

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on a emergency basis, due to congressional review, 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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118 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

119 act may be cited as the “Coronavirus Support Congressional Review Emergency Amendment

120 Act of 2021”.

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

122 Sec. 101. Wage replacement.

123 (a) Notwithstanding any provision of District law, but subject to applicable federal laws
124 and regulations, during a period of time for which the Mayor has declared a public health
125 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
126 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected
127 employee shall be eligible for unemployment insurance in accordance with subsection (b) of this
128 section.

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

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

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

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

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

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

145 (d) For the purposes of this section, the term “affected employee” means an employee
146 who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to
147 section 9 of the District of Columbia Unemployment Compensation Act, approved August 28,
148 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have
149 become unemployed or partially unemployed as a result of the circumstances giving rise to the
150 public health emergency. The term “affected employee” includes an employee who has been
151 quarantined or isolated by the Department of Health or any other applicable District or federal
152 agency, an employee who has self-quarantined or self-isolated in a manner consistent with the
153 recommendations or guidance of the Department of Health, any other applicable District or
154 federal agency, or a medical professional, or an employee of an employer that ceased or reduced
155 operations due to an order or guidance from the Mayor or the Department of Health or a
156 reduction in business revenue resulting from the circumstances giving rise to the public health
157 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation
158 required by the Mayor or the Mayor’s designee.

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

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

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

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

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

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

176 (g) Notwithstanding any provision of District law, but subject to applicable federal laws
177 and regulations, during a period of time for which the Mayor has declared a public health
178 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
179 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
180 requirements of section 9(a)(4)(B) and (5) of the District of Columbia Unemployment
181 Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-
182 109(a)(4)(B) and (5)), shall not apply.

183

184 Sec. 102. Unemployment insurance clarification.

185 The District of Columbia Unemployment Compensation Act, effective August 28, 1935
186 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

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

189 “(A-i) During a period of time for which the Mayor has declared a public
190 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
191 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and in
192 conformity with federal law, the Director may determine that the term “employment” as defined
193 in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-
194 time employment, do not have sufficient work history, or otherwise would not qualify for regular
195 unemployment or extended benefits under District or federal law or pandemic emergency
196 unemployment compensation.”.

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

199 “(G) “Federal Pandemic Unemployment Compensation (“FPUC”) benefits
200 paid to an individual pursuant to section 2104 of the Coronavirus Aid, Relief, and Economic
201 Security Act, approved March 27, 2020 (134 Stat. 318; 15 U.S.C. § 9023), shall not be charged
202 against an employer’s account.”.

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

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

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

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

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

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

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

214 “(b) During a period of time for which the Mayor has declared a public health emergency
215 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
216 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have
217 broad discretion to waive any eligibility requirements set forth in this act, other than the physical
218 ability and availability requirement, when the Director considers such waiver to be in the public
219 interest.”.

220

221 Sec. 103. Reserved.

222

223 Sec. 104. Family and medical leave.

224 The District of Columbia Family and Medical Leave Act of 1990, effective October 3,
225 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

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

227 “(1) “Employee” means:

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

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

234 (b) A new section 3a is added to read as follows:

235 “Sec. 3a. COVID-19 leave.

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

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

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

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

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

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

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

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

255 “(2) If the leave is necessitated by the recommendation of a health care provider
256 to an employee’s family member or individual with whom the employee shares a household, a

257 written, dated statement from a health care provider stating that the individual has such need and
258 the probable duration of the condition.

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

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

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

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

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

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

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

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

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

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

290

291 Sec. 105. Paid public health emergency leave.

292 (a) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-
293 152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

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

297 (2) A new section 3a is added to read as follows:

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

299 “(a)(1) Beginning April 10, 2020, and for the duration of the COVID-19 emergency, an
300 employer with between 50 and 499 employees, that is not a health care provider, shall provide

301 paid leave to an employee pursuant to this section for an absence from work due to covered
302 reasons.

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

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

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

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

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

322 “(2) If an employee elects to use paid leave provided under this section
323 concurrently with other paid leave, the employer may reduce the monetary benefit of the paid

324 leave provided under this section by the amount of the monetary benefit the employee will
325 receive for paid leave taken under federal or District law or the employer’s policies.

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

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

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

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

342 “(1) “Covered reasons” means any of the reasons for which federal paid leave is
343 available pursuant to section 5102 of the Families First Coronavirus Response Act, approved
344 March 18, 2020 (134 Stat. 195; 29 U.S.C. § 2601, note).

345 “(2) “COVID-19 emergency” means the emergencies declared in the Declaration
346 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health

347 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
348 those declared emergencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388 “(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19
389 emergency, no more than \$500,000 of the money in the Fund may be used for activities related
390 to enforcement of the paid public health emergency leave requirement contained in section 3a of

391 the Accrued Sick and Safe Leave Act of 2008, passed on 2nd reading on April 6, 2021 (Enrolled
392 version of Bill 24-140).

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

397

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

399 Sec. 201. Small business microgrants.

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

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

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

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

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

408 “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a
409 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
410 Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant
411 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code
412 § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant or loan to an eligible small
413 business; provided, that the eligible small business:

414 “(A) Submits a grant application in the form and with the information
415 required by the Mayor; and

416 “(B) Demonstrates, to the satisfaction of the Mayor, financial distress
417 caused by a reduction in business revenue due to the circumstances giving rise to or resulting
418 from the public health emergency.

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

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

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

424 “(B) Operating costs of the eligible small business, including taxes and
425 debt service; and

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

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

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

434 “(d) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this
435 section, shall maintain a list of all grants awarded pursuant to this section, identifying for each
436 award the grant recipient, the date of award, intended use of the award, and the award amount.

437 The Mayor shall publish the list online no later than June 1, 2020, or 5 days following the end of
438 the COVID-19 emergency, whichever is earlier.

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

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

444 “(2) “Eligible small business” means a business enterprise eligible for
445 certification under section 2332, a nonprofit entity, or an independent contractor or self-
446 employed individual determined ineligible for unemployment insurance by the Director of the
447 Department of Employment Services, unless the independent contractor or self-employed
448 individual is eligible for and receiving unemployment insurance benefits unrelated to their self-
449 employment or independent contractor work and is otherwise eligible for a grant pursuant to this
450 subsection.”.

451

452 Sec. 202. Contractor advance payment.

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

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

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

459 “(a-1) During a period of time for which the Mayor has declared a public health
460 emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of
461 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency
462 may make advance payments to a certified contractor for purchases related to the PHE when the
463 payments are necessary to achieve the purposes of this subtitle and may provide an advance of
464 more than 10% of the total value of the contract.”.

465

466 Sec. 203. Certified Business Enterprise assistance.

467 (a) Notwithstanding the Small and Certified Business Enterprise Development and
468 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
469 218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the
470 period of the COVID-19 emergency, any contract for a government-assisted project in excess of
471 \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered
472 into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act,
473 shall provide that:

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

476 (2) If there are insufficient qualified small business enterprises to meet the
477 requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied
478 by subcontracting 50% of the dollar volume (“CBE minimum expenditure”) to any qualified
479 certified business enterprises; provided, that best efforts shall be made to ensure that qualified
480 small business enterprises are significant participants in the overall subcontracting work.

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

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

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

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

494 (1) Perform at least 50% of the contracting effort with its own organization and
495 resources if the certified joint venture is granted points or a price reduction pursuant to section
496 2343 of the CBE Act or selected through a set-aside program; and

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

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

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

504 (3) For every dollar expended by a beneficiary that uses a company designated as
505 both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-
506 owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a credit for
507 \$1.30 against the CBE minimum expenditure.

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

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

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

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

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

519 (5) “Government-assisted project” has the same meaning as set forth in section
520 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

521 (6) “Longtime resident business” has the same meaning as set forth in section
522 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

523 (7) “Resident-owned business” has the same meaning as set forth in section
524 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

525 (8) “Small Business Enterprises” has the same meaning as set forth in section
526 2332 of the CBE Act (D.C. Official Code § 2-218.32).

527 (f) Contracts entered into on an emergency basis or that are made in furtherance of, or that
528 are related to, the District’s response to the COVID-19 emergency shall not be subject to the
529 requirements of the CBE Act or the First Source Employment Agreement Act of 1984, effective June
530 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

531

532 Sec. 204. Alcoholic beverage regulation.

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

534 (a) Chapter 1 is amended as follows:

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

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

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

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

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

549 “(II) For carry-out and delivery, the licensee, the additional
550 location’s owner, or a prior tenant at the additional location possesses a valid certificate of

551 occupancy for the building used as the additional location, unless the additional location is
552 located on outdoor private space;

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

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

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

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

567 “(iii) An on-premises retailer’s license, class C/R, D/R, C/T, D/T,
568 C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, may sell,
569 serve, and allow the consumption of beer, wine, or spirits indoors on the premises of the
570 additional location pursuant to sub-subparagraph (i) of this subparagraph; provided, that the
571 licensee shall:

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

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

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

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

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

585 “(VI) Prohibit patrons from bringing their own alcoholic
586 beverages;

587 “(VII) Prohibit self-service buffets;

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

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

592 “(X) Ensure that prepared food items offered for sale or
593 served to patrons are prepared on the licensed premises or off-premises at another licensed entity

594 that has been approved to sell and serve food by the District of Columbia Department of Health
595 (“DC Health”);

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

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

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

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

608 “(XV) Not serve alcoholic beverages or food to standing
609 patrons;

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

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

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

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

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

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

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

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

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

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

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

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

645 “(viii) The Board may fine or suspend, cancel, or revoke the
646 license of an on-premises retailer licensee, and shall revoke its registration to offer beer, wine, or
647 spirits for carryout or delivery or on-premises alcohol sales and consumption of the indoor
648 location at the additional location if the licensee fails to comply with sub-subparagraphs (i)
649 through (vii) of this subparagraph.”.

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

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

658 “(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H,
659 C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer
660 licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center

661 food and alcohol business may register with the Board at no cost to sell, serve, and permit the
662 consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level
663 outdoor public or private space not listed on its existing license. Upon registration, Board
664 approval shall not be required; provided, that the licensee:

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

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

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

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

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

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

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

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

688 “(v) Prohibit self-service buffets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

723 “(C) Registration under subparagraph (A) of this paragraph shall be valid
724 until December 31, 2021.

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

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

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

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

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

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

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

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

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

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

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

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

765 (b) Chapter 4 is amended as follows:

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

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

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

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

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

777 (i) Strike the phrase “45-day protest period” and insert the phrase
778 “66-day protest period” in its place.

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

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

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

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

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

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

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

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

800 (b) Notwithstanding any provision of District law, during a public health emergency, it
801 shall be unlawful for a person to cause a third-party food delivery platform to charge a
802 restaurant:

803 (1) A commission fee for the use of the platform’s services for delivery that totals
804 more than 15% of the purchase price per online order; or

805 (2) A commission fee for use of the platform’s services that totals more than 5%
806 of the purchase price per online order where the platform does not provide delivery of an order,
807 including orders that are picked up from the restaurant by the customer or for which the
808 restaurant provides its own delivery service.

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

812 (d) During a public health emergency, at the time a final price is disclosed to a customer
813 for the intended purchase and delivery of food from a restaurant through a third-party food
814 delivery platform and before that transaction is completed by the customer, the third-party food
815 delivery platform shall disclose to the customer, in plain language and in a conspicuous manner,

816 any commission, fee, or any other monetary payment charged to the customer by the third-party
817 food delivery platform.

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

820 (2) A violation of this section shall be a civil infraction for purposes of the
821 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October
822 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

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

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

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

828 (3) “Restaurant” shall have the same meaning as provided in D.C. Official Code §
829 25-101(43).

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

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

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

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Sec. 206. Reserved.

Sec. 207. Taxes and trade name renewals.

Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“(GG) Small business loans awarded and subsequently forgiven under 15 U.S.C. § 9005.

“(HH) Public health emergency small business grants awarded pursuant to section 2316 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, passed on 2nd reading on April 6, 2021 (Enrolled version of Bill 24-140).

“(II) Public health emergency grants authorized pursuant to § 1-309.13(m)(1).”.

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

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

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

866 Sec. 301. Reserved.

867 Sec. 302. Funeral services consumer protection.

868 (a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22,
869 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section
870 4a to read as follows:

871 “Sec. 4a. Funeral Bill of Rights.

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

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

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

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

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

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

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

890 (c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*)
891 is amended as follows:

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

893 (A) The lead-in language of subparagraph (8) is amended by striking the
894 phrase “customer, or failing to passing” and inserting the phrase “customer, failing to provide to
895 the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the
896 customer, or failing to pass” in its place.

897 (B) Subparagraph (24) is amended by striking the phrase “; or” and
898 inserting a semicolon in its place.

899 (C) Subparagraph (25) is amended by striking the period at the end and
900 inserting a semicolon in its place.

901 (D) New subparagraphs (26), (27), (28), and (29) are added to read as
902 follows:

903 “(26) Failing to clearly and conspicuously post a General Price List, a Casket
904 Price List, or an Outer Burial Container Price List that meets the requirements of the Funeral
905 Industry Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any
906 website maintained by the applicant or licensee;

907 “(27) Failing to provide to any customer a General Price List, a Casket Price List,
908 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry
909 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq*);

910 “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as
911 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,
912 passed on 2nd reading on April 6, 2021 (Enrolled version of Bill 24-140), on any website
913 maintained by the applicant or licensee; or

914 “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in
915 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd
916 reading on April 6, 2021 (Enrolled version of Bill 24-140), during an initial meeting to discuss or
917 make arrangements for the purchase of funeral goods or services.”.

918 (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection
919 3110.9 to read as follows:

920 “3110.9 A funeral services establishment shall keep and retain records documenting any
921 required disclosures to consumers, including disclosure of its General Price List, Casket Price
922 List, and Outer Burial Container Price List, and the Funeral Bill of Rights signed by the
923 consumer, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act
924 of 1984, passed on 2nd reading on April 6, 2021 (Enrolled version of Bill 24-140), after the
925 completion or termination of a funeral contract.”.

926

927 Sec. 303. Debt collection.

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

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

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

931 “(1A) “collection lawsuit” means any legal proceeding, including
932 civil actions, statements of small claims, and supplementary process actions, commenced in any
933 court for the purpose of collecting any debt or other past due balance owed or alleged to be
934 owed.

935 “(1B) “debt” means money or its equivalent that is, or is alleged to be, more than
936 30 days past due and owing, unless a different period is agreed to by the debtor, under a single
937 account as a result of a purchase, lease, or loan of goods, services, or real or personal property
938 for personal, family, or household purposes or as a result of a loan of money that was obtained
939 for personal, family, or household purposes whether or not the obligation has been reduced to
940 judgment.”.

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

942 “(4) “public health emergency” means a period of time for which the Mayor has
943 declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to
944 § 28-4102.”.

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

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

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

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

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

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

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

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

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

964 “(3) This subsection shall not apply to:

965 “(A) Collecting or attempting to collect a debt that is, or is alleged to be,
966 owed on a loan secured by a mortgage on real property or owed for common expenses pursuant
967 to § 42-1903.12; or

968 “(B) Collecting or attempting to collect delinquent debt pursuant to § 1-
969 350.01 *et seq.*”.

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

972 “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt
973 collector shall initiate any communication with a debtor via any written or electronic
974 communication, including email, text message, or telephone. A debt collector shall not be

975 deemed to have initiated a communication with a debtor if the communication by the debt
976 collector is in response to a request made by the debtor for the communication or is the mailing
977 of monthly statements related to an existing payment plan or payment receipts related to an
978 existing payment plan.

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

980 “(A) Communications initiated solely for the purpose of informing a
981 debtor of a rescheduled court appearance date or discussing a mutually convenient date for a
982 rescheduled court appearance;

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

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

987 “(D) Receiving and depositing payments the debtor chooses to make
988 during a public health emergency; or

989 “(E) Collecting or attempting to collect delinquent debt pursuant to § 1-
990 350.01 *et seq.*”.

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

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

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

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

998

999 Sec. 304. Emergency credit alerts.

1000 Chapter 38 of Title 28 of the District of Columbia Official Code is amended as follows:

1001 (a) The table of contents is amended by adding a new subchapter designation to read as
1002 follows:

1003 “Subchapter IV. COVID-19 Emergency Credit Alert.

1004 “28-3871. COVID-19 Emergency credit alert.”.

1005 (b) A new section 28-3871 is added to read as follows:

1006 “§ 28-3871. COVID-19 Emergency credit alert.

1007 “(a) If a consumer reports in good faith that he or she has experienced financial hardship

1008 resulting directly or indirectly from the public health emergency declared pursuant to § 7-

1009 2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in

1010 that file a personal statement, if furnished by the consumer, indicating that the consumer has

1011 been financially impacted by the COVID-19 emergency and shall provide that personal

1012 statement along with or accompanying any credit report provided by the agency, beginning on

1013 the date of such request, unless the consumer requests that the personal statement be removed.

1014 “(b) This section shall not apply to a federal credit union, as defined 12 U.S.C. § 1752(1),

1015 a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as defined

1016 by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not apply to

1017 any entity to which the savings clause at 12 U.S.C. § 25b(b)(2) applies.

1018 “(c) No user of a credit report shall consider adverse information in a report that was the

1019 result of an action or inaction by a consumer that occurred during, and was directly or indirectly

1020 the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report
1021 includes a personal statement pursuant to subsection (a) of this section.

1022 “(d) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
1023 1681j, the entity providing the credit report must notify the resident of his or her right to request
1024 a personal statement to accompany the credit report.

1025 “(e) If a credit reporting agency violates this section, the affected consumer may bring a
1026 civil action consistent with 15 U.S.C. § 1681n.

1027 “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia
1028 for temporary or permanent injunctive relief for, and for an award of damages for property loss
1029 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
1030 deceptive conduct in violation of this section that harms a District resident.

1031 “(2) In an action under this section, the Attorney General may recover:

1032 “(A) A civil penalty not to exceed \$1,000 for each violation; and

1033 “(B) Reasonable attorney’s fees and costs of the action.

1034 “(g) The following terms shall have the same meaning as defined in § 28-3861:

1035 “(1) “Consumer;”

1036 “(2) “Credit report;” and

1037 “(3) “Credit reporting agency.

1038 “(h) This section shall not be construed in a manner inconsistent with 15 U.S.C. § 1681 *et*
1039 *seq.*, or any other federal law or regulation.

1040 “(i) This section shall not be enforced until July 1, 2020.”.

1041

1042 Sec. 305. Enhanced penalties for unlawful trade practices.

1043 Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking
1044 the phrase “by the Department.” and inserting the phrase “by the Department; except, that
1045 notwithstanding any other provision of District law or regulation, during a period of time for
1046 which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of
1047 this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction
1048 within the meaning of 16 DCMR § 3200.1(a).”.

1049

1050 Sec. 306. Price gouging and stockpiling.

1051 Chapter 41 of Title 28 of the District of Columbia Official Code is amended as follows:

1052 (a) The table of contents is amended by adding a new section designation to read as
1053 follows:

1054 “28-4102.01. Stockpiling.”.

1055 (b) Section 28-4101(2) is amended as follows:

1056 (1) Subparagraph (A) is amended by striking the phrase “natural disaster, if an
1057 emergency is declared pursuant to § 28-4102(b)” and inserting the phrase “natural disaster, if an
1058 emergency is declared pursuant to § 28-4102(b), or the circumstances giving rise to a public
1059 health emergency, if an emergency is declared pursuant to §7-2304.01” in its place.

1060 (2) Subparagraph (B) is amended by striking the phrase “natural disaster, if an
1061 emergency is declared pursuant to § 28-4102(b)” and inserting the phrase “natural disaster, if an
1062 emergency is declared pursuant to § 28-4102(b), or the circumstances giving rise to a public
1063 health emergency, if an emergency is declared pursuant to § 7-2304.01” in its place.

1064 (2) A new subparagraph (C) is added to read as follows:

1065 “(C) Notwithstanding subparagraphs (A) or (B) of this paragraph
1066 otherwise to the contrary:

1067 “(i) For calendar year 2021, the “normal average retail price”
1068 means, for a rental vehicle as defined in § 50-1505.01(8), the average price at which a rental
1069 vehicle was leased during the same week of the same month in 2019 in the Washington
1070 Metropolitan Area; and

1071 “(ii) For calendar year 2022 and thereafter, the “normal average
1072 retail price” means, for a rental vehicle as defined in § 50-1505.01(8), the price at which a rental
1073 vehicle was leased during the same week of the same month of the prior year in the Washington
1074 Metropolitan Area.”.

1075 (c) Section 28-4102(a) is amended to read as follows:

1076 “(a) It shall be unlawful for any person to charge more than the normal average retail
1077 price for any merchandise or service sold during a public health emergency declared pursuant to
1078 § 7-2304.01, or during an emergency resulting from a natural disaster declared pursuant to
1079 subsection (b) of this section.”.

1080 (d) A new section 28-4102.01 is added to read as follows:

1081 “§ 28-4102.01. Stockpiling.

1082 “‘It shall be unlawful for any person to purchase, in quantities greater than those specified
1083 by the Mayor, the Department of Health (“DOH”), the Homeland Security and Emergency
1084 Management Agency (“HSEMA”), or the federal government goods that the Mayor, DOH,
1085 HSEMA, or the federal government have declared:

1086 “(1) Necessary for first responders or others following a natural disaster or a
1087 declaration of a public health emergency pursuant to § 7-2304.01 (“public health emergency”);

1088 “(2) Necessary to maintain supply chains of commerce during a natural disaster or
1089 a public health emergency; or

1090 “(3) Subject to rationing.”.

1091 (e) Section 28-4103 is amended as follows:

1092 (1) Strike the phrase “§ 28-4102(a)” wherever it appears and insert the phrase “§
1093 28-4102(a) or § 28-4102.01” in its place.

1094 (2) A new subsection (c) is added to read as follows:

1095 “(c) When the Office of the Attorney General brings a civil action for any violation of §
1096 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty
1097 authorized by § 28-3909 shall be assessed for each such violation.”.

1098

1099 Sec. 307. Utility shutoff.

1100 (a) Section 113a(c) of the District Department of the Environment Establishment Act of
1101 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is
1102 amended as follows:

1103 (1) The existing text is designated as paragraph (1).

1104 (2) A new paragraph (2) is added to read as follows:

1105 “(2) Notwithstanding paragraph (1) of this subsection, during a period of time for
1106 which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the
1107 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1108 194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund
1109 may be used to assist low-income residential customers located in the District of Columbia with
1110 the payment of an outstanding water bill balance; except, that not less than \$1.26 million of

1111 funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit
1112 organizations located in the District with the payment of impervious area charges, pursuant to
1113 section 216b(a) of the Water and Sewer Authority Establishment and Department of Public
1114 Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official
1115 Code § 34-2202.16b(a)), and not less than \$360,000 of funding allocated in the fiscal year in
1116 which the PHE occurs shall be reserved to assist residential customers with the payment of
1117 impervious area charges, pursuant to section 216b(b).”.

1118 (b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television
1119 Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code
1120 § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic
1121 cable operator services for non-payment of a bill, any fees for service or equipment, or any other
1122 charges, or for noncompliance with a deferred payment agreement during a period of time for
1123 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
1124 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1125 Official Code § 7-2304.01), or for 15 calendar days thereafter.

1126 “(2) For purposes of this subsection, the term “other basic cable operator
1127 services” includes only basic broadband internet service and Voice over Internet Protocol service
1128 (known as VOIP service).”.

1129 (c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May
1130 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new
1131 section 106b to read as follows:

1132 “Sec. 106b. Disconnection of service during a public health emergency prohibited.

1133 “(a) For the purposes of this section, the term “public health emergency” means a period
1134 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1135 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1136 194; D.C. Official Code § 7-2304.01).

1137 “(b) An electric company shall not disconnect electric service for non-payment of a bill
1138 or fees during a public health emergency or for 15 calendar days thereafter.”.

1139 (d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004,
1140 effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is
1141 amended by adding a new section 7b to read as follows:

1142 “Sec. 7b. Disconnection of service during a public health emergency prohibited.

1143 “(a) For the purposes of this section, the term “public health emergency” means a period
1144 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1145 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1146 194; D.C. Official Code § 7-2304.01).

1147 “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees
1148 during a public health emergency or for 15 calendar days thereafter.”.

1149 (e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,
1150 1954 (68 Stat. 102; D.C. Official Code § 34-2407.01), is amended by adding a new subsection
1151 (c) to read as follows:

1152 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a
1153 period of time for which the Mayor has declared a public health emergency pursuant to section
1154 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1155 Law 14-194; D.C. Official Code § 7-2304.01).

1156 “(2) During a public health emergency, or for 15 calendar days thereafter,
1157 notwithstanding any other provision of this act, the water supply to any property shall not be shut
1158 off for non-payment of a bill or fees.”.

1159 (f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C.
1160 Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a
1161 to read as follows:

1162 “Section 3a. Disconnection of telecommunications service during a public health
1163 emergency prohibited.

1164 “(a) For the purposes of this section, the term “public health emergency” means a period
1165 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1166 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1167 194; D.C. Official Code § 7-2304.01).

1168 “(b) A telecommunications service provider shall not disconnect, suspend, or degrade
1169 basic telecommunications service for non-payment of a bill, any fees for service or equipment, or
1170 other charges, or for noncompliance with a deferred payment agreement during a public health
1171 emergency or for 15 calendar days thereafter.”.

1172 (g) Notwithstanding any District law, the Attorney General for the District of Columbia
1173 may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any
1174 merchant, including a utility provider, that violates any provision of this act.

1175

1176 Sec. 308. Utility payment plans.

1177 (a) During a program period, a utility provider shall offer a utility-payment-plan program
1178 (“program”) for eligible customers. Under its program, a utility provider shall:

1179 (1) Make a payment plan (“payment plan”) available to an eligible customer for
1180 the payment of amounts that come due during the program period, with a minimum term length
1181 of one year, unless a shorter time period is requested by the eligible customer;

1182 (2) Waive any fee, interest, or penalty that arises out of the eligible customer
1183 entering into a payment plan;

1184 (3) Not report to a credit reporting agency as delinquent the amounts subject to
1185 the payment plan; and

1186 (4) Notify all customers of the availability, terms, and application process for its
1187 program.

1188 (b)(1) Customers entering into a payment plan shall be required to make payments in
1189 equal monthly installments for the duration of the payment plan unless a shorter payment
1190 schedule is requested by the customer.

1191 (2) A utility provider shall permit a customer that has entered into a payment plan
1192 to pay an amount greater than the monthly amount provided for in the payment plan.

1193 (3) A utility provider shall not require or request a customer provide a lump-sum
1194 payment under a payment plan.

1195 (4) A utility provider shall provide confirmation in writing to the customer of the
1196 payment plan entered into, including the terms of a payment plan.

1197 (c) A utility provider shall utilize existing procedures or, if necessary, establish new
1198 procedures to provide a process by which a customer may apply for a payment plan, which may
1199 include requiring the customer to submit supporting documentation. A utility provider shall
1200 permit application for a payment plan to occur online and by telephone.

1201 (d)(1) A utility provider shall approve each application for a payment plan submitted
1202 during the covered time period made by an eligible customer.

1203 (2) If the customer is not eligible and the customer's application for a payment
1204 plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the
1205 option to file a written complaint pursuant to subsection (g) of this section.

1206 (e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees
1207 when a customer has entered into a payment plan under this section and has made payments in
1208 accordance with the terms of the payment plan.

1209 (2) When a customer fails to pay in full the amounts due under a payment plan
1210 and the customer and utility provider have not mutually agreed to a modification of the terms of
1211 the payment plan, nothing under this section shall prevent a utility provider from either offering
1212 the customer a new payment plan or disconnecting service.

1213 (3) Notwithstanding any provision in this section, a utility provider is not required
1214 to offer a customer a new payment plan when a customer has defaulted on a previous payment
1215 plan offered pursuant to this section.

1216 (f)(1) A utility provider that receives an application for a payment plan pursuant to this
1217 section shall retain the application, whether approved or denied, for at least 3 years.

1218 (2) Upon request by the customer, a utility provider shall make an application for
1219 a payment plan available to:

1220 (A) For utility providers regulated by the Public Service Commission and
1221 DC Water, the Office of the People's Counsel;

1222 (B) For a cable operator, the Office of Cable Television, Film, Music and
1223 Entertainment; and

1224 (C) For all other utility providers, the Department of Consumer and
1225 Regulatory Affairs and the Office of the Attorney General.

1226 (g) A customer whose application for a payment plan is denied may file a written
1227 complaint with:

1228 (1) For utility providers regulated by the Public Service Commission, the Public
1229 Service Commission, and the Office of the People’s Counsel;

1230 (2) For a cable operator, the Office of Cable Television, Film, Music and
1231 Entertainment; and

1232 (3) For all other utility providers, the Department of Consumer and Regulatory
1233 Affairs.

1234 (h) During a period of time for which the Mayor has declared a public health emergency,
1235 a utility provider regulated by the Public Service Commission shall reconnect service to
1236 occupied residential property upon an eligible customer’s request and not charge a fee for this
1237 reconnection.

1238 (i) For the purposes of this section, the term:

1239 (1) “Cable operator” shall have the same meaning as provided in section 103(6) of
1240 the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193;
1241 D.C. Official Code § 34-1251.03(6)).

1242 (2) “DC Water” means the District of Columbia Water and Sewer Authority
1243 established pursuant to section 202(a) of the Water and Sewer Authority Establishment and
1244 Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law
1245 11-111; D.C. Official Code § 34-2202.02(a)).

1246 (3) “Electric company” shall have the same meaning as provided in section 8 of
1247 An Act Making appropriations to provide for the expenses of the government of the District of
1248 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other
1249 purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

1250 (4) “Eligible Customer” means a customer that:

1251 (A) Has notified the utility provider of an inability to pay all or a portion
1252 of the amount due as a result, directly or indirectly, of the public health emergency; and

1253 (B) Agrees in writing to make payments in accordance with the payment
1254 plan.

1255 (5) “Gas company” shall have the same meaning as provided in section 3(11) of
1256 the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective
1257 March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(11)).

1258 (6) “Program period” means a period of time for which the Mayor has declared a
1259 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1260 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)
1261 and:

1262 (A) For a cable operator, or a telecommunications provider not regulated
1263 by the Public Service Commission, 60 days thereafter; or

1264 (B) For any other utility provider, 6 months thereafter.

1265 (7) “Telecommunications provider” means an entity that provides
1266 telecommunications services, whether through a telecommunications system or universal service,
1267 as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications
1268 Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code §

1269 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by
1270 the Public Service Commission of the District of Columbia or the Federal Communications
1271 Commission, or is currently not regulated by either local or federal law.

1272 (8) “Utility provider” means a cable operator, DC Water, an electric company, a
1273 gas company, or a telecommunications provider.

1274

1275 Sec. 309. Composting virtual training.

1276 Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014,
1277 effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended
1278 by adding a new paragraph (1A) to read as follows:

1279 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time
1280 for which the Mayor has declared a public health emergency pursuant to section 5a of the
1281 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1282 194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may
1283 provide the training required by paragraph (1) of this subsection remotely through
1284 videoconference.”.

1285

1286 Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

1287 The Department of Insurance and Securities Regulation Establishment Act of 1996,
1288 effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by
1289 adding a new section 5a to read as follows:

1290 “Sec. 5a. Emergency authority of the Commissioner during a declared public health
1291 emergency.

1292 “(a) For the duration of a public health emergency declared by the Mayor pursuant to
1293 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1294 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“public health emergency”), and to address
1295 the circumstances giving rise to that emergency, the Commissioner may issue emergency
1296 rulemaking, orders, or bulletins that:

1297 “(1) Apply to any person or entity regulated by the Commissioner; and

1298 “(2) Address:

1299 “(A) Submission of claims or proof of loss;

1300 “(B) Grace periods for payment of premiums and performance of other
1301 duties by insureds;

1302 “(C) Temporary postponement of:

1303 “(i) Cancellations;

1304 “(ii) Nonrenewals; or

1305 “(iii) Premium increases;

1306 “(D) Modifications to insurance policies;

1307 “(E) Insurer operations;

1308 “(F) Filing requirements;

1309 “(G) Procedures for obtaining nonelective health care services;

1310 “(H) Time restrictions for filling or refilling prescription drugs;

1311 “(I) Time frames applicable to an action by the Commissioner under this

1312 section;

1313 “(J) Temporarily waiving application of laws, rulemaking, or requirements

1314 to ensure that depository services, non-depository services, and securities transactions can

1315 continue to be provided, including allowing for the opening of a temporary service location,
1316 which may be a mobile branch, temporary office space, or other facility; and

1317 “(K) Any other activity related to insurance, securities, and banking and
1318 under the purview of the Commissioner reasonably calculated to protect the health, safety, and
1319 welfare of District residents during the public health emergency.

1320 “(b) The Commissioner may require licensees to answer questions related to, and submit
1321 documentation of, the licensee’s continuity of operations plan.

1322 “(c)(1) To accomplish the purposes of this section, the Commissioner may issue
1323 emergency rulemaking, orders, or bulletins pursuant to this section specifying:

1324 “(A) That the rulemaking, order, or bulletin is effective immediately;

1325 “(B) The line or lines of business or the class or classes of licenses to
1326 which the regulation, order, or bulletin applies;

1327 “(C) The geographic areas to which the regulation, order, or bulletin
1328 applies; and

1329 “(D) The period of time for which the regulation, order, or bulletin
1330 applies.

1331 “(2) A regulation issued under paragraph (1) of this subsection may not apply for
1332 longer than the duration of the effects of a declared public health emergency.”.

1333

1334 Sec. 311. Vacant property designations.

1335 Section 6(b) of An Act To provide for the abatement of nuisances in the District of
1336 Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001
1337 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

1338 (a) Paragraph (8) is amended by striking the phrase “; or” and inserting a semicolon in its
1339 place.

1340 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; or” in its
1341 place.

1342 (c) A new paragraph (10) is added to read as follows:

1343 “(10) A commercial property that houses a business that has closed during a
1344 period of time for which the Mayor has declared a public health emergency pursuant to section
1345 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1346 Law 14-194; D.C. Official Code § 7-2304.01), as a result of the circumstances giving rise to or
1347 resulting from the public health emergency, and for 60 days thereafter.”.

1348

1349 Sec. 312. Extension of licenses and registrations; waiver of deadlines.

1350 Notwithstanding any provision of law during, or within 45 days after the end of, a period
1351 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1352 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1353 194; D.C. Official Code § 7-2304.01), the Mayor, may:

1354 (1) Prospectively or retroactively extend the validity of a license, registration,
1355 permit, or authorization, including driver licenses, vehicle registrations, professional licenses,
1356 registrations, and certifications;

1357 (2) Waive the deadlines for filings, and waive fees, fines, and penalties associated
1358 with the failure to timely renew a license, registration, permit, or other authorization or to timely
1359 submit a filing; or

1360 (3) Extend or waive the deadline by which action is required to be taken by the
1361 executive branch of the District government or by which an approval or disapproval is deemed to
1362 have occurred based on inaction by the executive branch of the District government.

1363

1364 **TITLE IV. HOUSING AND TENANT PROTECTIONS**

1365 Sec. 401. Mortgage relief.

1366 (a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency
1367 Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(15)),
1368 and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective
1369 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other
1370 provision of District law, during a period of time for which the Mayor has declared a public
1371 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1372 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public
1373 Emergency Act”), and for 60 days thereafter, a mortgage lender that makes or holds a residential
1374 mortgage loan or commercial mortgage loan in the District shall develop a deferment program
1375 for borrowers that, at a minimum:

1376 (1) Grants at least a 90-day deferment of the monthly payment of principal and
1377 interest on a mortgage for borrowers;

1378 (2) Waives any late fee, processing fee, or any other fee accrued during the period
1379 of time for which the Mayor has declared a public health emergency pursuant to the Public
1380 Emergency Act; and

1381 (3) Does not report to a credit reporting agency as delinquent the amounts subject
1382 to the deferral.

1383 (b) The mortgage lender shall establish application criteria and procedures for borrowers
1384 to apply for the deferment program. An application or summary of procedures shall be made
1385 available online or by telephone.

1386 (c) The mortgage lender shall approve each application in which a borrower:

1387 (1) Demonstrates to the mortgage lender evidence of a financial hardship resulting
1388 directly or indirectly from the public health emergency, including an existing delinquency or
1389 future inability to make payments; and

1390 (2) Agrees in writing to pay the deferred payments within:

1391 (A) A reasonable time agreed to in writing by the applicant and the
1392 mortgage lender; or

1393 (B) If no reasonable time can be agreed to pursuant to subparagraph (A) of
1394 this paragraph, 3 years from the end of the deferment period, or the end of the original term of
1395 the mortgage loan, whichever is earlier.

1396 (d)(1) A mortgage lender who receives an application for deferment pursuant to this
1397 section shall retain the application, whether approved or denied, for at least 3 years after final
1398 payment is made on the mortgage or the mortgage is sold, whichever occurs first.

1399 (2) Upon request, a mortgage lender shall make an application for deferment
1400 available to the Commissioner.

1401 (3)(A)(i) A mortgage lender who approves an application for deferment pursuant
1402 to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all
1403 approved applications on a form prescribed by the Commissioner.

1404 (ii) After the initial submission prescribed in this paragraph, a
1405 mortgage lender who approves an application for deferment pursuant to this section shall provide

1406 the Commissioner with a list of all new approvals in 15-day intervals for the duration of the
1407 public health emergency and for 60 days thereafter.

1408 (iii) The Commissioner may request information on the number
1409 and nature of approvals between 15-day intervals.

1410 (B) The Commissioner shall maintain a publicly available list of approved
1411 commercial loan deferral applications. The requirement of this subparagraph may be satisfied by
1412 posting to the Department of Insurance, Securities, and Banking website.

1413 (e) A mortgage lender shall be prohibited from requesting or requiring a lump sum
1414 payment from any borrower making payments under a deferred payment program pursuant to
1415 this section, subject to investor guidelines.

1416 (f) A person or business whose application for deferment is denied may file a written
1417 complaint with the Commissioner. The Commissioner is authorized to investigate the complaint
1418 in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective
1419 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

1420 (g) The provisions of this section shall apply to any lender who makes or holds a
1421 commercial mortgage loan in the District, with the exception of national banks and federally
1422 chartered credit unions.

1423 (h) To the extent necessary to conform with the provisions of this section, the provisions
1424 in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89;
1425 D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health
1426 emergency.

1427 (i) This section shall not apply to a property for which, as of March 11, 2020, a mortgage
1428 lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity
1429 date of the loan on or before March 11, 2020.

1430 (j) This section shall not apply to a mortgage loan that is a federally backed mortgage
1431 loan, as that term is defined in section 4022(a)(2) of the Coronavirus Aid, Relief, and Economic
1432 Security Act, approved March 27, 2020 (134 Stat. 490; 15 U.S.C. § 9056(a)(2)) (“CARES Act”),
1433 or a federally backed multifamily mortgage loan, as that term is defined in section 4023(f)(2) of
1434 the CARES Act (15 U.S.C. § 9057(f)(2)).

1435 (k) A mortgage lender that violates the provisions of this section shall be subject to the
1436 penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective
1437 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

1438 (l) For the purposes of this section, the term:

1439 (1) “Commercial mortgage loan” means a loan for the acquisition, construction,
1440 or development of real property, or a loan secured by collateral in such real property, that is
1441 owned or used by a person, business, or entity for the purpose of generating profit, and includes
1442 real property used for single-family housing, multifamily housing, retail, office space, and
1443 commercial space that is made, owned, or serviced by a mortgage lender.

1444 (2) “Commissioner” means the Commissioner of the Department of Insurance,
1445 Securities, and Banking.

1446 (3) “Mortgage lender” means any person that makes a mortgage loan to any
1447 person or that engages in the business of servicing mortgage loans for others or collecting or
1448 otherwise receiving mortgage loan payments directly from borrowers for distribution to any
1449 other person. The term “mortgage lender” does not include the Federal Home Loan Mortgage

1450 Corporation, the Federal National Mortgage Association, or the Government National Mortgage
1451 Association.

1452

1453 Sec. 402. Tenant payment plans.

1454 (a) During a period of time for which the Mayor has declared a public health emergency
1455 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1456 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year
1457 thereafter (“program period”), a provider shall offer a rent-payment-plan program (“program”)
1458 for eligible tenants. Under its program, a provider shall:

1459 (1) Make a payment plan available to an eligible tenant for the payment of gross
1460 rent and any other amounts that come due under the lease during the program period and prior to
1461 the cessation of tenancy (“covered time period”), with a minimum term length of one year unless
1462 a shorter payment plan term length is requested by the eligible tenant.

1463 (2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering
1464 into a payment plan;

1465 (3) Not report to a credit reporting agency as delinquent the rent subject to the
1466 payment plan;

1467 (4) Provide that an eligible tenant does not lose any rights under the lease by
1468 entering into the payment plan; and

1469 (5) Notify all tenants of the availability, terms, and application process for its
1470 program.

1471 (b)(1) Tenants entering into a payment plan shall be required to make payments in equal
1472 monthly installments for the duration of the payment plan unless a different payment schedule is
1473 requested by the tenant.

1474 (2) A provider shall permit a tenant that has entered into a payment plan to pay an
1475 amount greater than the monthly amount provided for in the payment plan.

1476 (3) A provider shall not require or request a tenant to provide a lump-sum
1477 payment under a payment plan.

1478 (4) A provider shall agree in writing to the terms of a payment plan.

1479 (c) A provider shall utilize existing procedures or, if necessary, establish new procedures
1480 to provide a process by which an eligible tenant may apply for a payment plan, which may
1481 include requiring the tenant to submit supporting documentation. A provider shall permit an
1482 application for a payment plan to occur online and by telephone.

1483 (d) A provider shall approve each application for a payment plan submitted during a
1484 covered time period in which an eligible tenant:

1485 (1) Demonstrates to the provider evidence of a financial hardship resulting
1486 directly or indirectly from the public health emergency, regardless of an existing delinquency or
1487 a future inability to make rental payments established prior to the start of the public health
1488 emergency; and

1489 (2) Agrees in writing to make payments in accordance with the payment plan.

1490 (e)(1) A provider who receives an application for a payment plan shall retain the
1491 application, whether approved or denied, for at least 3 years.

1492 (2) Upon request of the tenant, a provider shall make an application for a payment
1493 plan available to:

1494 (A) For residential tenants, the Rent Administrator, Office of the Tenant
1495 Advocate; and

1496 (B) For commercial tenants, the Department of Consumer and Regulatory
1497 Affairs.

1498 (f)(1) A residential tenant whose application for a payment plan is denied may file a
1499 written complaint with the Rent Administrator. The Rent Administrator shall forward the
1500 complaint to the Office of Administrative Hearings for adjudication.

1501 (2) A commercial tenant whose application for a payment plan is denied may file
1502 a written complaint with the Department of Consumer and Regulatory Affairs.

1503 (g) During the program period, unless the provider has offered a rent payment plan
1504 pursuant to this section and approved a rent payment plan pursuant to subsection (d) of this
1505 section, that provider shall be prohibited from filing any collection lawsuit or eviction for non-
1506 payment of rent; provided, that the tenant does not default on the terms of the payment plan.

1507 (h) For the purposes of this section, the term:

1508 (1) "Eligible tenant" means a tenant that:

1509 (A) Has notified a provider of an inability to pay all or a portion of the rent
1510 due as a result of the public health emergency;

1511 (B) Is not a franchisee unless the franchise is owned by a District resident;
1512 and

1513 (C) Has leased from a provider:

1514 (i) A residential property;

1515 (ii) Commercial retail space; or

1516 (iii) Commercial space that is less than 6,500 square feet in size
1517 and that comprises all or part of a commercial building.

1518 (2) “Housing provider” means a person or entity who is a residential landlord,
1519 residential owner, residential lessor, residential sublessor, residential assignee, or the agent of
1520 any of the foregoing or any other person receiving or entitled to receive the rents or benefits for
1521 the use or occupancy of any residential rental unit within a housing accommodation within the
1522 District.

1523 (3) “Non-housing provider” means a person or entity who is a non-residential
1524 landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential
1525 assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other
1526 person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial
1527 unit.

1528 (4) “Provider” means a housing provider or a non-housing provider.

1529

1530 Sec. 403. Residential cleaning.

1531 (a) During a period of time for which a public health emergency has been declared
1532 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1533 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or
1534 representative of the owner of a housing accommodation shall clean common areas of the
1535 housing accommodation on a regular basis, including surfaces that are regularly touched, such as
1536 doors, railings, seating, and the exterior of mailboxes.

1537 (b) For the purposes of this section “housing accommodation” means any structure or
1538 building in the District containing one or more residential units that are not occupied by the

1539 owner of the housing accommodation, including any apartment, efficiency apartment, room,
1540 accessory dwelling unit, cooperative, homeowner association, condominium, multifamily
1541 apartment building, nursing home, assisted living facility, or group home.

1542 (c) The Mayor may, pursuant to Title I of the District of Columbia Administrative
1543 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
1544 promulgate rules to implement this section.

1545

1546 Sec. 404. Eviction prohibition.

1547 (a) Title 16 of the District of Columbia Official Code is amended as follows:

1548 (1) Section 16-1501 is amended as follows:

1549 (A) The existing text is designated as subsection (a).

1550 (B) A new subsection (b) is added to read as follows:

1551 “(b)(1) During a period of time for which the Mayor has declared a public health
1552 emergency pursuant to D.C. Official Code § 7-2304.01, and for 60 days thereafter, the person
1553 aggrieved shall not file a complaint seeking relief pursuant to this section, except where the
1554 complaint alleges that the tenant’s continuing presence at the housing accommodation where the
1555 tenant resides presents a current and substantial threat to the health and safety of tenants, on-site
1556 agents, or employees of the owners of the housing accommodation, or household members or
1557 guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in
1558 an unlawful possession of a firearm, threats or acts of violence, or assault.

1559 “(2) For purposes of this subsection, the term:

1560 “(A) “Act of violence” shall have the same meaning as “crime of violence” as
1561 provided in D.C. Official Code § 23-1331(4).

1562 “(B) “Assault” shall be construed according to section 806 of An Act To
1563 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189;
1564 D.C. Official Code § 22-404).

1565 “(C) “Threat” shall be construed according to section 2 of An Act To
1566 confer concurrent jurisdiction on the police court of the District of Columbia in certain
1567 jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407).

1568 “(D) “Unlawful possession of a firearm” shall be construed according to
1569 section 3 of An Act To control the possession, sale, transfer, and use of pistols and other
1570 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
1571 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
1572 4503).

1573 “(3) Nothing in this section shall be construed to create an obligation on the part
1574 of any person to pursue an eviction action under this subsection.

1575 “(4) No tenant shall be evicted from a rental unit based on a complaint filed under
1576 this subsection unless the court finds that the alleged violation of an obligation of tenancy meets
1577 all of the requirements of this subsection.”.

1578 (2) Section 16-1502 is amended as follows:

1579 (A) Strike the phrase “exclusive of Sundays and legal holidays” and insert
1580 the phrase “exclusive of Sundays, legal holidays, and a period of time for which the Mayor has
1581 declared a public health emergency pursuant to § 7-2304.01” in its place.

1582 (B) Strike the phrase “before the day fixed for the trial of action.” and
1583 insert the phrase “before the day fixed for the trial of the action; except, that a summons may be
1584 served during a period of time for which the Mayor has declared a public health emergency

1585 pursuant to § 7-2304.01, and for 60 days thereafter, if the summons relates to a complaint that is
1586 filed pursuant to the exception listed in § 16-1501(b).” in its place.

1587 (b) Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-
1588 10; D.C. Official Code § 42-3505.01), is amended as follows:

1589 (1) Subsection (k) is amended as follows:

1590 (A) Paragraph (1) is amended by striking the phrase “; or” and inserting a
1591 semicolon in its place.

1592 (B) Paragraph (2) is amended by striking the period and inserting the
1593 phrase “; or” in its place.

1594 (C) A new paragraph (3) is added to read as follows:

1595 “(3) During a period of time for which the Mayor has declared a public health
1596 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1597 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), except for
1598 evictions arising from those complaints filed pursuant to the exception in D.C. Official Code §
1599 16-1501(b) on or after the effective date of the Eviction Moratorium Public Safety Exception
1600 Emergency Amendment Act of 2021, passed on an emergency basis on April 6, 2021 (Enrolled
1601 version of Bill 24-163); provided, that:

1602 “(A) Any family facing eviction pursuant to this paragraph shall be
1603 connected to assistance and resources that support the coordination or continuation of youth
1604 education, social services, and other resources before the eviction is carried out; and

1605 “(B) Any person with behavioral, emotional, or mental health issues
1606 facing eviction pursuant to this paragraph shall be connected to behavioral health or housing

1607 counseling services and shall be offered alternative housing arrangements before the eviction is
1608 carried out.”.

1609 (2) A new subsection (q-1) is added to read as follows:

1610 “(q-1)(1) Subsection (q) of this section shall not apply to notices related to complaints
1611 that allege that the tenant’s continuing presence at the housing accommodation where the tenant
1612 resides presents a current and substantial threat to the health and safety of tenants, on-site agents,
1613 or employees of the owners of the housing accommodation, or household members or guests of
1614 other tenants, because the tenant has violated an obligation of tenancy by engaging in an
1615 unlawful possession of a firearm, threats or acts of violence, or assault.

1616 “(2) For purposes of this subsection, the term:

1617 “(A) “Act of violence” shall have the same meaning as “crime of violence”
1618 as provided in D.C. Official Code § 23-1331(4).

1619 “(B) “Assault” shall be construed according to section 806 of An Act To
1620 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189;
1621 D.C. Official Code § 22-404).

1622 “(C) “Threat” shall be construed according to section 2 of An Act To
1623 confer concurrent jurisdiction on the police court of the District of Columbia in certain
1624 jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407).

1625 “(D) “Unlawful possession of a firearm” shall be construed according to
1626 section 3 of An Act To control the possession, sale, transfer, and use of pistols and other
1627 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
1628 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
1629 4503).

1630 “(3)(A) A notice issued to a tenant pursuant to this subsection shall:
1631 “(i) State that the tenant does not have to vacate the rental unit
1632 until and unless a court orders the tenant to do so;
1633 “(ii) State that the tenant has the right to correct or cease the
1634 alleged violation of tenancy and remain in the rental unit;
1635 “(iii) State that the tenant has the right to dispute the landlord’s
1636 allegations through the court process and remain in the rental unit until the court reaches a
1637 decision on the matter; and
1638 “(iv) Include the phone numbers of the Office of the Tenant
1639 Advocate and the Landlord Tenant Legal Assistance Network and state that both resources
1640 provide free legal services to a tenant facing eviction.

1641 “(B) A copy of the notice shall be sent to the Office of the Tenant
1642 Advocate.”.

1643

1644 Sec. 405. Residential tenant protections.

1645 The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official
1646 Code § 42-3501.01 *et seq.*), is amended as follows:

1647 (1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read
1648 as follows:

1649 “(2)(A) A majority of the Rental Housing Commissioners shall constitute a
1650 quorum to do business, and a single vacancy shall not impair the right of the remaining Rental
1651 Housing Commissioners to exercise all powers of the Rental Housing Commission.

1652 “(B) In the event that a majority of the Rental Housing Commissioners (or
1653 any one Commissioner if there is a vacancy) will be unable to perform their official duties for an
1654 extended period of time due to circumstances related to a declared state of emergency in the
1655 District of Columbia, including quarantine or movement restrictions, illness, or the care of a
1656 close family member, one Commissioner shall constitute a quorum to do business.

1657 “(i) If the Chairperson will be unable to perform his or her duties,
1658 he or she shall designate an acting Chairperson or, if only one Commissioner is available, that
1659 Commissioner shall be automatically designated as acting Chairperson.

1660 “(ii) The Chairperson of the Rental Housing Commission shall
1661 notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and
1662 whether the Commission is operating as a quorum of one.

1663 “(iii) For such time as the Rental Housing Commission is operating
1664 as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency
1665 basis in accordance with section 105(c) of the District of Columbia Administrative Procedure
1666 Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

1667 “(iv) The authority to operate as a quorum of one shall terminate
1668 when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or
1669 she is able to resume his or her duties. The authority may extend beyond the termination of the
1670 original declared state of emergency if Commissioners are personally affected by continuing
1671 circumstances.

1672 (2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as
1673 follows:

1674 (A) Subparagraph (F) is amended by striking the phrase “; and” and
1675 inserting a semicolon in its place.

1676 (B) Subparagraph (G) is amended by striking the period at the end and
1677 inserting the phrase “; and” in its place.

1678 (C) A new subparagraph (H) is added to read as follows:

1679 “(H) None of the circumstances set forth in section 904(c) applies.”.

1680 (3) Section 211 (D.C. Official Code § 42-3502.11) is amended as follows:

1681 (A) The existing text is designated as subsection (a).

1682 (B) A new subsection (b) is added to read as follows:

1683 “(b) If, during a public health emergency that has been declared pursuant to section 5a of
1684 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
1685 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”), and consistent with
1686 applicable law or an order issued by the Mayor pursuant to the Public Emergency Act, a housing
1687 provider temporarily stops providing:

1688 “(1) An amenity that a tenant pays for in addition to the rent charged, then the
1689 housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity
1690 during the public health emergency; or

1691 “(2) A service or facility that is lawfully included in the rent charged, then the
1692 housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of
1693 this section.”.

1694 (4) Section 531(c) (D.C. Official Code § 42-3505.31(c)) is amended as follows:

1695 (A) Paragraph (4) is amended by striking the phrase “or;” and inserting a
1696 semicolon in its place.

1697 (B) Paragraph (5) is amended by striking the period and inserting the
1698 phrase “; or” in its place.

1699 (C) A new paragraph (6) is added to read as follows:

1700 “(6) Impose a late fee on a tenant during any month for which a public health
1701 emergency has been declared pursuant to section 5a of the District of Columbia Public
1702 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1703 2304.01).”.

1704 (5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

1705 (A) The existing text is designated subsection (a).

1706 (B) A new subsection (b) is added to read as follows:

1707 “(b) Any notice of intent to vacate that a tenant provided prior to the period for which a
1708 public health emergency has been declared pursuant to section 5a of the District of Columbia
1709 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1710 Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public
1711 health emergency such that the tenant shall have the same number of days to vacate remaining at
1712 the end of the public health emergency as the tenant had remaining upon the effective date of the
1713 public health emergency.”.

1714 (6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new
1715 subsection (c) to read as follows:

1716 “(c) Any notice of intent to vacate that a tenant provided prior to the period for which a
1717 public health emergency has been declared pursuant to section 5a of the District of Columbia
1718 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1719 Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public

1720 health emergency such that the tenant shall have the same number of days to vacate remaining at
1721 the end of the public health emergency as the tenant had remaining upon the effective date of the
1722 public health emergency.”.

1723 (7) Section 904 (D.C. Official Code § 42-3509.04) is amended by adding new
1724 subsections (c) and (d) to read as follows:

1725 “(c) No housing provider may issue a rent increase notice to any residential tenant during
1726 a period for which a public health emergency has been declared pursuant to section 5a of the
1727 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1728 194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”).

1729 “(d)(1) Any rent increase, whether under this act, the Rental Accommodations Act of
1730 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative
1731 decisions issued under these acts, shall be null and void and shall be issued anew in accordance
1732 with subsection (b) of this section if:

1733 “(A) The effective date of the rent increase as stated on the notice of rent
1734 increase occurs during a period for which a public health emergency has been declared pursuant
1735 to the Public Emergency Act, and for 30 days thereafter;

1736 “(B) The notice of rent increase was provided to the tenant during a period
1737 for which a public health emergency has been declared; or

1738 “(C) The notice was provided to the tenant prior to, but the rent increase
1739 takes effect following, a public health emergency.

1740 “(2) The Rent Administrator shall review all notices to a tenant of an adjustment
1741 in the rent charged filed by a housing provider with the Rental Accommodations Division of the

1742 Department of Housing and Community Development for consistency with this subsection and
1743 shall inform the housing provider that:

1744 “(A) A rent increase is prohibited during the public health emergency plus
1745 30 days pursuant to this section;

1746 “(B) The housing provider shall withdraw the rent increase notice;

1747 “(C) The housing provider shall inform tenants in writing that any rent
1748 increase notice is null and void pursuant to the Coronavirus Support Temporary Amendment Act
1749 of 2021, passed on 2nd reading on April 6, 2021 (Enrolled version of Bill 24-140);

1750 “(D) The housing provider shall, within 7 calendar days, file a certification
1751 with the Rental Accommodations Division that the notice letter required by subparagraph (C) of
1752 this paragraph was sent to tenants, along with a sample copy of the notice and a list of each
1753 tenant name and corresponding unit numbers; and

1754 “(E) If it is determined that the housing provider knowingly demanded or
1755 received any rent increase prohibited by this act or substantially reduced or eliminated related
1756 services previously provided for a rental unit, the housing provider may be subject to treble
1757 damages and a rollback of the rent, pursuant to section 901(a).”.

1758 (8) A new section 911 is added to read as follows:

1759 “Sec. 911. Tolling of tenant deadlines during a public health emergency.

1760 “The running of all time periods for tenants and tenant organizations to exercise rights
1761 under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal
1762 Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public
1763 health emergency has been declared pursuant to section 5a of the District of Columbia Public

1764 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1765 2304.01), and for 30 days thereafter.”.

1766

1767 Sec. 406. Rent increase prohibition.

1768 (a) Notwithstanding any other provision of law, a rent increase for a residential property
1769 not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective
1770 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a
1771 period for which a public health emergency has been declared pursuant to section 5a of the
1772 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1773 194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

1774 (b)(1) Notwithstanding any other provision of law, a rent increase for a commercial
1775 property shall be prohibited during a period for which a public health emergency has been
1776 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1777 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 2304.01), and for 30
1778 days thereafter.

1779 (2) For the purposes of this subsection, the term “commercial property” means:

1780 (A) A commercial retail establishment; or

1781 (B) Leased commercial space that is less than 6,500 square feet in size and
1782 that comprises all or part of a commercial building.

1783 (3) Any increase of rent on a commercial property made by a landlord between
1784 March 11, 2020, and June 9, 2020, shall be null and void and any excess rent paid by a tenant shall
1785 be credited to the tenant.

1786

1787 Sec. 407. Nonprofit corporations and cooperative association remote meetings.
1788 Title 29 of the District of Columbia Official Code is amended as follows:
1789 (a) Section 29-405.01(e) is amended by striking the phrase “The articles of incorporation
1790 or bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of
1791 incorporation or bylaws, an annual” in its place.
1792 (b) Section 29-405.02(f) is amended by striking the phrase “The articles of incorporation
1793 or bylaws may provide that a special meeting” and inserting the phrase “Notwithstanding the
1794 articles of incorporation or bylaws, a special meeting” in its place.
1795 (c) Section 29-910 is amended by striking the phrase “If authorized by the articles or
1796 bylaws” and inserting the phrase “Regardless of whether remote regular and special meetings of
1797 members are authorized by the articles or bylaws” in its place.

1798

1799 Sec. 408. Foreclosure moratorium.

1800 (a)(1) Notwithstanding any provision of District law, during a period of time for which
1801 the Mayor has declared a public health emergency pursuant to section 5a of the District of
1802 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1803 Official Code § 7-2304.01), and for 60 days thereafter, no:

1804 (A) Residential foreclosure may be initiated or conducted under section 539
1805 or section 95 of An Act To establish a code of law for the District of Columbia, approved March
1806 3, 1901 (31 Stat. 1274; D.C. Official Code §§ 42-815 and 42-816); or

1807 (B) Sale may be conducted under section 313(c) of the Condominium Act of
1808 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)).

1809 (2) This subsection shall not apply to a residential property at which neither a
1810 record owner nor a person with an interest in the property as heir or beneficiary of a record
1811 owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of
1812 the first day of the public health emergency.

1813 (b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law
1814 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and
1815 inserting the phrase “3 years, not including any period of time for which the Mayor has declared
1816 a public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1817 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),
1818 and for 60 days thereafter,” in its place.

1819

1820 **TITLE V. HEALTH AND HUMAN SERVICES**

1821 Sec. 501. Prescription drugs.

1822 Section 208 of the District of Columbia Health Occupations Revision Act of 1985,
1823 effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by
1824 adding a new subsection (g-2) to read as follows:

1825 “(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize
1826 and dispense a refill of patient prescription medications prior to the expiration of the waiting
1827 period between refills to allow District residents to maintain an adequate supply of necessary
1828 medication during a period of time for which the Mayor has declared a public health emergency
1829 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1830 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

1831 “(2) This subsection shall not apply to any patient prescription for which a refill
1832 otherwise would be prohibited under District law.”.

1833

1834 Sec. 502. Homeless services.

1835 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-
1836 35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

1837 (a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

1838 (1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and
1839 inserting the phrase “not to exceed 3 days; except, that during a public health emergency
1840 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1841 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may
1842 place the family in an interim eligibility placement for a period not to exceed 60 days” in its
1843 place.

1844 (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and
1845 inserting the phrase “and section 9(a)(20); except, that the Mayor may extend an interim
1846 eligibility placement to coincide with the period of a public health emergency declared pursuant
1847 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
1848 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1849 (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of
1850 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the
1851 interim eligibility placement; except, that during a public health emergency declared pursuant to
1852 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1853 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days

1854 following the end of the public health emergency to issue the eligibility determination required
1855 by this paragraph” in its place.

1856 (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility
1857 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise
1858 required by paragraph (3) of this subsection” in its place.

1859 (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the
1860 phrase “and other professionals” and inserting the phrase “and other professionals; except, that
1861 the Mayor may waive the requirements of this provision for in-person meetings and
1862 communications during a public health emergency declared pursuant to section 5a of the District
1863 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1864 Official Code § 7-2304.01)” in its place.

1865 (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase
1866 “established pursuant to section 18” and inserting the phrase “established pursuant to section 18;
1867 except, that the Mayor may waive this provision during a public health emergency declared
1868 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1869 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1870 (d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the
1871 phrase “served on the client.” and inserting the phrase “served on the client; except, that during a
1872 public health emergency declared pursuant to section 5a of the District of Columbia Public
1873 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1874 2304.01), the Mayor may serve written notice via electronic transmission.” in its place.

1875 (e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

1876 (1) Paragraph (1) is amended as follows:

1877 (A) Subparagraph (A) is amended by striking the phrase “to the unit; or”
1878 and inserting the phrase “to the unit;” in its place.

1879 (B) Subparagraph (B) is amended by striking the phrase “at the location”
1880 and inserting the phrase “at the location; or” in its place.

1881 (C) A new subparagraph (C) is added to read as follows:

1882 “(C) During a period of time for which a public health emergency has
1883 been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1884 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or
1885 mitigate the spread of contagious disease, as determined by the Department or provider.”.

1886 (2) Paragraph (2) is amended by striking the phrase “to paragraph (1)(B)” and
1887 inserting the phrase “to paragraph (1)(B) or (C)” in its place.

1888

1889 Sec. 503. Extension of care and custody for aged-out youth.

1890 (a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective
1891 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as
1892 follows:

1893 (1) Paragraph (12) is amended by striking the phrase “; and” and inserting a
1894 semicolon in its place.

1895 (2) Paragraph (13) is amended by striking the period and inserting the phrase “;
1896 and” in its place.

1897 (3) A new paragraph (14) is added to read as follows:

1898 “(14) To retain custody of a youth committed to the Agency who becomes 21
1899 years of age during a period of time for which the Mayor has declared a public health emergency

1900 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1901 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) for a period not exceeding
1902 90 days after the end of the public health emergency; provided, that the youth consents to the
1903 Agency’s continued custody.”.

1904 (b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as
1905 follows:

1906 (1) Section 16-2303 is amended as follows:

1907 (A) The existing text is designated as subsection (a).

1908 (B) A new subsection (b) is added to read as follows:

1909 “(b) The Division shall retain jurisdiction of a minor in the legal custody of a public
1910 agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time
1911 for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a
1912 period not exceeding 90 days after the end of the public health emergency; provided, that the
1913 minor consents to the Division’s retention of jurisdiction.”.

1914 (2) Section 16-2322(f)(1) is amended by striking the phrase “twenty-one years of
1915 age” and inserting the phrase “21 years of age, not including orders extended pursuant to § 16-
1916 2303(b)” in its place.

1917

1918 Sec. 504. Reserved.

1919

1920 Sec. 505. Health status and residence of wards.

1921 Subchapter V of Chapter 20 of Title 21 of the District of Columbia Official Code is
1922 amended as follows:

1923 (a) The table of contents is amended by adding a new section designation to read as
1924 follows:

1925 “§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and
1926 residence of a ward.”.

1927 (b) A new section 21-2047.03 is added to read as follows:

1928 “§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and
1929 residence of a ward.

1930 “(a) During a period for which a public health emergency has been declared pursuant to §
1931 7-2304.01, the guardian of a ward shall inform at least one relative of the ward, if one exists,
1932 pursuant to subsection (d) of this section, as soon as practicable but no later than within 48 hours,
1933 of the following events:

1934 “(1) The ward dies;

1935 “(2) The ward is admitted to a medical facility;

1936 “(3) The ward is transferred to acute care;

1937 “(4) The ward is placed on a ventilator;

1938 “(5) The residence of the ward or the location where the ward lives has changed;

1939 or

1940 “(6) The ward is staying at a location other than the residence of the ward for a
1941 period that exceeds 7 consecutive days.

1942 “(b) In the case of the death of the ward, the guardian shall inform at least one relative of
1943 the ward, if one exists, pursuant to subsection (d) of this section, of any funeral arrangements and
1944 the location of the final resting place of the ward at least 72 hours before the funeral.

1945 “(c) Nothing in this section shall be construed to exempt a guardian from complying with
1946 federal or District privacy laws to which they are otherwise subject.

1947 “(d) This section shall apply only to the relative of a ward:

1948 “(1) Against whom a protective order is not in effect to protect the ward;

1949 “(2) Who has not been found by a court or other state agency to have abused,
1950 neglected, or exploited the ward; and

1951 “(3) Who has elected in writing to receive a notice about the ward.

1952 “(e) For the purposes of this section the term:

1953 “(1) “Relative” means a spouse, parent, sibling, child, or domestic partner of the
1954 ward.

1955 “(2) “Domestic partner” shall have the same meaning as in § 32-701(3).”.

1956

1957 Sec. 506. Contact tracing hiring requirements.

1958 An Act to authorize the Commissioners of the District of Columbia to make regulations
1959 to prevent and control the spread of communicable and preventable diseases, approved August
1960 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended by adding a new section
1961 9a to read as follows:

1962 “Sec. 9a. Contact tracing hiring requirements.

1963 “Of the number of persons hired by the Department of Health for positions, whether they
1964 be temporary or permanent, under the Contact Trace Force initiative to contain the spread of the
1965 novel 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health
1966 shall establish a goal and make the best effort to hire at least 50% District residents, and for the
1967 position of investigator, whether it be a temporary or permanent position, also establish a goal

1968 and make the best effort to hire at least 25% graduates from a workforce development or adult
1969 education program funded or administered by the District of Columbia.”.

1970

1971 Sec. 507. Public health emergency authority.

1972 The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.
1973 Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

1974 (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

1975 (1) Paragraph (1) is repealed.

1976 (2) Paragraph (2) is amended by striking the phrase “District of Columbia
1977 government;” and inserting the phrase “District of Columbia government; provided further, that
1978 a summary of each emergency procurement entered into during a period for which a public
1979 health emergency is declared shall be provided to the Council no later than 7 days after the
1980 contract is awarded. The summary shall include:

1981 (A) A description of the goods or services procured;

1982 (B) The source selection method;

1983 (C) The award amount; and

1984 (D) The name of the awardee.”.

1985 (3) Paragraph (13) is amended by striking the phrase “; or” and inserting a
1986 semicolon in its place.

1987 (4) Paragraph (14) is amended by striking the period at the end and inserting a
1988 semicolon in its place.

1989 (5) New paragraphs (15) and (16) are added to read as follows:

1990 “(15) Waive application of any law administered by the Department of Insurance,
1991 Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or
1992 welfare of District residents; and

1993 “(16) Notwithstanding any provision of the District of Columbia Government
1994 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.
1995 Official Code § 1-601.01 *et seq.*) (“CMPA”), or the rules issued pursuant to the CMPA, the Jobs
1996 for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C.
1997 Official Code § 1-515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the
1998 following personnel actions regarding executive branch subordinate agencies that the Mayor
1999 determines necessary and appropriate to address the emergency:

2000 “(A) Redeploying employees within or between agencies;

2001 “(B) Modifying employees’ tours of duty;

2002 “(C) Modifying employees’ places of duty;

2003 “(D) Mandating telework;

2004 “(E) Extending shifts and assigning additional shifts;

2005 “(F) Providing appropriate meals to employees required to work overtime
2006 or work without meal breaks;

2007 “(G) Assigning additional duties to employees;

2008 “(H) Extending existing terms of employees;

2009 “(I) Hiring new employees into the Career, Education, and Management
2010 Supervisory Services without competition;

2011 “(J) Eliminating any annuity offsets established by any law; or

2012 “(K) Denying leave or rescinding approval of previously approved leave.”.

2013 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

2014 (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the

2015 public health emergency; and” and inserting the phrase “solely for actions taken during the

2016 public health emergency;” in its place.

2017 (2) Paragraph (4) is amended by striking the period at the end and inserting a

2018 semicolon in its place.

2019 (3) New paragraphs (5), (6), and (7) are added to read as follows:

2020 “(5) Waive application in the District of any law administered by the Department

2021 of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health,

2022 safety, and welfare of District residents;

2023 “(6) Authorize the use of crisis standards of care or modified means of delivery of

2024 health care services in scarce-resource situations; and

2025 “(7) Authorize the Department of Health to coordinate health-care delivery for

2026 first aid within the limits of individual licensure in shelters or facilities as provided in plans and

2027 protocols published by the Department of Health.”.

2028 (c) A new section 5b is added to read as follows:

2029 “Sec. 5b. Public health emergency response grants.

2030 “(a) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a,

2031 and for a period not exceeding 90 days after the end of the public health emergency, the Mayor

2032 may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C.

2033 Law 20-61; D.C. Official Code § 1-328.11 et seq.), and in the Mayor’s sole discretion, issue a

2034 grant or loan to a program, organization, business, or entity to assist the District in responding to

2035 the public health emergency, including a grant or loan for the purpose of:

2036 “(1) Increasing awareness and participation in disease investigation and contact
2037 tracing;

2038 “(2) Purchasing and distributing personal protective equipment;

2039 “(3) Promoting and facilitating social distancing measures;

2040 “(4) Providing public health awareness outreach;

2041 “(5) Assisting residents with obtaining disease testing, contacting health care
2042 providers, and obtaining medical services;

2043 “(6) Covering the costs of operating a business or organization including rent,
2044 utilities, or employee wages and benefits; or

2045 “(7) Providing technical assistance to the business community.

2046 “(b) The Mayor may issue one or more grants to a third-party grant-managing entity for
2047 the purpose of issuing or administering grants on behalf of the Mayor in accordance with the
2048 requirements of this section.

2049 “(c)(1) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this
2050 section, shall maintain a list of all grants and loans awarded pursuant to this section with respect
2051 to each public health emergency for which grants or loans are issued. The list shall identify, for
2052 each award, the grant or loan recipient, the date of award, the intended use of the award, and the
2053 award amount.

2054 “(2) The Mayor shall publish the list online no later than 60 days after the first
2055 grant or loan is issued under this section with respect to a specific public health emergency and
2056 shall publish an updated list online within 30 days after each additional grant or loan, if any, is
2057 issued with respect to the specific public health emergency.

2058 “(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2059 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
2060 issue rules to implement the provisions of this section.”.

2061

2062 (e) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

2063 (1) The existing text is designated as subsection (a).

2064 (2) New subsections (b) and (c) are added to read as follows:

2065 “(b) The Mayor may revoke, suspend, or limit the license, permit, or certificate of
2066 occupancy of a person or entity that violates an emergency executive order.

2067 “(c) For the purposes of this section a violation of a rule, order, or other issuance issued
2068 under the authority of an emergency executive order shall constitute a violation of the emergency
2069 executive order.”.

2070

2071 Sec. 508. Public benefits clarification and continued access.

2072 (a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C.
2073 Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

2074 (1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new
2075 paragraph (2A-i) to read as follows:

2076 “(2A-i) “COVID-19 relief” means any benefit in cash or in kind, including
2077 pandemic Supplemental Nutrition Assistance Program benefits, emergency Supplemental
2078 Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or
2079 benefit to a household and were received pursuant to federal or District relief provided in

2080 response to the COVID-19 Public Health Emergency of 2020. The term “COVID-19 relief”
2081 does not include COVID-19 related unemployment insurance benefits.”.

2082 (2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the
2083 phrase “medical assistance” and inserting the phrase “medical assistance; COVID-19 relief;” in
2084 its place.

2085 (3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a
2086 new paragraph (4) to read as follows:

2087 “(4) COVID-19 relief shall not be considered in determining eligibility for TANF
2088 and shall not be treated as a lump-sum payment or settlement under this act.”.

2089 (b) Notwithstanding any provision of District law, the Mayor may extend the eligibility
2090 period for individuals receiving benefits, extend the timeframe for determinations for new
2091 applicants, and take such other actions as the Mayor determines appropriate to support continuity
2092 of, and access to, any public benefit program, including the DC Healthcare Alliance and
2093 Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental
2094 Nutritional Assistance Program, until 60 days after the end of a public health emergency
2095 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2096 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as
2097 allowable under federal law.

2098

2099 Sec. 509. Notice of modified staffing levels.

2100 Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice
2101 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
2102 Official Code § 44-504(h-1)(1)(B)), is amended as follows:

2103 (a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a
2104 semicolon in its place.

2105 (b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase
2106 “; and” in its place.

2107 (c) A new sub-subparagraph (iii) is added to read as follows:

2108 “(iii) Provide a written report of the staffing level to the Department of Health for
2109 each day that the facility is below the prescribed staffing level as a result of circumstances giving
2110 rise to a public health emergency during a period of time for which the Mayor has declared a
2111 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
2112 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2113

2114 Sec. 510. Reserved.

2115 Sec. 511. Reserved.

2116 Sec. 512. Long-Term Care Facility reporting of positive cases.

2117 Each long-term care facility located in the District shall report daily to the Department of
2118 Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number
2119 of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the
2120 long-term care facility during the period of time for which the Mayor has declared a public
2121 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2122 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60
2123 days thereafter.

2124

2125 Sec. 513. Reserved.

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Sec. 514. Hospital support funding.

(a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a grant application in the form and with the information required by the Mayor.

(b) The amount of a grant issued to an eligible hospital shall be based on:

(1) An allocation formula based on the number of beds at the eligible hospital; or

(2) Such other method or formula, as established by the Mayor, that addresses the impacts of COVID-19 on eligible hospitals.

(c) A grant issued pursuant to this section may be expended by the eligible hospital for:

(1) Supplies and equipment related to the COVID-19 emergency, including personal protective equipment, sanitization and cleaning products, medical supplies and equipment, and testing supplies and equipment;

(2) Personnel costs incurred to respond to the COVID-19 emergency, including the costs of contract staff; and

(3) Costs of constructing and operating temporary structures to test individuals for COVID-19 or to treat patients with COVID-19.

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

(e) The Mayor shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and

2149 the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days
2150 after the end of the COVID-19 emergency, whichever is earlier.

2151 (f) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2152 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
2153 issue rules to implement the provisions of this section.

2154 (g) For the purposes of this section, the term:

2155 (1) “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-
2156 CoV-2.

2157 (2) “COVID-19 emergency” means the emergencies declared in the Declaration
2158 of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health
2159 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
2160 those emergencies.

2161 (3) “Eligible hospital” means a non-profit or for-profit hospital located in the
2162 District.

2163

2164 Sec. 515. Contractor reporting of positive cases.

2165 (a) A District government contractor or subcontractor shall immediately provide written
2166 notice to the District if it or its subcontractor learns, or has reason to believe, that a covered
2167 employee has come into contact with, had a high likelihood of coming into contact with, or has
2168 worked in close physical proximity to a covered individual.

2169 (b) Notices under subsection (a) of this section shall be made to the District government’s
2170 contracting officer and contract administrator, or, if a covered individual is in care or custody of

2171 the District, to the District agency authorized to receive personally identifiable information. The
2172 notice shall contain the following information:

2173 (1) The name, job title, and contact information of the covered employee;

2174 (2) The date on, and location at, which the covered employee was exposed, or
2175 suspected to have been exposed, to SARS-CoV-2, if known;

2176 (3) All of the covered employee's tour-of-duty locations or jobsite addresses and
2177 the employee's dates at such locations and addresses;

2178 (4) The names of all covered individuals whom the covered employee is known to
2179 have come into contact with, had a high likelihood of coming into contact with, or was in close
2180 physical proximity to, while the covered employee performed any duty under the contract with
2181 the District; and

2182 (5) Any other information related to the covered employee that will enable the
2183 District to protect the health or safety of District residents, employees, or the general public.

2184 (c) A District government contractor or subcontractor shall immediately cease the on-site
2185 performance of a covered employee until such time as the covered employee no longer poses a
2186 health risk as determined in writing by a licensed health care provider. The District government
2187 contractor shall provide a written copy of the determination to the contract administrator and the
2188 contracting officer before the covered employee returns to his or her tour-of-duty location or
2189 jobsite address.

2190 (d) The District shall privately and securely maintain all personally identifiable
2191 information of covered employees and covered individuals and shall not disclose such
2192 information to a third party except as authorized or required by law. District contractors and
2193 subcontractors may submit notices pursuant to subsection (a) of this section and otherwise

2194 transmit personally identifiable information electronically; provided, that all personally
2195 identifiable information be transmitted via a secure or otherwise encrypted data method.

2196 (e) For purposes of this section, the term:

2197 (1) “Covered employee” means an employee, volunteer, subcontractor, or agent
2198 of a District government contractor or subcontractor that has provided any service under a
2199 District contract or subcontract and has:

2200 (A) Tested positive for the novel 2019 coronavirus (SARS-CoV-2);

2201 (B) Is in quarantine or isolation due to exposure or suspected exposure to the
2202 novel 2019 coronavirus (SARS-CoV-2); or

2203 (C) Is exhibiting symptoms of COVID-19.

2204 (2) “Covered individual” means:

2205 (A) A District government employee, volunteer, or agent;

2206 (B) An individual in the care of the District, the contractor, or the
2207 subcontractor; or

2208 (C) A member of the public who interacted with, or was in close proximity
2209 to, a covered employee while the covered employee carried out performance under a District
2210 government contract or subcontract and while the covered employee was at a District
2211 government facility or a facility maintained or served by the contractor or subcontractor under a
2212 District government contract or subcontract.

2213 (3) “COVID-19” means the disease caused by the novel 2019 coronavirus
2214 (SARS-CoV-2).

2215 (4) “District government facility” means a building or any part of a building that
2216 is owned, leased, or otherwise controlled by the District government.

2217 (5) “SARS-CoV-2” means the novel 2019 coronavirus.

2218 (f) This section shall apply to all District government contracts and subcontracts that
2219 were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period
2220 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
2221 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
2222 194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

2223

2224 **TITLE VI. EDUCATION**

2225 Sec. 601. Graduation requirements.

2226 Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR §
2227 2201 *et seq.*) is amended as follows:

2228 (a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall
2229 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,
2230 that this requirement shall be waived for a senior who otherwise would be eligible to graduate
2231 from high school in the District of Columbia in the 2019-20 or 2020-2021 school year” in its
2232 place.

2233 (b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one
2234 hundred and twenty (120) hours of classroom instruction over the course of an academic year”
2235 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the
2236 course of an academic year; except, that following the Superintendent’s approval to grant an
2237 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A
2238 DCMR § 2100.3 for school year 2019-2020 or 2020-2021, a Carnegie Unit may consist of fewer
2239 than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-

2240 2020 or 2020-2021 academic year for any course in which a student in grades 9-12 is enrolled”
2241 in its place.

2242

2243 Sec. 602. Out of school time report waiver.

2244 Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment
2245 Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is
2246 amended by adding a new subsection (c) to read as follows:

2247 “(c) During a period of time for which the Mayor has declared a public health emergency
2248 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2249 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Office may waive the
2250 requirement to conduct an annual, community-wide needs assessment pursuant to subsection
2251 (a)(1) of this section.”.

2252

2253 Sec. 603. Summer school attendance.

2254 Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C.
2255 Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read
2256 as follows:

2257 “(c) The Chancellor shall have the authority to waive the requirements of subsection (a)
2258 of this section for any student who fails to meet the promotion criteria specified in the DCMR
2259 during a school year that includes a period of time for which the Mayor has declared a public
2260 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2261 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2262

2263 **TITLE VII. PUBLIC SAFETY AND JUSTICE**

2264 Sec. 701. Jail reporting.

2265 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice
2266 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §
2267 1-301.191(c)), is amended as follows:

2268 (a) Paragraph (6)(G)(viii) is amended by striking the phrase “; and” and inserting a
2269 semicolon in its place.

2270 (b) Paragraph (7) is amended by striking the period and inserting the phrase “; and” in its
2271 place.

2272 (c) A new paragraph (8) is added to read as follows:

2273 “(8) During a period of time for which the Mayor has declared a public health
2274 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2275 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the
2276 Council Committee with jurisdiction over the Office a:

2277 “(A) Monthly written update containing the following information:

2278 “(i) Unless otherwise distributed to the Chairperson of the Council
2279 Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a
2280 daily census for that month of individuals detained in the Central Detention Facility and
2281 Correctional Treatment Facility, categorized by legal status;

2282 “(ii) Any District government response to either the United States
2283 District Court for the District of Columbia or the Court-appointed inspectors regarding the
2284 implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of

2285 *Banks v. Booth* (Civil Action No. 20-849), without reference to personally identifiable
2286 information; and
2287 “(iii) A description of all actions taken by the District government
2288 to improve conditions of confinement in the Central Detention Facility and Correctional
2289 Treatment Facility, including by the Director of the Department of Youth and Rehabilitation
2290 Services or the Director’s designee; and
2291 “(B) Weekly written updates, without reference to personally identifiable
2292 information, containing data and a description of the COVID-19 testing and vaccination of
2293 Department of Corrections staff and individuals detained in the Central Detention Facility and
2294 Correctional Treatment Facility, including whether and under what conditions the District is
2295 vaccinating and testing both groups.”.

2296

2297 Sec. 702. Civil rights enforcement.

2298 The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
2299 Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

2300 “Sec. 316a. Civil actions by the Attorney General.

2301 “During a period of time for which the Mayor has declared a public health emergency
2302 (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2303 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action
2304 initiated by the Attorney General for the District of Columbia (“Attorney General”) for
2305 violations of this act, or a civil action arising in connection with the PHE, other than an action
2306 brought pursuant to section 307:

2307 “(1) The Attorney General may obtain:

2308 “(A) Injunctive relief, as described in section 307;
2309 “(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-
2310 1), for each action or practice in violation of this act, and, in the context of a discriminatory
2311 advertisement, for each day the advertisement was posted; and
2312 “(C) Any other form of relief described in section 313(a)(1); and
2313 “(2) The Attorney General may seek subpoenas for the production of documents
2314 and materials or for the attendance and testimony of witnesses under oath, or both, which shall
2315 contain the information described in section 110a(b) of the Attorney General for the District of
2316 Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015
2317 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures
2318 described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and
2319 (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

2320

2321 Sec. 703. FEMS reassignments.

2322 Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
2323 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as
2324 follows:

2325 “(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign
2326 personnel of the Fire and Emergency Medical Services Department from firefighting and
2327 emergency medical services operations during a period of time for which a public health
2328 emergency has been declared pursuant to section 5a of the District of Columbia Public
2329 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-

2330 2304.01), based upon the inability of the personnel to wear personal protective equipment in a
2331 manner consistent with medical and health guidelines.”.

2332

2333 Sec. 704. Reserved.

2334

2335 Sec. 705. Reserved.

2336

2337 Sec. 706. Reserved.

2338 Sec. 707. Healthcare provider liability.

2339 (a) Notwithstanding any provision of District law:

2340 (1) A healthcare provider, first responder, or volunteer who renders care or
2341 treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt
2342 from liability in a civil action for damages resulting from such care or treatment of COVID-19,
2343 or from any act or failure to act in providing or arranging medical treatment for COVID-19;

2344 (2) A donor of time, professional services, equipment, or supplies for the benefit
2345 of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed
2346 individual with COVID-19, or care for the family members of such individuals for damages
2347 resulting from such donation shall be exempt from liability in a civil action; and

2348 (3) A contractor or subcontractor on a District government contract that has been
2349 contracted to provide either health care services or human care services, consistent with section
2350 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
2351 371; D.C. Official Code § 2-351.04(37)), related to the District government’s COVID-19
2352 response shall be exempt from liability in a civil action.

2353 (b) The limitations on liability provided for by subsection (a) of this section shall apply to
2354 any healthcare provider, first responder, volunteer, donor, or District government contractor or
2355 subcontractor of a District government contractor (“provider”), including a party involved in the
2356 healthcare process at the request of a health-care facility or the District government and acting
2357 within the scope of the provider’s employment or organization’s purpose, contractual or
2358 voluntary service, or donation, even if outside the provider’s professional scope of practice, state
2359 of licensure, or with an expired license, who:

2360 (1) Prescribes or dispenses medicines for off-label use to attempt to combat the
2361 COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn,
2362 and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176;
2363 132 Stat. 1372);

2364 (2) Provides direct or ancillary health-care services or health care products,
2365 including direct patient care, testing, equipment or supplies, consultations, triage services,
2366 resource teams, nutrition services, or physical, mental, and behavioral therapies; or

2367 (3) Utilizes equipment or supplies outside of the product’s normal use for medical
2368 practice and the provision of health-care services to combat the COVID-19 virus.

2369 (c) The limitations on civil liability provided for by subsection (a) of this section shall not
2370 extend to:

2371 (1) Acts or omissions that constitute actual fraud, actual malice, recklessness,
2372 breach of contract, gross negligence, or willful misconduct; or

2373 (2) Acts or omissions unrelated to direct patient care; provided, that a contractor
2374 or subcontractor shall not be liable for damages for any act or omission alleged to have caused an
2375 individual to contract COVID-19.

2376 (d) The limitations on liability provided for by subsection (a) of this section extend to
2377 acts, omissions, and donations performed or made during a period of time for which the Mayor
2378 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
2379 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2380 2304.01), and to damages that ensue at any time from acts, omissions, and donations made
2381 during the public health emergency.

2382 (e) A healthcare provider, first responder, or volunteer who renders care or treatment to a
2383 potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal
2384 prosecution for any act or failure to act in providing or arranging medical treatment for COVID-
2385 19 during a public health emergency, if such action is made in good faith.

2386 (f) The limitations on liability provided for by this section do not limit the applicability of
2387 other limitations on liability, including qualified and absolute immunity, that may otherwise
2388 apply to a person covered by this section.

2389 (g) For the purposes of this section, the term “COVID-19” means the disease caused by
2390 the novel 2019 coronavirus SARS-CoV-2.

2391

2392 Sec. 708. Comprehensive policing and justice reform extension.

2393 Notwithstanding Council Rule 413, section 303(b) of the Comprehensive Policing and
2394 Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C.
2395 Law 23-151; 67 DCR 9920), is amended by striking the number “225” and inserting the number
2396 “295” in its place.

2397

2398 **TITLE VIII. GOVERNMENT OPERATIONS**

2399 Sec. 801. Reserved.

2400

2401 Sec. 802. Reserved.

2402

2403 Sec. 803. Reserved.

2404

2405 Sec. 804. Reserved.

2406

2407 Sec. 805. Reserved.

2408

2409 Sec. 806. Reserved.

2410

2411 Sec. 807. Remote notarizations.

2412 The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018

2413 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

2414 (a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph

2415 (1A) to read as follows:

2416 “(1A) “Audio-video communication” means an electronic device or process that:

2417 “(A) Enables a notary public to view, in real time, an individual and to

2418 compare for consistency the information and photos on that individual’s government-issued

2419 identification; and

2420 “(B) Is specifically designed to facilitate remote notarizations.”.

2421 (b) Section 6 (D.C. Official Code § 1-1231.05) is amended as follows:

2422 (1) The existing text is designated as subsection (a).

2423 (2) A new subsection (b) is added to read as follows:

2424 “(b) Notwithstanding any provision of District law, during a period of time for which the
2425 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2426 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2427 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual
2428 making the statement or executing the signature, notarial acts required or permitted under
2429 District law if:

2430 “(1) The notary public and the individual communicate with each other
2431 simultaneously by sight and sound using audio-video communication; and

2432 “(2) The notary public:

2433 “(A) Has notified the Mayor of the intention to perform notarial acts using
2434 audio-video communication and the identity of the audio-video communication the notary public
2435 intends to use;

2436 “(B) Has satisfactory evidence of the identity of the individual by means
2437 of:

2438 “(i) Personal knowledge or by the individual’s presentation of a
2439 current government-issued identification that contains the signature or photograph of the
2440 individual to the notary public during the video conference; or

2441 “(ii) A verification on oath or affirmation of a credible witness
2442 personally appearing before the officer and known to the officer or whom the officer can identify
2443 based on a current passport, driver’s license, or government-issued nondriver identification card;

2444 “(C) Confirms that the individual made a statement or executed a
2445 signature on a document;
2446 “(D) Receives by electronic means a legible copy of the signed document
2447 directly from the individual immediately after it was signed;
2448 “(E) Upon receiving the signed document, immediately completes the
2449 notarization;
2450 “(F) Upon completing the notarization, immediately transmits by
2451 electronic means the notarized document to the individual;
2452 “(G) Creates, or directs another person to create, and retains an audio-
2453 visual recording of the performance of the notarial act; and
2454 “(H) Indicates on a certificate of the notarial act and in a journal that the
2455 individual was not in the physical presence of the notary public and that the notarial act was
2456 performed using audio-visual communication.”.

2457 (c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection
2458 (d) to read as follows:

2459 “(d) Notwithstanding any provision of District law, during a period of time for which the
2460 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2461 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2462 Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.”.

2463

2464 Sec. 808. Reserved.

2465

2466 Sec. 809. Open meetings.

2467 The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code
2468 § 2-571 *et seq.*), is amended as follows:

2469 (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

2470 (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a
2471 semicolon in its place.

2472 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”
2473 in its place.

2474 (3) A new paragraph (4) is added to read as follows:

2475 “(4) During a period for which a public health emergency has been declared
2476 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2477 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes
2478 steps reasonably calculated to allow the public to view or hear the meeting while the meeting is
2479 taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably
2480 practicable.”.

2481 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)
2482 to read as follows:

2483 “(6) The public posting requirements of paragraph (2)(A) of this section shall not
2484 apply during a period for which a public health emergency has been declared pursuant to section
2485 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2486 Law 14-194; D.C. Official Code § 7-2304.01).”.

2487 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the
2488 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a
2489 meeting held during a period for which a public health emergency has been declared pursuant to

2490 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2491 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably
2492 calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if
2493 doing so is not technologically feasible, as soon thereafter as reasonably practicable;” in its
2494 place.

2495 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new
2496 paragraph (3) to read as follows:

2497 “(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be
2498 tolled during a period for which a public health emergency has been declared pursuant to section
2499 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2500 Law 14-194; D.C. Official Code § 7-2304.01).”.

2501

2502 Sec. 810. Electronic witnessing.

2503 (a) Chapter 48 of Title 16 of the District of Columbia Official Code is amended as
2504 follows:

2505 (1) Section 16-4802 is amended as follows:

2506 (A) New paragraphs (9A) and (9B) are added to read as follows:

2507 “(9A) “Electronic” means relating to technology having electrical, digital,
2508 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2509 “(9B) “Electronic presence” means when one or more witnesses are in a different
2510 physical location than the designator but can observe and communicate with the designator and
2511 one another to the same extent as if the witnesses and designator were physically present with
2512 one another.”.

2513 (B) New paragraphs (11A) and (11B) are added to read as follows:

2514 “(11A) “Record” means information that is inscribed on a tangible medium or that
2515 is stored in an electronic medium and is retrievable in perceivable form.

2516 “(11B) “Sign” means with present intent to authenticate or adopt a record to:

2517 “(A) Execute or adopt a tangible symbol; or

2518 “(B) Affix to or associate with the record an electronic signature.”.

2519 (2) Section 16-4803 is amended as follows:

2520 (A) Subsection (c) is amended by striking the phrase “the adult signs the
2521 designation in the presence of the designator” and inserting the phrase “the adult signs the
2522 designation in the presence or, during a period of time for which the Mayor has declared a public
2523 health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

2524 (B) Subsection (d) is amended by striking the phrase “in the presence of 2
2525 witnesses” and inserting the phrase “in the presence or, during a period of time for which the
2526 Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence
2527 of 2 witnesses” in its place.

2528 (b) Title 21 of the District of Columbia Official Code is amended as follows:

2529 (1) Section 21-2011 is amended as follows:

2530 (A) New paragraphs (5B-i) and (5B-ii) are added to read as follows:

2531 “(5B-i) “Electronic” means relating to technology having electrical, digital,
2532 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2533 “(5B-ii) “Electronic presence” means when one or more witnesses are in a
2534 different physical location than the signatory but can observe and communicate with the

2535 signatory and one another to the same extent as if the witnesses and signatory were physically
2536 present with one another.”.

2537 (B) New paragraphs (23A) and (23B) are added to read as follows:

2538 “(23A) “Record” means information that is inscribed on a tangible medium or that
2539 is stored in an electronic medium and is retrievable in perceivable form.

2540 “(23B) “Sign” means with present intent to authenticate or adopt a record to:

2541 “(A) Execute or adopt a tangible symbol; or

2542 “(B) Affix to or associate with the record an electronic signature.”.

2543 (2) Section 21-2043 is amended by adding a new subsection (c-1) to read as
2544 follows:

2545 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2546 must be in the presence or, during a period of time for which the Mayor has declared a public
2547 health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

2548 (3) Section 21-2202 is amended as follows:

2549 (A) New paragraphs (3A) and (3B) are added to read as follows:

2550 “(3A) “Electronic” means relating to technology having electrical, digital,
2551 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2552 “(3B) “Electronic presence” means when one or more witnesses are in a different
2553 physical location than the principal but can observe and communicate with the principal and one
2554 another to the same extent as if the witnesses and principal were physically present with one
2555 another.”.

2556 (B) A new paragraph (6B) is added to read as follows:

2557 “(6B) “Record” means information that is inscribed on a tangible medium or that
2558 is stored in an electronic medium and is retrievable in perceivable form.”.

2559 (C) A new paragraph (8) is added to read as follows:

2560 “(8) “Sign” means with present intent to authenticate or adopt a record to:

2561 “(A) Execute or adopt a tangible symbol; or

2562 “(B) Affix to or associate with the record an electronic signature.”.

2563 (4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who
2564 affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in
2565 the presence or, during a period of time for which the Mayor has declared a public health
2566 emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the
2567 principal was of sound mind” in its place.

2568 (5) Section 21-2210(c) is amended by striking the phrase “There shall be at least
2569 1 witness present” and inserting the phrase “There shall be at least one witness present or, during
2570 a period of time for which the Mayor has declared a public health emergency pursuant to § 7-
2571 2304.01, electronically present” in its place.

2572 (c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5,
2573 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

2574 (1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

2575 (A) New paragraphs (6A) and (6B) are added to read as follows:

2576 “(6A) “Electronic” means relating to technology having electrical, digital,
2577 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2578 “(6B) “Electronic presence” means when one or more witnesses are in a different
2579 physical location than the signatory but can observe and communicate with the signatory and one

2580 another to the same extent as if the witnesses and signatory were physically present with one
2581 another.”.

2582 (B) New paragraphs (9A) and (9B) are added to read as follows:

2583 “(9A) “Record” means information that is inscribed on a tangible medium or that
2584 is stored in an electronic medium and is retrievable in perceivable form.

2585 “(9B) “Sign” means with present intent to authenticate or adopt a record to:

2586 “(A) Execute or adopt a tangible symbol; or

2587 “(B) Affix to or associate with the record an electronic signature.”.

2588 (2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a
2589 new subsection (c-1) to read as follows:

2590 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2591 must be in the presence or, during a period of time for which the Mayor has declared a public
2592 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2593 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
2594 electronic presence of the signatory.”.

2595

2596 Sec. 811. Electronic wills.

2597 Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

2598 (a) The table of contents is amended by adding a new section designation to read as
2599 follows:

2600 “18-113. Electronic wills.”.

2601 (b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator”
2602 and inserting the phrase “in the presence or, during a period of time for which the Mayor has

2603 declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined
2604 in § 18-813(a)(2), of the testator” in its place.

2605 (c) A new section 18-113 is added to read as follows:

2606 “§ 18-113. Electronic wills.

2607 “(a) For the purposes of this section, the term:

2608 “(1) “Electronic” means relating to technology having electrical, digital,
2609 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2610 “(2) “Electronic presence” means when one or more witnesses are in a different
2611 physical location than the testator but can observe and communicate with the testator and one
2612 another to the same extent as if the witnesses and testator were physically present with one
2613 another.

2614 “(3) “Electronic will” means a will or codicil executed by electronic means.

2615 “(4) “Record” means information that is inscribed on a tangible medium or that is
2616 stored in an electronic medium and is retrievable in perceivable form.

2617 “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

2618 “(A) Execute or adopt a tangible symbol; or

2619 “(B) Affix to or associate with the record an electronic signature.

2620 “(b)(1) A validly executed electronic will shall be a record that is:

2621 “(A) Readable as text at the time of signing pursuant to subparagraph (B)
2622 of this paragraph; and

2623 “(B) Signed:

2624 “(i) By the testator, or by another person in the testator’s physical
2625 presence and by the testator’s express direction; and

2626 “(ii) In the physical or electronic presence of the testator by at least
2627 2 credible witnesses, each of whom is physically located in the United States at the time of
2628 signing.

2629 “(2) In order for the electronic will to be admitted to the Probate Court, the
2630 testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who
2631 supervised the execution of the electronic will shall certify a paper copy of the electronic will by
2632 affirming under penalty of perjury that:

2633 “(A) The paper copy of the electronic will is a complete, true, and accurate
2634 copy of the electronic will; and

2635 “(B) The conditions in paragraph (1) of this subsection were satisfied at
2636 the time the electronic will was signed.

2637 “(3) Except as provided in subsection (c) of this section, a certified paper copy of
2638 an electronic will shall be deemed to be the electronic will of the testator for all purposes under
2639 this title.

2640 “(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

2641 “(2) An electronic will, or a part thereof, is revoked by:

2642 “(A) A subsequent will or electronic will that revokes the electronic will,
2643 or a part thereof, expressly or by inconsistency; or

2644 “(B) A direct physical act cancelling the electronic will, or a part thereof,
2645 with the intention of revoking it, by the testator or a person in the testator’s physical presence
2646 and by the testator’s express direction and consent.

2647 “(3) After it is revoked, an electronic will, or a part thereof, may not be revived
2648 other than by its re-execution, or by a codicil executed as provided in the case of wills or

2649 electronic wills, and then only to the extent to which an intention to revive is shown in the
2650 codicil.

2651 “(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if
2652 executed in compliance with the law of the jurisdiction where the testator is:

2653 “(1) Physically located when the electronic will is signed; or

2654 “(2) Domiciled or resides when the electronic will is signed or when the testator
2655 dies.

2656 “(e) Except as otherwise provided in this section:

2657 “(1) An electronic will is a will for all purposes under the laws of the District of
2658 Columbia; and

2659 “(2) The laws of the District of Columbia applicable to wills and principles of
2660 equity apply to an electronic will.

2661 “(f) This section shall apply to electronic wills made during a period of time for which
2662 the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

2663

2664 Sec. 812. Administrative hearings deadlines.

2665 Notwithstanding any provision of District law, but subject to applicable federal laws and
2666 regulations, during a period time for which the Mayor has declared a public health emergency
2667 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2668 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the 90-day time period to
2669 request a hearing shall be tolled:

2670 (1) To review an adverse action by the Mayor concerning any new application for
2671 public assistance or any application or request for a change in the amount, kind, or conditions of

2672 public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or
2673 conditions of public assistance benefits or to take other action adverse to the recipient pursuant to
2674 section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982
2675 (D.C. Law 4-101; D.C. Official Code § 4–210.09); or

2676 (2) To appeal an adverse decision listed in section 26(b) of the Homeless Services
2677 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-
2678 754.41(b)).

2679

2680 Sec. 813. Other boards and commissions.

2681 Notwithstanding any provision of law, during a period time for which the Mayor has
2682 declared a public health emergency pursuant to section 5a of the District of Columbia Public
2683 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2684 2304.01), any requirement for a board, commission, or other public body to meet is waived,
2685 unless the Mayor determines that it is necessary or appropriate for the board, commission, or
2686 other public body to meet during the period of the public health emergency, in which case the
2687 Mayor may order the board, commission, or other public body to meet.

2688

2689 Sec. 814. Living will declaration.

2690 The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official
2691 Code § 7-621 *et seq.*), is amended as follows:

2692 (a) Section 2 (D.C. Official Code § 7–621) is amended as follows:

2693 (1) A new paragraph (2B) is added to read as follows:

2694 “(2B) “Electronic presence” means when one or more witnesses are in a different
2695 physical location than the declarant but can observe and communicate with the declarant and one
2696 another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic,
2697 or similar capabilities to the same extent as if the witnesses and declarant were physically present
2698 with one another.”.

2699 (2) A new paragraph (5A) is added to read as follows:

2700 “(5A) “Sign” means with present intent to authenticate or adopt a record to:

2701 “(A) Execute or adopt a tangible symbol; or

2702 “(B) Affix to or associate with the record an electronic signature.”.

2703 (b) Section 3 (D.C. Official Code § 7–622) is amended as follows:

2704 (1) Subsection (a)(4) is amended by striking the phrase “Signed in the presence”
2705 and inserting the phrase “Signed in the presence or, during a period of time for which the Mayor
2706 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
2707 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2708 2304.01), the electronic presence” in its place.

2709 (2) A new subsection (d) is added to read as follows:

2710 “(d) During a period of time for which the Mayor has declared a public health emergency
2711 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October
2712 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act
2713 may be an electronic signature.”.

2714 (c) Section 5(a)(3) (D.C. Official Code § 7–624(a)(3)) is amended by striking the phrase
2715 “in the presence of a witness” and inserting the phrase “in the presence or, during a period of time
2716 for which the Mayor has declared a public health emergency pursuant to section 5a of the District

2717 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
2718 Official Code § 7-2304.01), electronic presence of a witness” in its place.

2719

2720 Sec. 815. Reserved.

2721

2722 Sec. 816. WMATA Board of Directors appointment.

2723 Section 2(a)(4) of the Washington Metropolitan Area Transit Authority Board of

2724 Directors Act of 2012, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-

2725 1108.11(a)(4)), is repealed.

2726

2727 **TITLE IX. LEGISLATIVE BRANCH**

2728 Sec. 901. Reserved.

2729

2730 Sec. 902. Grant budget modifications.

2731 For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act,

2732 approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the

2733 Council shall be deemed to have reviewed and approved the acceptance, obligation, and

2734 expenditure of a grant, all or a portion of which is accepted, obligated, and expended, if:

2735 (1) No written notice of disapproval is filed with the Secretary to the Council

2736 within 2 business days of the receipt of the report from the Chief Financial Officer under section

2737 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120

2738 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

2739 (2) Such a notice of disapproval is filed within such deadline, and the Council
2740 does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5
2741 calendar days of the initial receipt of the report from the Chief Financial Officer under section
2742 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
2743 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

2744

2745 Sec. 903. Budget submission requirements.

2746 The Fiscal Year 2022 Budget Submission Requirements Resolution of 2020, effective
2747 December 1, 2020 (Res. 23-610; 67 DCR 14617), is amended as follows:

2748 (a) Section 2 is amended by striking the phrase “not later than March 31, 2021,” and
2749 inserting the phrase “not later than April 22, 2021, unless another date is set by subsequent
2750 resolution of the Council” in its place.

2751 (b) Section 3(2)(C) is amended by striking the phrase “produced from PeopleSoft on
2752 March 31, 2021” and inserting the phrase “produced from PeopleSoft on May 27, 2021” in its
2753 place.

2754

2755 Sec. 904. Reserved.

2756

2757 Sec. 905. Advisory Neighborhood Commissions.

2758 The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C.
2759 Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

2760 (a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended by adding a new
2761 paragraph (3) to read as follows:

2762 “(3) During a period of time for which a public health emergency has been
2763 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2764 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

2765 “(A) Petition sheets circulated in support of a candidate shall be filed with
2766 the Board in hard copy but may be electronically provided by the:

2767 “(i) Board to the candidate;

2768 “(ii) Candidate to qualified petition circulators; and

2769 “(iii) Qualified petition circulator to the candidate;

2770 “(B) Signatures on such petition sheets shall not be invalidated because
2771 the signer was also the circulator of the same petition on which the signature appears; and

2772 “(C) If the election is for member of an Advisory Neighborhood
2773 Commission representing the single-member district containing the Central Detention Facility
2774 and Correctional Treatment Facility:

2775 “(i) The Board shall develop, and the Department of Corrections
2776 shall distribute, lay-friendly educational materials for individuals in the Department of
2777 Corrections’ care and custody about how to register to vote, residency requirements to run for
2778 Advisory Neighborhood Commissioner, how to vote, and the functions of an Advisory
2779 Neighborhood Commission; and

2780 “(ii) The Department of Corrections shall facilitate the
2781 transmission of the petition sheets to any candidates who are in the care and custody of the
2782 Department of Corrections and from the candidates to the Board, as well as the petition
2783 circulation among the qualified registered electors in its care and custody.”.

2784 (b) Section 8(d)(6)(E) (D.C. Official Code § 1-309.06(d)(6)(E)) is amended as follows:

2785 (1) The existing text is designated as sub-subparagraph (i).

2786 (2) A new sub-subparagraph (ii) is added to read as follows:

2787 “(ii) Notwithstanding sub-subparagraph (i) of this subparagraph,
2788 during a period of time for which a public health emergency has been declared by the Mayor
2789 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2790 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

2791 “(I) If the Board transmits a list of qualified candidates
2792 containing more than one name, the affected Advisory Neighborhood Commission shall give
2793 notice at a public meeting of a time and location, to be determined in consultation with the Board
2794 and the OANC, at which the qualified registered electors of the affected single-member district
2795 shall vote to elect a Commissioner. At the location selected, the Board, in consultation with the
2796 affected Advisory Neighborhood Commission and OANC, shall make in-person voting available
2797 to qualified registered electors during at least a 4-hour time period. To vote, all qualified
2798 registered electors shall display their voter identification card or, alternatively, be listed as a
2799 voter in the affected single-member district on the Board’s voter registration list. Ballot counting
2800 shall be facilitated by at least 2 representatives of the Board, and the results shall be read aloud at
2801 the conclusion of the selected time period by the Chairman of the Advisory Neighborhood
2802 Commission, by such Commissioner as the Chairperson shall designate, or by a representative of
2803 the Board or OANC. In the event that the office of the Chairperson is vacant, the results shall be
2804 read aloud by the Commissioner presiding over the meeting or by a representative of the Board
2805 or OANC; and

2806 “(II) Notwithstanding sub-sub-subparagraph (I) of this sub-
2807 subparagraph, if the affected single-member district contains the Central Detention Facility and

2808 Correctional Treatment Facility, the Board, in consultation with the affected Advisory
2809 Neighborhood Commission and OANC, shall make in-person voting available to qualified
2810 registered electors within the single-member district who are not in the care and custody of the
2811 Department of Corrections, and the Department of Corrections, in consultation with the affected
2812 Advisory Neighborhood Commission, the Board, and OANC, shall make voting available to
2813 qualified registered electors in its care and custody, including by distributing ballots to qualified
2814 registered electors listed as voters in the affected single-member district on the voter registration
2815 list provided by the Board, collecting the ballots, and transmitting the ballots to the Board for
2816 counting and transmission of the results to OANC and the affected Advisory Neighborhood
2817 Commission.”.

2818 (c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection
2819 (q) to read as follows:

2820 “(q) During a period of time for which a public health emergency has been declared by
2821 the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2822 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

2823 “(1) The 30-day written notice requirement set forth in subsection (b) of this
2824 section shall be a 51-day written notice requirement; and

2825 “(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of
2826 this section shall be a 66-calendar-day notice requirement.”.

2827 (d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

2828 (1) Paragraph (1) is amended by striking the phrase “by the Commission.” and
2829 inserting the phrase “by the Commission; provided, that no meetings shall be required to be held
2830 in-person during a period for which a public health emergency has been declared by the Mayor

2831 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2832 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of
2833 meetings required to be held in a given year shall be reduced by one for every 30 days that a
2834 public health emergency is in effect during the year.” in its place.

2835 (2) A new paragraph (1B) is added to read as follows:

2836 “(1B) Notwithstanding any other provision of law, during a period for which a
2837 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
2838 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
2839 Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and
2840 remotely participate in that meeting and vote on matters before the Commission without being
2841 physically present through a teleconference or through digital means identified by the
2842 Commission for this purpose. Members physically or remotely present shall be counted for
2843 determination of a quorum.”.

2844 (e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

2845 (1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as
2846 follows:

2847 “(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to
2848 file quarterly reports due during a period of time for which a public health emergency has been
2849 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2850 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2851 (2) Subsection (m)(1) is amended by striking the phrase “District government”
2852 and inserting the phrase “District government; except, that notwithstanding any provision of
2853 District law, during a period for which a public health emergency has been declared by the

2854 Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2855 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission
2856 may approve grants to organizations for the purpose of providing humanitarian relief, including
2857 food or supplies, during the public health emergency, or otherwise assisting in the response to
2858 the public health emergency anywhere in the District, even if those services are duplicative of
2859 services also performed by the District government” in its place.

2860 Sec. 906. Council detailee appointment clarification.

2861 Title 27 of the District of Columbia Government Comprehensive Merit Personnel Act of
2862 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-627.01 *et seq.*), is
2863 amended by adding a new section 2707 to read as follows:

2864 “Section 2707. Definitions.

2865 “For the purposes of this title, the term:

2866 “(1) “Agency” includes the Council.

2867 “(2) “Appropriate officials” includes:

2868 “(A) For an assignment for which the Council is the receiving agency, the
2869 personnel authority to whom the employee will be assigned in consultation with the Chairman of
2870 the Council.

2871 “(B) For an assignment for which the Council is the sending agency, the
2872 personnel authority to whom the employee is currently assigned.”.

2873

2874 **TITLE X. REPEALS; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

2875 Sec. 1001. Repeals.

2876 (a) The COVID-19 Response Supplemental Temporary Amendment Act of 2020,
2877 effective October 9, 2020 (D.C. Law 23-129; 67 DCR 6601), is repealed.

2878 (b) The Coronavirus Support Temporary Amendment Act of 2020, effective October 9,
2879 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

2880 (c) The Coronavirus Public Health Extension Temporary Amendment Act of 2020,
2881 enacted on January 25, 2021 (D.C. Act 23-614, 68 DCR 1484), is repealed.

2882

2883 Sec. 1002. Fiscal impact statement.

2884 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
2885 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
2886 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

2887

2888 Sec. 1003. Effective date.

2889 This act shall take effect following approval by the Mayor (or in the event of veto by the
2890 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
2891 90 days, as provided for emergency acts of the Council of the District of Columbia in section
2892 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
2893 D.C. Official Code § 1-204.12(a)).