (D.C. Official Code § 42-3502.11) is amended as follows:

1869 (A) The existing text is designated as subsection (a).

1870 (B) A new subsection (b) is added to read as follows:

1871 “(b) If, during a public health emergency that has been declared pursuant to section 5a of
1872 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
1873 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”), and consistent with
1874 applicable law or an order issued by the Mayor pursuant to the Public Emergency Act , a housing
1875 provider temporarily stops providing:

1876 “(1) An amenity that a tenant pays for in addition to the rent charged, then the
1877 housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity
1878 during the public health emergency; or

1879 “(2) A service or facility that is lawfully included in the rent charged, then the
1880 housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of
1881 this section.”.

1882 (4) Section 531(c) (D.C. Official Code § 42-3505.31(c)) is amended as follows:

1883 (A) Paragraph (4) is amended by striking the phrase “or;” and inserting a
1884 semicolon in its place.

1885 (B) Paragraph (5) is amended by striking the period and inserting the
1886 phrase “; or” in its place.

1887 (C) A new paragraph (6) is added to read as follows:

1888 “(6) Impose a late fee on a tenant during any month for which a public health
1889 emergency has been declared pursuant to section 5a of the District of Columbia Public
1890 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1891 2304.01).”.

1892 (5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

1893 (A) The existing text is designated subsection (a).

1894 (B) A new subsection (b) is added to read as follows:

1895 “(b) Any notice of intent to vacate that a tenant provided prior to the period for which a
1896 public health emergency has been declared pursuant to section 5a of the District of Columbia
1897 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1898 Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public
1899 health emergency such that the tenant shall have the same number of days to vacate remaining at
1900 the end of the public health emergency as the tenant had remaining upon the effective date of the
1901 public health emergency.”.

1902 (6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new
1903 subsection (c) to read as follows:

1904 “(c) Any notice of intent to vacate that a tenant provided prior to the period for which a
1905 public health emergency has been declared pursuant to section 5a of the District of Columbia
1906 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1907 Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public
1908 health emergency such that the tenant shall have the same number of days to vacate remaining at
1909 the end of the public health emergency as the tenant had remaining upon the effective date of the
1910 public health emergency.”.

1911 (7) Section 904 (D.C. Official Code § 42-3509.04) is amended by adding new
1912 subsections (c) and (d) to read as follows:

1913 “(c) No housing provider may issue a rent increase notice to any residential tenant during
1914 a period for which a public health emergency has been declared pursuant to section 5a of the
1915 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1916 194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”).

1917 “(d)(1) Any rent increase, whether under this act, the Rental Accommodations Act of
1918 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative
1919 decisions issued under these acts, shall be null and void and shall be issued anew in accordance
1920 with subsection (b) of this section if:

1921 “(A) The effective date of the rent increase as stated on the notice of rent
1922 increase occurs during a period for which a public health emergency has been declared pursuant
1923 to the Public Emergency Act, and for 30 days thereafter;

1924 “(B) The notice of rent increase was provided to the tenant during a period
1925 for which a public health emergency has been declared; or

1926 “(C) The notice was provided to the tenant prior to, but the rent increase
1927 takes effect following, a public health emergency.

1928 “(2) The Rent Administrator shall review all notices to a tenant of an adjustment
1929 in the rent charged filed by a housing provider with the Rental Accommodations Division of the
1930 Department of Housing and Community Development for consistency with this subsection and
1931 shall inform the housing provider that:

1932 “(A) A rent increase is prohibited during the public health emergency plus
1933 30 days pursuant to this section;

1934 “(B) The housing provider shall withdraw the rent increase notice;

1935 “(C) The housing provider shall inform tenants in writing that any rent
1936 increase notice is null and void pursuant to the Coronavirus Support Temporary Amendment Act
1937 of 2020, passed on 2nd reading on June 9, 2020 (Enrolled version of Bill 23-758);

1938 “(D) The housing provider shall, within 7 calendar days, file a certification
1939 with the Rental Accommodations Division that the notice letter required by subparagraph (C) of
1940 this paragraph was sent to tenants, along with a sample copy of the notice and a list of each
1941 tenant name and corresponding unit numbers; and

1942 “(E) If it is determined that the housing provider knowingly demanded or
1943 received any rent increase prohibited by this act or substantially reduced or eliminated related
1944 services previously provided for a rental unit, the housing provider may be subject to treble
1945 damages and a rollback of the rent, pursuant to section 901(a).”.

1946 (8) A new section 911 is added to read as follows:

1947 “Sec. 911. Tolling of tenant deadlines during a public health emergency.
1948 “The running of all time periods for tenants and tenant organizations to exercise rights
1949 under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal
1950 Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public
1951 health emergency has been declared pursuant to section 5a of the District of Columbia Public
1952 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1953 2304.01), and for 30 days thereafter.”.

1954

1955 Sec. 406. Rent increase prohibition.

1956 (a) Notwithstanding any other provision of law, a rent increase for a residential property
1957 not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective
1958 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a
1959 period for which a public health emergency has been declared pursuant to section 5a of the
1960 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1961 194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

1962 (b)(1) Notwithstanding any other provision of law, a rent increase for a commercial
1963 property shall be prohibited during a period for which a public health emergency has been
1964 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1965 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 2304.01), and for 30
1966 days thereafter.

1967 (2) For the purposes of this subsection, the term “commercial property” means:

1968 (A) A commercial retail establishment; or

1969 (B) Leased commercial space that is less than 6,500 square feet in size and
1970 that comprises all or part of a commercial building.

1971 (3) Any increase of rent on a commercial property made by a landlord between
1972 March 11, 2020, and June 9, 2020, shall be null and void and any excess rent paid by a tenant shall
1973 be credited to the tenant.

1974

1975 Sec. 407. Nonprofit corporations and cooperative association remote meetings.

1976 Title 29 of the District of Columbia Official Code is amended as follows:

1977 (a) Section 29-405.01(e) is amended by striking the phrase “The articles of incorporation
1978 or bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of
1979 incorporation or bylaws, during a period for which a public health emergency has been declared
1980 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1981 October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual” in its place.

1982 (b) Section 29-910 is amended by striking the phrase “If authorized by the articles or
1983 bylaws” and inserting the phrase “During a period for which a public health emergency has been
1984 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1985 effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of
1986 whether remote regular and special meetings of members are authorized by the articles or
1987 bylaws” in its place.

1988

1989 Sec. 408. Foreclosure moratorium.

1990 (a)(1) Notwithstanding any provision of District law, during a period of time for which
1991 the Mayor has declared a public health emergency pursuant to section 5a of the District of

1992 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1993 Official Code § 7-2304.01), and for 60 days thereafter, no:

1994 (A) Residential foreclosure may be initiated or conducted under section 539
1995 or section 95 of An Act To establish a code of law for the District of Columbia, approved March
1996 3, 1901 (31 Stat. 1274; D.C. Official Code §§ 42-815 and 42-816); or

1997 (B) Sale may be conducted under section 313(c) of the Condominium Act of
1998 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)).

1999 (2) This subsection shall not apply to a residential property at which neither a
2000 record owner nor a person with an interest in the property as heir or beneficiary of a record
2001 owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of
2002 the first day of the public health emergency.

2003 (b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law
2004 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and
2005 inserting the phrase “3 years, not including any period of time for which the Mayor has declared
2006 a public health emergency pursuant to section 5a of the District of Columbia Public Emergency
2007 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),
2008 and for 60 days thereafter,” in its place.

2009

2010 **TITLE V. HEALTH AND HUMAN SERVICES**

2011 Sec. 501. Prescription drugs.

2012 Section 208 of the District of Columbia Health Occupations Revision Act of 1985,
2013 effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by
2014 adding a new subsection (g-2) to read as follows:

2015 “(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize
2016 and dispense a refill of patient prescription medications prior to the expiration of the waiting
2017 period between refills to allow District residents to maintain an adequate supply of necessary
2018 medication during a period of time for which the Mayor has declared a public health emergency
2019 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2020 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

2021 “(2) This subsection shall not apply to any patient prescription for which a refill
2022 otherwise would be prohibited under District law.”.

2023

2024 Sec. 502. Homeless services.

2025 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-
2026 35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

2027 (a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

2028 (1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and
2029 inserting the phrase “not to exceed 3 days; except, that during a public health emergency
2030 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2031 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may
2032 place the family in an interim eligibility placement for a period not to exceed 60 days” in its
2033 place.

2034 (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and
2035 inserting the phrase “and section 9(a)(20); except, that the Mayor may extend an interim
2036 eligibility placement to coincide with the period of a public health emergency declared pursuant

2037 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
2038 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

2039 (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of
2040 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the
2041 interim eligibility placement; except, that during a public health emergency declared pursuant to
2042 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2043 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days
2044 following the end of the public health emergency to issue the eligibility determination required
2045 by this paragraph” in its place.

2046 (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility
2047 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise
2048 required by paragraph (3) of this subsection” in its place.

2049 (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the
2050 phrase “and other professionals” and inserting the phrase “and other professionals; except, that
2051 the Mayor may waive the requirements of this provision for in-person meetings and
2052 communications during a public health emergency declared pursuant to section 5a of the District
2053 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
2054 Official Code § 7-2304.01)” in its place.

2055 (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase
2056 “established pursuant to section 18” and inserting the phrase “established pursuant to section 18;
2057 except, that the Mayor may waive this provision during a public health emergency declared
2058 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2059 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

2060 (d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the
2061 phrase “served on the client.” and inserting the phrase “served on the client; except, that during a
2062 public health emergency declared pursuant to section 5a of the District of Columbia Public
2063 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2064 2304.01), the Mayor may serve written notice via electronic transmission.” in its place.

2065 (e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

2066 (1) Paragraph (1) is amended as follows:

2067 (A) Subparagraph (A) is amended by striking the phrase “to the unit; or”
2068 and inserting the phrase “to the unit;” in its place.

2069 (B) Subparagraph (B) is amended by striking the phrase “at the location”
2070 and inserting the phrase “at the location; or” in its place.

2071 (C) A new subparagraph (C) is added to read as follows:

2072 “(C) During a period of time for which a public health emergency has
2073 been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2074 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or
2075 mitigate the spread of contagious disease, as determined by the Department or provider.” in its
2076 place.

2077 (2) Paragraph (2) is amended by striking the phrase “to paragraph (1)(B)” and
2078 inserting the phrase “to paragraph (1)(B) or (C)” in its place.

2079

2080 Sec. 503. Extension of care and custody for aged-out youth.

2081 (a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective
2082 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as
2083 follows:

2084 (1) Paragraph (12) is amended by striking the phrase “; and” and inserting a
2085 semicolon in its place.

2086 (2) Paragraph (13) is amended by striking the period and inserting the phrase “;
2087 and” in its place.

2088 (3) A new paragraph (14) is added to read as follows:

2089 “(14) To retain custody of a youth committed to the Agency who becomes 21
2090 years of age during a period of time for which the Mayor has declared a public health emergency
2091 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2092 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not
2093 exceeding 90 days after the end of the public health emergency; provided, that the youth
2094 consents to the Agency’s continued custody.”.

2095 (b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as
2096 follows:

2097 (1) Section 16-2303 is amended as follows:

2098 (A) The existing text is designated as subsection (a).

2099 (B) A new subsection (b) is added to read as follows:

2100 “(b) The Division shall retain jurisdiction of a minor in the legal custody of a public
2101 agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time
2102 for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a

2103 period not exceeding 90 days after the end of the public health emergency; provided, that the
2104 minor consents to the Division’s retention of jurisdiction.”.

2105 (2) Section 16-2322(f)(1) is amended by striking the phrase “twenty-one years of
2106 age” and inserting the phrase “21 years of age, not including orders extended pursuant to § 16-
2107 2303(b)” in its place.

2108

2109 Sec. 504. Standby guardianship.

2110 Section 16-4802 of the District of Columbia Official Code is amended as follows:

2111 (a) A new paragraph (5A) is added to read as follows:

2112 “(5A) “COVID-19” means the disease caused by the novel 2019 coronavirus
2113 SARS-CoV-2.”.

2114 (b) Paragraph (6) is amended to read as follows:

2115 “(6) “Debilitation” means those periods when a person cannot care for that
2116 person’s minor child as a result of:

2117 “(A) A chronic condition caused by physical illness, disease, or injury
2118 from which, to a reasonable degree of probability, the designator may not recover; or

2119 “(B) A serious medical condition caused by COVID-19.”.

2120 (c) Paragraph (10) is amended to read as follows:

2121 “(10) “Incapacity” means:

2122 “(A) A chronic and substantial inability, as a result of a mental or organic
2123 impairment, to understand the nature and consequences of decisions concerning the care of a
2124 minor child, and a consequent inability to care for the minor child; or

2125 “(B) A substantial inability, as a result of COVID-19, to understand the
2126 nature and consequences of decisions concerning the care of a minor child, and a consequent
2127 inability to care for the minor child.”.

2128 (d) Paragraph (13) is amended to read as follows:

2129 “(13) “Triggering event” means any of the following events:

2130 “(A) The designator is subject to an adverse immigration action;

2131 “(B) The designator has been diagnosed, in writing, by a licensed clinician
2132 to suffer from a chronic condition caused by injury, disease, or illness from which, to a
2133 reasonable degree of probability, the designator may not recover and the designator:

2134 “(i) Becomes debilitated, with the designator’s written
2135 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2136 “(ii) Becomes incapacitated as determined by an attending
2137 clinician; or

2138 “(iii) Dies; or

2139 “(C) The designator has been diagnosed, in writing, by a licensed clinician
2140 to suffer from COVID-19 and the designator:

2141 “(i) Becomes debilitated, with the designator’s written
2142 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2143 “(ii) Becomes incapacitated as determined by an attending
2144 clinician; or

2145 “(iii) Dies.”.

2146

2147 Sec. 505. Health status and residence of wards.

2148 Subchapter V of Chapter 20 of Title 21 of the District of Columbia Official Code is

2149 amended as follows:

2150 (a) The table of contents is amended by adding a new section designation to read as

2151 follows:

2152 “§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and

2153 residence of a ward.”

2154 (b) A new section 21-2047.03 is added to read as follows:

2155 § 21-2047.03. Duty of guardian to inform certain relatives about the health status and

2156 residence of a ward.

2157 “(a) During a period for which a public health emergency has been declared pursuant to

2158 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002

2159 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the guardian of a ward shall inform at least

2160 one relative of the ward, if one exists pursuant to subsection (d) of this section, as soon as

2161 practicable but no later than within 48 hours, of the following events:

2162 “(1) The ward dies;

2163 “(2) The ward is admitted to a medical facility;

2164 “(3) The ward is transferred to acute care;

2165 “(4) The ward is placed on a ventilator;

2166 “(5) The residence of the ward or the location where the ward lives has changed;

2167 or

2168 “(6) The ward is staying at a location other than the residence of the ward for a

2169 period that exceeds 7 consecutive days.

2170 “(b) In the case of the death of the ward, the guardian shall inform at least one relative of
2171 the ward, if one exists, pursuant to subsection (d) of this section, of any funeral arrangements and
2172 the location of the final resting place of the ward at least 72 hours before the funeral.

2173 “(c) Nothing in this section shall be construed to exempt a guardian from complying with
2174 federal or District privacy laws to which they are otherwise subject.

2175 “(d) This section shall apply only to the relative of a ward:

2176 “(1) Against whom a protective order is not in effect to protect the ward;

2177 “(2) Who has not been found by a court or other state agency to have abused,
2178 neglected, or exploited the ward; and

2179 “(3) Who has elected in writing to receive a notice about the ward.

2180 “(e) For the purposes of this section the term:

2181 “(1) “Relative” means a spouse, parent, sibling, child, or domestic partner of the
2182 ward.

2183 “(2) “Domestic partner” shall have the same meaning as in section 2(3) of the
2184 Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C.
2185 Official Code § 32-701(3)).”.

2186

2187 Sec. 506. Contact tracing hiring requirements.

2188 An Act to authorize the Commissioners of the District of Columbia to make regulations
2189 to prevent and control the spread of communicable and preventable diseases, approved August
2190 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended by adding a new section
2191 9a to read as follows:

2192 “Sec. 9a. Contact tracing hiring requirements.

2193 “Of the number of persons hired by the Department of Health for positions, whether they
2194 be temporary or permanent, under the Contact Trace Force initiative to contain the spread of the
2195 novel 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health
2196 shall establish a goal and make the best effort to hire at least 50% District residents, and for the
2197 position of investigator, whether it be a temporary or permanent position, also establish a goal
2198 and make the best effort to hire at least 25% graduates from a workforce development or adult
2199 education program funded or administered by the District of Columbia.”.

2200

2201 Sec. 507. Public health emergency authority.

2202 The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.
2203 Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

2204 (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

2205 (1) Paragraph (1) is repealed.

2206 (2) Paragraph (2) is amended by striking the phrase “District of Columbia
2207 government;” and inserting the phrase “District of Columbia government; provided further, that
2208 a summary of each emergency procurement entered into during a period for which a public
2209 health emergency is declared shall be provided to the Council no later than 7 days after the
2210 contract is awarded. The summary shall include:

2211 (A) A description of the goods or services procured;

2212 (B) The source selection method;

2213 (C) The award amount; and

2214 (D) The name of the awardee.”.

2215 (3) Paragraph (13) is amended by striking the phrase “; or” and inserting a
2216 semicolon in its place.

2217 (4) Paragraph (14) is amended by striking the period at the end and inserting a
2218 semicolon in its place.

2219 (5) New paragraphs (15) and (16) are added to read as follows:

2220 “(15) Waive application of any law administered by the Department of Insurance,
2221 Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or
2222 welfare of District residents; and

2223 “(16) Notwithstanding any provision of the District of Columbia Government
2224 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.
2225 Official Code § 1-601.01 *et seq.*) (“CMPA”), or the rules issued pursuant to the CMPA, the Jobs
2226 for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C.
2227 Official Code § 1-515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the
2228 following personnel actions regarding executive branch subordinate agencies that the Mayor
2229 determines necessary and appropriate to address the emergency:

2230 “(A) Redeploying employees within or between agencies;

2231 “(B) Modifying employees’ tours of duty;

2232 “(C) Modifying employees’ places of duty;

2233 “(D) Mandating telework;

2234 “(E) Extending shifts and assigning additional shifts;

2235 “(F) Providing appropriate meals to employees required to work overtime
2236 or work without meal breaks;

2237 “(G) Assigning additional duties to employees;

2238 “(H) Extending existing terms of employees;
2239 “(I) Hiring new employees into the Career, Education, and Management
2240 Supervisory Services without competition;
2241 “(J) Eliminating any annuity offsets established by any law; or
2242 “(K) Denying leave or rescinding approval of previously approved leave.”.

2243 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

2244 (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the
2245 public health emergency; and” and inserting the phrase “solely for actions taken during the
2246 public health emergency;” in its place.

2247 (2) Paragraph (4) is amended by striking the period at the end and inserting a
2248 semicolon in its place.

2249 (3) New paragraphs (5), (6), and (7) are added to read as follows:

2250 “(5) Waive application in the District of any law administered by the Department
2251 of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health,
2252 safety, and welfare of District residents;

2253 “(6) Authorize the use of crisis standards of care or modified means of delivery of
2254 health care services in scarce-resource situations; and

2255 “(7) Authorize the Department of Health to coordinate health-care delivery for
2256 first aid within the limits of individual licensure in shelters or facilities as provided in plans and
2257 protocols published by the Department of Health.”.

2258 (c) A new section 5b to read as follows:

2259 “Sec. 5b. Public health emergency response grants.

2260 “(a) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a,
2261 and for a period not exceeding 90 days after the end of the public health emergency, the Mayor
2262 may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C.
2263 Law 20-61; D.C. Official Code § 1-328.11 et seq.), and in the Mayor’s sole discretion, issue a
2264 grant or loan to a program, organization, business, or entity to assist the District in responding to
2265 the public health emergency, including a grant or loan for the purpose of:

2266 “(1) Increasing awareness and participation in disease investigation and contact
2267 tracing;

2268 “(2) Purchasing and distributing personal protective equipment;

2269 “(3) Promoting and facilitating social distancing measures;

2270 “(4) Providing public health awareness outreach;

2271 “(5) Assisting residents with obtaining disease testing, contacting health care
2272 providers, and obtaining medical services;

2273 “(6) Covering the costs of operating a business or organization including rent,
2274 utilities, or employee wages and benefits; or

2275 “(7) Providing technical assistance to the business community.”

2276 “(b) The Mayor may issue one or more grants to a third-party grant-managing entity for
2277 the purpose of issuing or administering grants on behalf of the Mayor in accordance with the
2278 requirements of this section.

2279 “(c)(1) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this
2280 section, shall maintain a list of all grants and loans awarded pursuant to this section with respect
2281 to each public health emergency for which grants or loans are issued. The list shall identify, for

2282 each award, the grant or loan recipient, the date of award, the intended use of the award, and the
2283 award amount.

2284 “(2) The Mayor shall publish the list online no later than 60 days after the first
2285 grant or loan is issued under this section with respect to a specific public health emergency and
2286 shall publish an updated list online within 30 days after each additional grant or loan, if any, is
2287 issued with respect to the specific public health emergency.

2288 “(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2289 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
2290 issue rules to implement the provisions of this section.”.

2291 (d) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1)
2292 to read as follows:

2293 “(c-1) Notwithstanding subsections (b) and (c) of this section, the Council
2294 authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and
2295 public health emergency executive order (“emergency orders”) issued in response to the novel
2296 2019 coronavirus (SARS CoV-2) until May 20, 2021. After the extension authorized by this
2297 subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant
2298 to subsection (b) or (c) of this section.”.

2299 (e) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

2300 (1) The existing text is designated as subsection (a).

2301 (2) New subsections (b) and (c) are added to read as follows:

2302 “(b) The Mayor may revoke, suspend, or limit the license, permit, or certificate of
2303 occupancy of a person or entity that violates an emergency executive order.

2304 “(c) For the purposes of this section a violation of a rule, order, or other issuance issued
2305 under the authority of an emergency executive order shall constitute a violation of the emergency
2306 executive order.”.

2307

2308 Sec. 508. Public benefits clarification and continued access.

2309 (a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C.
2310 Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

2311 (1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new
2312 paragraph (2A-i) to read as follows:

2313 “(2A-i) “COVID-19 relief” means any benefit in cash or in kind, including
2314 pandemic Supplemental Nutrition Assistance Program benefits, emergency Supplemental
2315 Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or
2316 benefit to a household and were received pursuant to federal or District relief provided in
2317 response to the COVID-19 Public Health Emergency of 2020. The term “COVID-19 relief”
2318 does not include COVID-19 related unemployment insurance benefits.”.

2319 (2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the
2320 phrase “medical assistance” and inserting the phrase “medical assistance; COVID-19 relief;” in
2321 its place.

2322 (3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a
2323 new paragraph (4) to read as follows:

2324 “(4) COVID-19 relief shall not be considered in determining eligibility for TANF
2325 and shall not be treated as a lump-sum payment or settlement under this act.”.

2326 (b) Notwithstanding any provision of District law, the Mayor may extend the eligibility
2327 period for individuals receiving benefits, extend the timeframe for determinations for new
2328 applicants, and take such other actions as the Mayor determines appropriate to support continuity
2329 of, and access to, any public benefit program, including the DC Healthcare Alliance and
2330 Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental
2331 Nutritional Assistance Program, until 60 days after the end of a public health emergency
2332 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2333 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as
2334 allowable under federal law.

2335

2336 Sec. 509. Notice of modified staffing levels.

2337 Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice
2338 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
2339 Official Code § 44-504(h-1)(1)(B)), is amended as follows:

2340 (a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a
2341 semicolon in its place.

2342 (b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase
2343 “; and” in its place.

2344 (c) A new sub-subparagraph (iii) is added to read as follows:

2345 “(iii) Provide a written report of the staffing level to the Department of Health for
2346 each day that the facility is below the prescribed staffing level as a result of circumstances giving
2347 rise to a public health emergency during a period of time for which the Mayor has declared a

2348 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
2349 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2350

2351 Sec. 510. Reserved.

2352 Sec. 511. Reserved.

2353

2354 Sec. 512. Long-Term Care Facility reporting of positive cases.

2355 Each long-term care facility located in the District shall report daily to the Department of
2356 Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number
2357 of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the
2358 long-term care facility during the period of time for which the Mayor has declared a public
2359 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2360 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60
2361 days thereafter.

2362

2363 Sec. 514. Hospital support funding.

2364 (a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective
2365 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor’s
2366 sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a
2367 grant application in the form and with the information required by the Mayor.

2368 (b) The amount of a grant issued to an eligible hospital shall be based on:

2369 (1) An allocation formula based on the number of beds at the eligible hospital; or

2370 (2) Such other method or formula, as established by the Mayor, that addresses the
2371 impacts of COVID-19 on eligible hospitals.

2372 (c) A grant issued pursuant to this section may be expended by the eligible hospital for:

2373 (1) Supplies and equipment related to the COVID-19 emergency, including
2374 personal protective equipment, sanitization and cleaning products, medical supplies and
2375 equipment, and testing supplies and equipment;

2376 (2) Personnel costs incurred to respond to the COVID-19 emergency, including
2377 the costs of contract staff; and

2378 (3) Costs of constructing and operating temporary structures to test individuals for
2379 COVID-19 or to treat patients with COVID-19.

2380 (d) The Mayor may issue one or more grants to a third-party grant-managing entity for
2381 the purpose of administering the grant program authorized by this section and making subgrants
2382 on behalf of the Mayor in accordance with the requirements of this section.

2383 (e) The Mayor shall maintain a list of all grants awarded pursuant to this section,
2384 identifying for each award the grant recipient, the date of award, intended use of the award, and
2385 the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days
2386 after the end of the COVID-19 emergency, whichever is earlier.

2387 (f) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2388 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
2389 issue rules to implement the provisions of this section.

2390 (g) For the purposes of this section, the term:

2391 (1) “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-
2392 CoV-2.

2393 (2) “COVID-19 emergency” means the emergencies declared in the Declaration
2394 of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health
2395 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
2396 those emergencies.

2397 (3) “Eligible hospital” means a non-profit or for-profit hospital located in the
2398 District.

2399

2400 Sec. 515. Contractor reporting of positive cases.

2401 (a) A District government contractor or subcontractor shall immediately provide written
2402 notice to the District if it or its subcontractor learns, or has reason to believe, that a covered
2403 employee has come into contact with, had a high likelihood of coming into contact with, or has
2404 worked in close physical proximity to a covered individual.

2405 (b) Notices under subsection (a) of this section shall be made to the District government’s
2406 contracting officer and contract administrator, or, if a covered individual is in care or custody of
2407 the District, to the District agency authorized to receive personally identifiable information. The
2408 notices shall contain the following information:

2409 (1) The name, job title, and contact information of the covered employee;

2410 (2) The date on, and location at, which the covered employee was exposed, or
2411 suspected to have been exposed, to SARS-CoV-2, if known;

2412 (3) All of the covered employee’s tour-of-duty locations or jobsite addresses and
2413 the employee’s dates at such locations and addresses;

2414 (4) The names of all covered individuals whom the covered employee is known to
2415 have come into contact with, had a high likelihood of coming into contact with, or was in close

2416 physical proximity to, while the covered employee performed any duty under the contract with
2417 the District; and

2418 (5) Any other information related to the covered employee that will enable the
2419 District to protect the health or safety of District residents, employees, or the general public.

2420 (c) A District government contractor or subcontractor shall immediately cease the on-site
2421 performance of a covered employee until such time as the covered employee no longer poses a
2422 health risk as determined in writing by a licensed health care provider. The District government
2423 contractor shall provide a written copy of the determination to the contract administrator and the
2424 contracting officer before the covered employee returns to his or her tour-of-duty location or
2425 jobsite address.

2426 (d) The District shall privately and securely maintain all personally identifiable
2427 information of covered employees and covered individuals and shall not disclose such
2428 information to a third party except as authorized or required by law. District contractors and
2429 subcontractors may submit notices pursuant to subsection (a) of this section and otherwise
2430 transmit personally identifiable information electronically; provided, that all personally
2431 identifiable information be transmitted via a secure or otherwise encrypted data method.

2432 (e) For purposes of this section, the term:

2433 (1) "Covered employee" means an employee, volunteer, subcontractor, or agent
2434 of a District government contractor or subcontractor that has provided any service under a
2435 District contract or subcontract and has:

2436 (A) Tested positive for the novel 2019 coronavirus (SARS-CoV-2);

2437 (B) Is in quarantine or isolation due to exposure or suspected exposure to the
2438 novel 2019 coronavirus (SARS-CoV-2); or

- 2439 (C) Is exhibiting symptoms of COVID-19.
- 2440 (2) “Covered individual” means:
- 2441 (A) A District government employee, volunteer, or agent;
- 2442 (B) An individual in the care of the District, the contractor, or the
- 2443 subcontractor; or
- 2444 (C) A member of the public who interacted with, or was in close proximity
- 2445 to, a covered employee while the covered employee carried out performance under a District
- 2446 government contract or subcontract and while the covered employee was at a District
- 2447 government facility or a facility maintained or served by the contractor or subcontractor under a
- 2448 District government contract or subcontract.
- 2449 (3) “COVID-19” means the disease caused by the novel 2019 coronavirus
- 2450 (SARS-CoV-2).
- 2451 (4) “District government facility” means a building or any part of a building that
- 2452 is owned, leased, or otherwise controlled by the District government.
- 2453 (5) “SARS-CoV-2” means the novel 2019 coronavirus.
- 2454 (f) This section shall apply to all District government contracts and subcontracts that
- 2455 were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period
- 2456 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
- 2457 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
- 2458 194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

2459

2460 **TITLE VI. EDUCATION**

2461 Sec. 601. Graduation requirements.

2462 Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR §
2463 2201 *et seq.*) is amended as follows:

2464 (a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall
2465 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,
2466 that this requirement shall be waived for a senior who otherwise would be eligible to graduate
2467 from high school in the District of Columbia in the 2019-20 or 2020-2021 school year” in its
2468 place.

2469 (b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one
2470 hundred and twenty (120) hours of classroom instruction over the course of an academic year”
2471 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the
2472 course of an academic year; except, that following the Superintendent’s approval to grant an
2473 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A
2474 DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer
2475 than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-
2476 2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled”
2477 in its place.

2478 Sec. 602. Out of school time report waiver.

2479 Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment
2480 Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is
2481 amended by adding a new subsection (c) to read as follows:

2482 “(c) During a period of time for which the Mayor has declared a public health emergency
2483 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

2484 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Office may waive the
2485 requirement to conduct an annual, community-wide needs assessment pursuant to subsection
2486 (a)(1) of this section.”.

2487

2488 Sec. 603. Summer school attendance.

2489 Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C.
2490 Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read
2491 as follows:

2492 “(c) The Chancellor shall have the authority to waive the requirements of subsection (a)
2493 of this section for any student who fails to meet the promotion criteria specified in the DCMR
2494 during a school year that includes a period of time for which the Mayor has declared a public
2495 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2496 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2497

2498 Sec. 604. Reserved.

2499 Sec. 605. Reserved.

2500 Sec. 606. Reserved.

2501 **TITLE VII. PUBLIC SAFETY AND JUSTICE**

2502 Sec. 701. Jail reporting.

2503 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice
2504 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §
2505 1-301.191(c)), is amended as follows:

2506 (a) Paragraph (5)(B) is amended by striking the phrase “; and” and inserting a semicolon
2507 in its place.

2508 (b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “;
2509 and” in its place.

2510 (c) A new paragraph (7) is added to read as follows:

2511 “(7) During a period of time for which the Mayor has declared a public health
2512 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2513 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the
2514 Council Committee with jurisdiction over the Office a

2515 “(A) Weekly written update containing the following information:

2516 “(i) Unless otherwise distributed to the Chairperson of the Council
2517 Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a
2518 daily census for that week of individuals detained in the Central Detention Facility and
2519 Correctional Treatment Facility, categorized by legal status;

2520 “(ii) Any District Government response to either the United States
2521 District Court for the District of Columbia or the Court-appointed inspectors regarding the
2522 implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of
2523 *Banks v. Booth* (Civil Action No. 20-849), without reference to personally identifiable
2524 information; and

2525 “(iii) A description of all actions taken by the District Government
2526 to improve conditions of confinement in the Central Detention Facility and Correctional
2527 Treatment Facility, including by the Director of the Department of Youth and Rehabilitation
2528 Services or Director’s designee; and

2529 “(B) Weekly written updates, without reference to personally identifiable
2530 information, containing data and a description of the COVID-19 testing and vaccination of
2531 Department of Corrections staff and individuals detained in the Central Detention Facility and
2532 Correctional Treatment Facility, including whether and under what conditions the District is
2533 vaccinating and testing both groups.”.

2534

2535 Sec. 702. Civil rights enforcement.

2536 The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
2537 Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

2538 “Sec. 316a. Civil actions by the Attorney General.

2539 “During a period of time for which the Mayor has declared a public health emergency
2540 (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2541 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action
2542 initiated by the Attorney General for the District of Columbia (“Attorney General”) for
2543 violations of this act, or a civil action arising in connection with the PHE, other than an action
2544 brought pursuant to section 307:

2545 “(1) The Attorney General may obtain:

2546 “(A) Injunctive relief, as described in section 307;

2547 “(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-
2548 1), for each action or practice in violation of this act, and, in the context of a discriminatory
2549 advertisement, for each day the advertisement was posted; and

2550 “(C) Any other form of relief described in section 313(a)(1); and

2551 “(2) The Attorney General may seek subpoenas for the production of documents
2552 and materials or for the attendance and testimony of witnesses under oath, or both, which shall
2553 contain the information described in section 110a(b) of the Attorney General for the District of
2554 Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015
2555 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures
2556 described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and
2557 (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

2558

2559 Sec. 703. FEMS reassignments.

2560 Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
2561 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as
2562 follows:

2563 “(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign
2564 personnel of the Fire and Emergency Medical Services Department from firefighting and
2565 emergency medical services operations during a period of time for which a public health
2566 emergency has been declared pursuant to section 5a of the District of Columbia Public
2567 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2568 2304.01), based upon the inability of the personnel to wear personal protective equipment in a
2569 manner consistent with medical and health guidelines.”.

2570

2571 Sec. 704. Reserved.

2572

2573

2574 Sec. 705. Extension of time for non-custodial arrestees to report.

2575 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
2576 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
2577 during a period of time for which the Mayor has declared a public health emergency pursuant to
2578 § 7-2304.01.” in its place.

2579

2580 Sec. 706. Good time credits and compassionate release.

2581 (a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective
2582 May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking
2583 the phrase “this section combined” and inserting the phrase “this section combined; except that
2584 the Department of Corrections shall have discretion to award additional credits beyond the limits
2585 described in this subsection, including pursuant to section 3 and this section, consistent with
2586 public safety.”.

2587 (b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of
2588 Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47
2589 Stat. 696; D.C. Official Code § 24-403 et seq.), is amended as follows:

2590 (1) A new section 3a-1 is added to read as follows:

2591 “Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

2592 “(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2593 imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be
2594 retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54
2595 days, or more if consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence

2596 imposed by the court, subject to determination by the Bureau of Prisons that during those years
2597 the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

2598 “(2) An award of good time credit pursuant to paragraph (1) of this subsection
2599 shall apply to the minimum and maximum term of incarceration, including the mandatory
2600 minimum; except, that in the event of a maximum term of life, only the minimum term shall
2601 receive good time.

2602 “(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2603 imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded
2604 good time credit toward the service of the defendant’s sentence of up to 54 days, or more if
2605 consistent with 18 U.S.C. § 3624(b), for each year of the defendant’s sentence imposed by the
2606 court, subject to determination by the Bureau of Prisons that during those years the defendant has
2607 met the conditions provided in 18 U.S.C. § 3624(b).

2608 “(2) An award of good time credit pursuant to paragraph (1) of this subsection:

2609 “(A) Shall apply to any mandatory minimum term of incarceration; and

2610 “(B) Is not intended to modify how the defendant is awarded good time
2611 credit toward any portion of the sentence other than the mandatory minimum.”.

2612 (2) A new section 3d is added to read as follows:

2613 “Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

2614 “(a) Notwithstanding any other provision of law, the court shall modify a term of
2615 imprisonment imposed upon a defendant if it determines the defendant is not a danger to the
2616 safety of any other person or the community, pursuant to the factors to be considered in 18
2617 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated,
2618 and:

2619 “(1) The defendant has a terminal illness, which means a disease or condition with
2620 an end-of-life trajectory;

2621 “(2) The defendant is 60 years of age or older and has served at least 20 years in
2622 prison; or

2623 “(3) Other extraordinary and compelling reasons warrant such a modification,
2624 including:

2625 “(A) A debilitating medical condition involving an incurable illness, or a
2626 debilitating injury from which the defendant will not recover;

2627 “(B) Elderly age, defined as a defendant who:

2628 “(i) Is 60 years of age or older;

2629 “(ii) Has served the lesser of 15 years or 75% of the defendant’s
2630 sentence; and

2631 “(iii) Suffers from a chronic or serious medical condition related to
2632 the aging process or that causes an acute vulnerability to severe medical complications or death
2633 as a result of COVID-19;

2634 “(C) Death or incapacitation of the family member caregiver of the
2635 defendant’s children; or

2636 “(D) Incapacitation of a spouse or a domestic partner when the defendant
2637 would be the only available caregiver for the spouse or domestic partner.

2638 “(b) Motions brought pursuant to this section may be brought by the United States
2639 Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole
2640 Commission, or the defendant.

2641 “(c) Although a hearing is not required, to provide for timely review of a motion made
2642 pursuant to this section and at the request of counsel for the defendant, the court may waive the
2643 appearance of a defendant currently held in the custody of the Bureau of Prisons.

2644 “(d) For the purposes of this section, the term “COVID-19” means the disease caused by
2645 the novel 2019 coronavirus SARS-CoV-2.”.

2646 Sec. 707. Healthcare provider liability.

2647 (a) Notwithstanding any provision of District law:

2648 (1) A healthcare provider, first responder, or volunteer who renders care or
2649 treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt
2650 from liability in a civil action for damages resulting from such care or treatment of COVID-19,
2651 or from any act or failure to act in providing or arranging medical treatment for COVID-19;

2652 (2) A donor of time, professional services, equipment, or supplies for the benefit
2653 of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed
2654 individual with COVID-19, or care for the family members of such individuals for damages
2655 resulting from such donation shall be exempt from liability in a civil action; and

2656 (3) A contractor or subcontractor on a District government contract that has been
2657 contracted to provide either health care services or human care services, consistent with section
2658 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
2659 371; D.C. Official Code § 2-351.04(37)), related to the District government’s COVID-19
2660 response shall be exempt from liability in a civil action.

2661 (b) The limitations on liability provided for by subsection (a) of this section shall apply to
2662 any healthcare provider, first responder, volunteer, donor, or District government contractor or
2663 subcontractor of a District government contractor (“provider”), including a party involved in the

2664 healthcare process at the request of a health-care facility or the District government and acting
2665 within the scope of the provider’s employment or organization’s purpose, contractual or
2666 voluntary service, or donation, even if outside the provider’s professional scope of practice, state
2667 of licensure, or with an expired license, who:

2668 (1) Prescribes or dispenses medicines for off-label use to attempt to combat the
2669 COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn,
2670 and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176;
2671 132 Stat. 1372).

2672 (2) Provides direct or ancillary health-care services or health care products,
2673 including direct patient care, testing, equipment or supplies, consultations, triage services,
2674 resource teams, nutrition services, or physical, mental, and behavioral therapies; or

2675 (3) Utilizes equipment or supplies outside of the product’s normal use for medical
2676 practice and the provision of health-care services to combat the COVID-19 virus;

2677 (c) The limitations on civil liability provided for by subsection (a) of this section shall not
2678 extend to:

2679 (1) Acts or omissions that constitute actual fraud, actual malice, recklessness,
2680 breach of contract, gross negligence, or willful misconduct; or

2681 (2) Acts or omissions unrelated to direct patient care; provided, that a contractor
2682 or subcontractor shall not be liable for damages for any act or omission alleged to have caused an
2683 individual to contract COVID-19.

2684 (d) The limitations on liability provided for by subsection (a) of this section extend to
2685 acts, omissions, and donations performed or made during a period of time for which the Mayor
2686 has declared a public health emergency pursuant to section 5a of the District of Columbia Public

2687 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2688 2304.01), and to damages that ensue at any time from acts, omissions, and donations made
2689 during the public health emergency.

2690 (e) A healthcare provider, first responder, or volunteer who renders care or treatment to a
2691 potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal
2692 prosecution for any act or failure to act in providing or arranging medical treatment for COVID-
2693 19 during a public health emergency, if such action is made in good faith.

2694 (f) The limitations on liability provided for by this section do not limit the applicability of
2695 other limitations on liability, including qualified and absolute immunity, that may otherwise
2696 apply to a person covered by this section.

2697 (g) For the purposes of this section, the term “COVID-19” means the disease caused by
2698 the novel 2019 coronavirus SARS-CoV-2.

2699

2700 **TITLE VIII. GOVERNMENT OPERATIONS**

2701 Sec. 801. Reserved.

2702 Sec. 802. Reserved.

2703

2704 Sec. 803. Reserved.

2705

2706 Sec. 804. Reserved.

2707 Sec. 805. Reserved.

2708 Sec. 806. Reserved.

2709 Sec. 807. Remote notarizations.

2710 The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018

2711 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

2712 (a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph

2713 (1A) to read as follows:

2714 “(1A) “Audio-video communication” means an electronic device or process that:

2715 “(A) Enables a notary public to view, in real time, an individual and to
2716 compare for consistency the information and photos on that individual’s government-issued
2717 identification; and

2718 “(B) Is specifically designed to facilitate remote notarizations.”.

2719 (b) Section 6 (D.C. Official Code § 1-1231.05) is amended as follows:

2720 (1) The existing text is designated as subsection (a).

2721 (2) A new subsection (b) is added to read as follows:

2722 “(b) Notwithstanding any provision of District law, during a period of time for which the
2723 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2724 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2725 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual
2726 making the statement or executing the signature, notarial acts required or permitted under
2727 District law if:

2728 “(1) The notary public and the individual communicate with each other
2729 simultaneously by sight and sound using audio-video communication; and
2730 “(2) The notary public:
2731 “(A) Has notified the Mayor of the intention to perform notarial acts using
2732 audio-video communication and the identity of the audio-video communication the notary public
2733 intends to use;
2734 “(B) Has satisfactory evidence of the identity of the individual by means
2735 of:
2736 “(i) Personal knowledge or by the individual’s presentation of a
2737 current government-issued identification that contains the signature or photograph of the
2738 individual to the notary public during the video conference; or
2739 “(ii) A verification on oath or affirmation of a credible witness
2740 personally appearing before the officer and known to the officer or whom the officer can identify
2741 based on a current passport, driver’s license, or government-issued nondriver identification card;
2742 “(C) Confirms that the individual made a statement or executed a
2743 signature on a document;
2744 “(D) Receives by electronic means a legible copy of the signed document
2745 directly from the individual immediately after it was signed;
2746 “(E) Upon receiving the signed document, immediately completes the
2747 notarization;
2748 “(F) Upon completing the notarization, immediately transmits by
2749 electronic means the notarized document to the individual;

2750 “(G) Creates, or directs another person to create, and retains an audio-
2751 visual recording of the performance of the notarial act; and

2752 “(H) Indicates on a certificate of the notarial act and in a journal that the
2753 individual was not in the physical presence of the notary public and that the notarial act was
2754 performed using audio-visual communication.”.

2755 (c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection
2756 (d) to read as follows:

2757 “(d) Notwithstanding any provision of District law, during a period of time for which the
2758 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2759 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2760 Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.”.

2761

2762 Sec. 808. Reserved.

2763 Sec. 809. Open meetings.

2764 The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code
2765 § 2-571 *et seq.*), is amended as follows:

2766 (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

2767 (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a
2768 semicolon in its place.

2769 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”
2770 in its place.

2771 (3) A new paragraph (4) is added to read as follows:

2772 “(4) During a period for which a public health emergency has been declared
2773 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2774 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes
2775 steps reasonably calculated to allow the public to view or hear the meeting while the meeting is
2776 taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably
2777 practicable.”.

2778 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)
2779 to read as follows:

2780 “(6) The public posting requirements of paragraph (2)(A) of this section shall not
2781 apply during a period for which a public health emergency has been declared pursuant to section
2782 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2783 Law 14-194; D.C. Official Code § 7-2304.01).”.

2784 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the
2785 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a
2786 meeting held during a period for which a public health emergency has been declared pursuant to
2787 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2788 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably
2789 calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if
2790 doing so is not technologically feasible, as soon thereafter as reasonably practicable.”.

2791 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new
2792 paragraph (3) to read as follows:

2793 “(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be
2794 tolled during a period for which a public health emergency has been declared pursuant to section

2795 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2796 Law 14-194; D.C. Official Code § 7-2304.01).”.

2797 Sec. 810. Electronic witnessing.

2798 (a) Title 16 of the District of Columbia Official Code is amended as follows:

2799 (1) Section 16-4802 is amended as follows:

2800 (A) New paragraphs (9A) and (9B) are added to read as follows:

2801 “(9A) “Electronic” means relating to technology having electrical, digital,
2802 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2803 “(9B) “Electronic presence” means when one or more witnesses are in a different
2804 physical location than the designator but can observe and communicate with the designator and
2805 one another to the same extent as if the witnesses and designator were physically present with
2806 one another.”.

2807 (B) New paragraphs (11A) and (11B) are added to read as follows:

2808 “(11A) “Record” means information that is inscribed on a tangible medium or that
2809 is stored in an electronic medium and is retrievable in perceivable form.

2810 “(11B) “Sign” means with present intent to authenticate or adopt a record to:

2811 “(A) Execute or adopt a tangible symbol; or

2812 “(B) Affix to or associate with the record an electronic signature.”.

2813 (2) Section 16-4803 is amended as follows:

2814 (A) Subsection (c) is amended by striking the phrase “the adult signs the
2815 designation in the presence of the designator” and inserting the phrase “the adult signs the
2816 designation in the presence or, during a period of time for which the Mayor has declared a public
2817 health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

2818 (B) Subsection (d) is amended by striking the phrase “in the presence of 2
2819 witnesses” and inserting the phrase “in the presence or, during a period of time for which the
2820 Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence
2821 of 2 witnesses” in its place.

2822 (b) Title 21 of the District of Columbia Official Code is amended as follows:

2823 (1) Section 21-2011 is amended as follows:

2824 (A) New paragraphs (5B-i) and (5B-ii) are added to read as follows:

2825 “(5B-i) “Electronic” means relating to technology having electrical, digital,
2826 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2827 “(5B-ii) “Electronic presence” means when one or more witnesses are in a
2828 different physical location than the signatory but can observe and communicate with the
2829 signatory and one another to the same extent as if the witnesses and signatory were physically
2830 present with one another.”.

2831 (B) New paragraphs (23A) and (23B) are added to read as follows:

2832 “(23A) “Record” means information that is inscribed on a tangible medium or that
2833 is stored in an electronic medium and is retrievable in perceivable form.

2834 “(23B) “Sign” means with present intent to authenticate or adopt a record to:

2835 “(A) Execute or adopt a tangible symbol; or

2836 “(B) Affix to or associate with the record an electronic signature.”.

2837 (2) Section 21-2043 is amended by adding a new subsection (c-1) to read as
2838 follows:

2839 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2840 must be in the presence or, during a period of time for which the Mayor has declared a public
2841 health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

2842 (3) Section 21-2202 is amended as follows:

2843 (A) New paragraphs (3A) and (3B) are added to read as follows:

2844 “(3A) “Electronic” means relating to technology having electrical, digital,
2845 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2846 “(3B) “Electronic presence” means when one or more witnesses are in a different
2847 physical location than the principal but can observe and communicate with the principal and one
2848 another to the same extent as if the witnesses and principal were physically present with one
2849 another.”.

2850 (B) A new paragraph (6B) is added to read as follows:

2851 “(6B) “Record” means information that is inscribed on a tangible medium or that
2852 is stored in an electronic medium and is retrievable in perceivable form.”.

2853 (C) A new paragraph (8) is added to read as follows:

2854 “(8) “Sign” means with present intent to authenticate or adopt a record to:

2855 (A) Execute or adopt a tangible symbol; or

2856 (B) Affix to or associate with the record an electronic signature.”.

2857 (4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who
2858 affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in
2859 the presence or, during a period of time for which the Mayor has declared a public health
2860 emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the
2861 principal was of sound mind” in its place.

2862 (5) Section 21-2210(c)) is amended is amended by striking the phrase “There
2863 shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness
2864 present or, during a period of time for which the Mayor has declared a public health emergency
2865 pursuant to § 7-2304.01, electronically present” in its place.

2866 (c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5,
2867 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

2868 (1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

2869 (A) New paragraphs (6A) and (6B) are added to read as follows:

2870 “(6A) “Electronic” means relating to technology having electrical, digital,
2871 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2872 “(6B) “Electronic presence” means when one or more witnesses are in a different
2873 physical location than the signatory but can observe and communicate with the signatory and one
2874 another to the same extent as if the witnesses and signatory were physically present with one
2875 another.”.

2876 (B) New paragraphs (9A) and (9B) are added to read as follows:

2877 “(9A) “Record” means information that is inscribed on a tangible medium or that
2878 is stored in an electronic medium and is retrievable in perceivable form.

2879 “(9B) “Sign” means with present intent to authenticate or adopt a record to:

2880 “(A) Execute or adopt a tangible symbol; or

2881 “(B) Affix to or associate with the record an electronic signature.”.

2882 (2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a
2883 new subsection (c-1) to read as follows:

2884 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2885 must be in the presence or, during a period of time for which the Mayor has declared a public
2886 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2887 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
2888 electronic presence of the signatory.”.

2889

2890 Sec. 811. Electronic wills.

2891 Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

2892 (a) The table of contents is amended by adding a new section designation to read as
2893 follows:

2894 “18-813. Electronic wills.”.

2895 (b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator”
2896 and inserting the phrase “in the presence or, during a period of time for which the Mayor has
2897 declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined
2898 in § 18-813(a)(2), of the testator” in its place.

2899 (c) A new section 18-813 is added to read as follows:

2900 “§ 18-813. Electronic wills.

2901 “(a) For the purposes of this section, the term:

2902 “(1) “Electronic” means relating to technology having electrical, digital,
2903 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2904 “(2) “Electronic presence” means when one or more witnesses are in a different
2905 physical location than the testator but can observe and communicate with the testator and one

2906 another to the same extent as if the witnesses and testator were physically present with one
2907 another.

2908 “(3) “Electronic will” means a will or codicil executed by electronic means.

2909 “(4) “Record” means information that is inscribed on a tangible medium or that is
2910 stored in an electronic medium and is retrievable in perceivable form.

2911 “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

2912 “(A) Execute or adopt a tangible symbol; or

2913 “(B) Affix to or associate with the record an electronic signature.

2914 “(b)(1) A validly executed electronic will shall be a record that is:

2915 “(A) Readable as text at the time of signing pursuant to subparagraph (B)
2916 of this paragraph; and

2917 “(B) Signed:

2918 “(i) By the testator, or by another person in the testator’s physical
2919 presence and by the testator’s express direction; and

2920 “(ii) In the physical or electronic presence of the testator by at least
2921 2 credible witnesses, each of whom is physically located in the United States at the time of
2922 signing.

2923 “(2) In order for the electronic will to be admitted to the Probate Court, the
2924 testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who
2925 supervised the execution of the electronic will shall certify a paper copy of the electronic will by
2926 affirming under penalty of perjury that:

2927 “(A) The paper copy of the electronic will is a complete, true, and accurate
2928 copy of the electronic will; and

2929 “(B) The conditions in paragraph (1) of this subsection were satisfied at
2930 the time the electronic will was signed.

2931 “(3) Except as provided in subsection (c) of this section, a certified paper copy of
2932 an electronic will shall be deemed to be the electronic will of the testator for all purposes under
2933 this title.

2934 “(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

2935 “(2) An electronic will, or a part thereof, is revoked by:

2936 “(A) A subsequent will or electronic will that revokes the electronic will,
2937 or a part thereof, expressly or by inconsistency; or

2938 “(B) A direct physical act cancelling the electronic will, or a part thereof,
2939 with the intention of revoking it, by the testator or a person in the testator’s physical presence
2940 and by the testator’s express direction and consent.

2941 “(3) After it is revoked, an electronic will, or a part thereof, may not be revived
2942 other than by its re-execution, or by a codicil executed as provided in the case of wills or
2943 electronic wills, and then only to the extent to which an intention to revive is shown in the
2944 codicil.

2945 “(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if
2946 executed in compliance with the law of the jurisdiction where the testator is:

2947 “(1) Physically located when the electronic will is signed; or

2948 “(2) Domiciled or resides when the electronic will is signed or when the testator
2949 dies.

2950 “(e) Except as otherwise provided in this section:

2951 “(1) An electronic will is a will for all purposes under the laws of the District of
2952 Columbia; and

2953 “(2) The laws of the District of Columbia applicable to wills and principles of
2954 equity apply to an electronic will.

2955 “(f) This section shall apply to electronic wills made during a period of time for which
2956 the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

2957

2958 Sec. 812. Administrative hearings deadlines.

2959 Notwithstanding any provision of District law, but subject to applicable federal laws and
2960 regulations, during a period time for which the Mayor has declared a public health emergency
2961 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2962 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the 90-day time period to
2963 request a hearing shall be tolled:

2964 (1) To review an adverse action by the Mayor concerning any new application for
2965 public assistance or any application or request for a change in the amount, kind or conditions of
2966 public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or
2967 conditions of public assistance benefits or to take other action adverse to the recipient pursuant to
2968 section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982
2969 (D.C. Law 4-101; D.C. Official Code § 4-210.09); or

2970 (2) To appeal an adverse decision listed in section 26(b) of the Homeless Services
2971 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-
2972 754.41(b)).

2973 Sec. 813. Other boards and commissions.

2974 Notwithstanding any provision of law, during a period time for which the Mayor has
2975 declared a public health emergency pursuant to section 5a of the District of Columbia Public
2976 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2977 2304.01), any requirement for a board, commission, or other public body to meet is waived,
2978 unless the Mayor determines that it is necessary or appropriate for the board, commission, or
2979 other public body to meet during the period of the public health emergency, in which case the
2980 Mayor may order the board, commission, or other public body to meet;

2981 Sec. 814. Living will declaration.

2982 The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official
2983 Code § 7-621 *et seq.*), is amended as follows:

2984 (a) Section 2 (D.C. Official Code § 7–621) is amended as follows:

2985 (1) A new paragraph (2B) is added to read as follows:

2986 “(2B) “Electronic presence” means when one or more witnesses are in a different
2987 physical location than the declarant but can observe and communicate with the declarant and one
2988 another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic,
2989 or similar capabilities to the same extent as if the witnesses and declarant were physically present
2990 with one another.

2991 (2) A new paragraph (5A) is added to read as follows:

2992 “(5A) “Sign” means with present intent to authenticate or adopt a record to:

2993 “(A) Execute or adopt a tangible symbol; or

2994 “(B) Affix to or associate with the record an electronic signature.”.

2995 (b) Section 3 (D.C. Official Code § 7–622) is amended as follows:

2996 (1) Subsection (a)(4) is amended by striking the phrase “Signed in the presence”
2997 and inserting the phrase “Signed in the presence or, during a period of time for which the Mayor
2998 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
2999 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3000 2304.01), the electronic presence” in its place.

3001 (2) A new subsection (d) is added to read as follows:

3002 “(d) During a period of time for which the Mayor has declared a public health emergency
3003 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October
3004 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act
3005 may be an electronic signature.”.

3006 (c) Section 5(a)(3) (D.C. Official Code § 7–624(a)(3)) is amended by striking the phrase
3007 “in the presence of a witness” and inserting the phrase “in the presence or, during a period of time
3008 for which the Mayor has declared a public health emergency pursuant to section 5a of the District
3009 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3010 Official Code § 7-2304.01), electronic presence of a witness” in its place.

3011

3012 Sec. 815. Retirement Board Executive Director appointment.

3013 Section 121(g)(2) of the District of Columbia Retirement Reform Act, approved
3014 November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-711(g)(2)), is amended as follows:

3015 (a) Subparagraph (C) is amended to read as follows:

3016 “(C)(i) The Executive Director, who shall be appointed to manage the day-
3017 to-day operations of the Board, shall be a District resident throughout his or her term and failure
3018 to maintain District residency shall result in a forfeiture of the position.

3019 “(ii) Notwithstanding subparagraph (i) and any other provision of
3020 law, the Executive Director may be a non-resident of the District, provided, the board approves
3021 non-residency by a two-thirds vote and submits a proposed resolution to the Council of the
3022 District of Columbia to approve the non-residency appointment. Such resolution shall be
3023 deemed approved on the 31st calendar day following receipt by the Council unless the Council
3024 disapproves the resolution, in which case subparagraph (i) shall apply.

3025 (b) A new subparagraph (D) is added to read as follows:

3026 “(D) Notwithstanding any provision of law, the annual salary of the
3027 Executive Director shall be fixed by the Board as it deems necessary at a rate for each not to
3028 exceed 135% of the highest step of Grade E5 of the Executive Service. Sec. 816. WMATA
3029 Board of Directors appointment.

3030 Section 2 of the Washington Metropolitan Area Transit Authority Board of Directors Act
3031 of 2012, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11), is
3032 amended by repealing paragraph (a)(4).

3033

3034

3035 **TITLE IX. LEGISLATIVE BRANCH**

3036 Sec. 901. Council detailee appointment clarification.

3037 Title 27 of the District of Columbia Government Comprehensive Merit Personnel Act of
3038 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-627.01 *et seq.*), is
3039 amended by adding a new section 2707 to read as follows:

3040 “Section 2707. Definitions.

3041 “For the purposes of this title, the term:

3042 “(1) “Agency” includes the Council.

3043 “(2) “Appropriate officials” includes:

3044 “(A) For an assignment for which the Council is the receiving agency, the
3045 personnel authority to whom the employee will be assigned in consultation with the Chairman of
3046 the Council.

3047 “(B) For an assignment for which the Council is the sending agency, the
3048 personnel authority to whom the employee is currently assigned.”

3049 Sec. 902. Grant budget modifications.

3050 (a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the
3051 federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order
3052 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both
3053 declared on March 11, 2020, submitted to the Council for approval and accompanied by a report
3054 by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section
3055 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat.
3056 2040; D.C. Official Code § 1-204.46b(b)(1)).

3057 (b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act,
3058 approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the
3059 Council shall be deemed to have reviewed and approved the acceptance, obligation, and
3060 expenditure of a grant related to the Declaration of Public Emergency (Mayor’s Order 2020-045)
3061 and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on
3062 March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of
3063 addressing a public emergency, if:

3064 (1) No written notice of disapproval is filed with the Secretary to the Council
3065 within 2 business days of the receipt of the report from the Chief Financial Officer under section
3066 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3067 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

3068 (2) Such a notice of disapproval is filed within such deadline, the Council does
3069 not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5
3070 calendar days of the initial receipt of the report from the Chief Financial Officer under section
3071 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3072 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

3073 Sec. 903. Budget submission requirements.

3074 The Fiscal Year 2022 Budget Submission Requirements Resolution of 2020, effective
3075 December 1, 2020 (Res. 23-610; 67 DCR 14617), is amended as follows:

3076 (a) Section 2 is amended by striking the phrase “not later than March 31, 2021,” and
3077 inserting the phrase “not later than April 22, 2021, unless another date is set by subsequent
3078 resolution of the Council” in its place.

3079 (b) Section 3(2)(C) is amended by striking the phrase “produced from PeopleSoft on
3080 March 31, 2021” and inserting the phrase “produced from PeopleSoft on April 22, 2021” in its
3081 place.

3082 Sec. 904. Reserved.

3083 Sec. 905. Advisory Neighborhood Commissions.

3084 The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C.
3085 Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

3086 (a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

3087 (1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting
3088 the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

3089 (2) A new paragraph (3) is added to read as follows:

3090 “(3) For the November 3, 2020, general election:

3091 “(A) Candidates for member of an Advisory Neighborhood Commission
3092 shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are
3093 residents of the single-member district from which the candidate seeks election;

3094 “(B) The petitions of a candidate in subparagraph (A) of this paragraph
3095 may be electronically:

3096 “(i) Made available by the candidate to a qualified petition
3097 circulator; and

3098 “(ii) Returned by a qualified petition circulator to the candidate;
3099 and

3100 “(C) Signatures on a candidate’s petitions shall not be invalidated because
3101 the signer was also the circulator of the same petition on which the signature appears.”.

3102 (b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

3103 (1) Paragraph (1) is amended by striking the phrase “prior to a general election”
3104 both times it appears and inserting the phrase “prior to a general election or during a period of
3105 time for which a public health emergency has been declared by the Mayor pursuant to section 5a
3106 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3107 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3108 (2) Paragraph (6) is amended as follows:

3109 (A) Subparagraph (A) is amended by striking the phrase “and legal
3110 holidays” and inserting the phrase “legal holidays, and days during a period of time for which a
3111 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3112 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3113 Official Code § 7-2304.01)” in its place.

3114 (B) Subparagraph (C) is amended by striking the phrase “petitions
3115 available,” and inserting the phrase “petitions available, not including days during a period of
3116 time for which a public health emergency has been declared by the Mayor pursuant to section 5a
3117 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3118 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3119 (C) Subparagraph (E) is amended by striking the phrase “or special
3120 meeting” and inserting the phrase “or special meeting, not to include a remote meeting held
3121 during a period of time for which a public health emergency has been declared by the Mayor
3122 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
3123 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3124 (c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection
3125 (q) to read as follows:

3126 “(q) During a period of time for which a public health emergency has been declared by
3127 the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
3128 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

3129 “(1) The 30-day written notice requirement set forth in subsection (b) of this
3130 section shall be a 51-day written notice requirement; and

3131 “(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of
3132 this section shall be a 66-calendar-day notice requirement.”.

3133 (d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

3134 (1) Paragraph (1) is amended by striking the phrase “by the Commission.” and
3135 inserting the phrase “by the Commission; provided, that no meetings shall be required to be held
3136 during a period for which a public health emergency has been declared by the Mayor pursuant to
3137 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
3138 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be
3139 held in a given year shall be reduced by one for every 30 days that a public health emergency is
3140 in effect during the year.”.

3141 (2) A new paragraph (1B) is added to read as follows:

3142 “(1B) Notwithstanding any other provision of law, during a period for which a
3143 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3144 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3145 Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and
3146 remotely participate in that meeting and vote on matters before the Commission without being
3147 physically present through a teleconference or through digital means identified by the
3148 Commission for this purpose. Members physically or remotely present shall be counted for
3149 determination of a quorum.”.

3150 (e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

3151 (1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as
3152 follows:

3153 “(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to
3154 file quarterly reports due during a period of time for which a public health emergency has been
3155 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
3156 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

3157 (2) Subsection (m)(1) is amended by striking the phrase “District government”
3158 and inserting the phrase “District government; except, that notwithstanding any provision of
3159 District law, during a period for which a public health emergency has been declared by the
3160 Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
3161 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission
3162 may approve grants to organizations for the purpose of providing humanitarian relief, including
3163 food or supplies, during the public health emergency, or otherwise assisting in the response to
3164 the public health emergency anywhere in the District, even if those services are duplicative of
3165 services also performed by the District government” in its place.

3166

3167 **TITLE X. REPEALS; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

3168 Sec. 1001. Repeals.

3169 (a) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted
3170 on May 21, 2020 (D.C. Act 23-323; 67 DCR 6601), is repealed.

3171 (b) Title III of the Protecting Businesses and Workers from COVID-19 Temporary
3172 Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-168; 68 DCR 742) is
3173 repealed.

3174 (c) The Coronavirus Support Temporary Amendment Act of 2020, effective October 9,
3175 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

3176 (g) The Coronavirus Public Health Extension Temporary Amendment Act of 2020,
3177 enacted December 25, 2020 (D.C. Act 23-614, 68 DCR XXXX), is repealed.

3178 Act 23-614

3179 Sec. 1002. Fiscal impact statement.

3180 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
3181 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
3182 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

3183 Sec. 1003. Effective date.

3184 This act shall take effect following approval by the Mayor (or in the event of veto by the
3185 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
3186 90 days, as provided for emergency acts of the Council of the District of Columbia in section
3187 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
3188 D.C. Official Code § 1-204.12(a)).

3189