

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Coronavirus Support Temporary Amendment Act of 2021 to remove the public health emergency as the trigger for provisions of the act, to provide for a moratorium on utility disconnections for qualified customers, and to repeal provisions establishing accelerated review of grant budget modifications by the Council, to require certain improvements to the Stronger Together by Assisting You program; to amend Title 16 of the District of Columbia Official Code to allow housing providers to file eviction cases in Superior Court when the tenant's continuing presence is a threat to health and safety or when the tenant has willfully or wantonly caused significant damage to the property, to allow housing providers to file eviction cases in Superior Court for non-payment of rent on October 12, 2021 if 60 days have elapsed since the initiation or submission of an emergency rental assistance program application or the tenant is not eligible, provided, that an application is not pending or under appeal, to allow housing providers to file other eviction cases in Superior Court beginning January 1, 2022, and to require a summons be served 30 days in advance of an initial court hearing and a readable time stamp if the summons was served by posting; to amend section 501 of the Rental Housing Act of 1985 to provide for specific notice requirements for eviction cases involving nonpayment of rent and for cases with evictions authorized prior to March 11, 2020; and to repeal outdated provisions of other laws.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Emergency Extension and Eviction and Utility Moratorium Phasing Congressional Review Emergency Amendment Act of 2021".

Sec. 2. Reserved

Sec. 3. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824), is amended as follows:

(a) Section 101 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected employee shall be eligible” and inserting the phrase “an affected employee shall be eligible” in its place.

(2) Subsection (g) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the requirements of” and inserting the phrase “the requirements of” in its place.

(b) Section 102 is amended as follows:

(1) Amendatory section 1(2)(A-i) of the District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)(Ai)), in subsection (a) is amended by striking the phrase “During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and in conformity” and inserting the phrase “In conformity” in its place.

(2) Amendatory section 8(b) of the District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-108(b)), in

subsection (c) is amended by striking the phrase “During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and subject to” and inserting the phrase “Subject to” in its place.

(3) Amendatory section 9(b) of the District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-109(b)), in subsection (d) is amended by striking the phrase “During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Director” and inserting the phrase “The Director” in its place.

(c) Amendatory section 3a of the District of Columbia Family and Medical Leave Act of 1990, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 32-502.01), in section 104(b) is amended as follows:

(1) Amendatory subsection (a) is amended by striking the phrase “During the COVID-19 public health emergency,” and inserting the phrase “From March 11, 2020, until November 5, 2021,” in its place.

(2) Amendatory subsection (b) is amended as follows:

(A) Amendatory paragraph (1) is amended by striking the phrase “during the COVID-19 public health emergency” and inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(B) Amendatory paragraph (2) is repealed.

(3) Amendatory subsection (i) is repealed.

(d) Amendatory section 3a(e)(2) of the Accrued Sick and Safe Leave Act of 2008,

effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 32-531.02a(e)(2)), in section 105(a)(2) is amended to read as follows:

“(2) “COVID-19 emergency” means the period of time from March 11, 2020, through November 5, 2021.”.

(e) Amendatory section 2316(a)(1) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 2-218.16(a)(1)), in section 201(b) is amended by striking the phrase “Upon the Mayor’s declaration of a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may” and inserting the phrase “Through November 5, 2021, the Mayor may” in its place.

(f) Amendatory section 2349(a-1) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.49(a-1)), in section 202 is amended by striking the phrase “During a period of time for which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “Through November 5, 2021” in its place.

(g) Section 203(a) is amended by striking the phrase “of the COVID-19 emergency” and inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(h) Reserved.

(i) Amendatory section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 3-403.01), in section 302(a)

is amended by striking the phrase “a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “the period of time from March 11, 2020 until November 5, 2021” in its place.

(j) Section 303 is repealed.

(k) Section 307 is amended by adding new subsections (h) through (p) to read as follows:

“(h) Subsections (c), (d), and (e) of this section shall expire on October 12, 2021.

“(i) Subsections (b) and (f) of this section shall expire the later of October 12, 2021, or 60 days after the Mayor begins allowing home internet assistance through STAY DC or a similar District-funded program.

“(j)(1) After October 12, 2021, and except as otherwise prohibited by subsections (b) and (f) of this section, a company shall not disconnect, suspend, or degrade service, for non-payment of a bill, any fees for service or equipment, or any other charges, if:

“(A) The company has failed to engage the customer as required under subsection (k) of this section;

“(B) The customer owes less than \$600;

“(C) The customer has entered into a payment plan with the company and either is meeting the terms of the payment plan or is less than 2 months behind the terms of the payment plan;

“(D) Prior to October 12, 2021, the customer has requested to enter into a payment plan with the company and fewer than 45 days have elapsed following the customer’s initial request; or

“(E) The Mayor has certified or the customer has provided documentary evidence that the customer qualifies for utility disconnection relief and not more than 90 days have elapsed since October 12, 2021.

“(2) For purposes of paragraph (1)(E) of this subsection, the Mayor shall certify that an individual is qualified for utility disconnection relief if the individual:

“(A) Has an application pending approval or under appeal, for any form of financial assistance from the Stronger Together by Assisting You (“STAY DC”) Program or other utility-assistance program;

“(B) Within the prior 6 months, received or was approved for a benefit under the Low-Income Home Energy Assistance Program (“LIHEAP”), Utility Discount Program (“UDP”), DC Water Customer Assistance Program (“CAP”), or STAY DC Program;

“(C) Is receiving a benefit under the Supplemental Nutrition Assistance Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) program; or

“(D) Is 21 years of age or older and receiving a benefit under Medicaid or the DC Healthcare Alliance.

“(3)(A) By September 13, 2021, the Mayor shall provide notice to each individual certified as qualified for utility disconnection relief pursuant to paragraph (2) of this subsection.

“(B) By September 27, 2021, and every 4 weeks thereafter until January 1, 2022, the Mayor shall provide companies and the Office of the People’s Counsel (“OPC”) with a list of each individual certified as qualified for utility disconnection relief, including the individual’s home address. Such list shall be property of the District and shall only be used to determine that an individual on the list is qualified for relief from utility disconnection and to communicate that to affected households and companies as needed.

157 “(3A) A company shall consider a customer as certified as qualified for utility
158 disconnection relief under this subsection where:

159 “(B) The customer’s home address is included on the list provided to a
160 company under paragraph (3)(B) of this subsection, but the name of the individual certified does
161 not match the name of the customer on the account; or

162 “(C) The customer provides the company with a copy of the notice of
163 certification provided by the Mayor under paragraph (3)(A) of this subsection by mail, email,
164 fax, or other reasonable method.

165 “(4) By August 9, 2021, the Mayor shall, pursuant to Title I of the District of
166 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
167 Official Code § 2-501 et seq.), promulgate emergency rules to implement this subsection,
168 including guidance on the District’s and the companies’ responsibilities under this subsection.

169 “(k)(1) A company shall provide notice, as described in paragraph (4) of this subsection,
170 to a customer regarding the customer’s account at least 60 days in advance of disconnecting,
171 suspending, or degrading service, inclusive of disconnection procedures in section 311 of Title
172 15 of the District of Columbia Municipal Regulations (15 DCMR § 311).

173 “(2)(A) On or before October 12, 2021, a company shall provide notice as
174 described in paragraph (4) of this subsection to customers with a bill past due. Notice under this
175 subparagraph shall be mailed to the customer in hard copy and the phrase “PAST DUE” shall be
176 clearly printed on the bill or envelope.

177 “(B) Notice under this paragraph shall take the form of a flyer included in
178 monthly customer bills or prominent language on the bill and be included in both hard-copy and
179 electronic-form bills.

“ (3) A past due or disconnection notice sent to a customer by a company shall include notice as described in paragraph (4) of this subsection.

“ (4) Notice under this paragraph shall be issued in at least English and Spanish. The notice shall include information on:

“ (A) The availability of payment assistance programs;

“ (B) Information on eligibility for payment assistance programs and the process to apply to each payment assistance program;

“ (C) The right of customers to remain eligible for relief from disconnection, suspension, or degradation of service; provided, that they are eligible for relief under subsection (j)(1)(E) of this section; and

“ (D) A customer’s right to contact OPC for assistance with negotiating a payment plan on the customer’s behalf.

“ (5) The Public Service Commission and Board of Directors of the District of Columbia Water and Sewer Authority (“DC Water Board of Directors”) may issue regulations regarding customer engagement criteria and customer notice requirements consistent with this subsection.

“ (l)(1) For a period of 90 days beginning on October 12, 2021, a company shall restore service to a customer when the customer makes a payment to the company of at least \$10; provided, that the customer enters into a payment plan pursuant to section 308 of the Coronavirus Support Emergency Amendment Act of 2021, effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101), section 308 of the Coronavirus Support Congressional Review Emergency Amendment Act of 2021, effective June 7, 2021 (D.C. Act 24-96; 68 DCR 6025), or section 308 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24,

2021 (D.C. Law 24-9; 68 DCR 4824), or makes a showing that the utility was disconnected improperly pursuant to this act. Amounts paid by a customer pursuant to this paragraph shall be applied in full to reduce the amounts owed by the customer to the company.

“(2)(A) When a customer whose service has been disconnected, suspended, or degraded for nonpayment is certified by the Mayor or documented by the customer to be eligible for utility disconnection relief under subsection (j)(1)(E) of this section, a company shall reconnect the customer without charge.

“(B) A company shall reconnect a customer under subparagraph (A) of this paragraph within 24 hours of receiving notice that the customer is qualified for utility disconnection relief under subsection (j)(1)(E) of this section.

“(m)(1) Beginning on November 1, 2021, and ending on February 1, 2022, each utility company that is regulated by the Public Service Commission of the District of Columbia shall report monthly to the Public Service Commission of the District of Columbia and to OPC the number of customers, by zip code, that have entered into payment plans, including the number of payment plans that have defaulted, that have had service suspended or disconnected for non-payment, or that are in arrears.

“(2) Beginning on November 1, 2021, and ending on February 1, 2022, the District of Columbia Water and Sewer Authority (“DC Water”) shall report monthly to the DC Water Board of Directors and to OPC the number of customers, by zip code and customer class, that have entered payment plans, including the number of payment plans that have defaulted, that have had service suspended or disconnected for nonpayment, or that are in arrears.

“(n) A telecommunications service provider, as that term is defined by the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154;

D.C. Official Code § 34-2002.01 et. seq.), shall not disconnect, suspend, or degrade basic telecommunications service to a customer that is participating in the federal Lifeline program for non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance with a deferred payment agreement.

“(o) Nothing in this act shall be read to supersede the existing moratorium on disconnections under section 106a of the Retail Electric Competition and Consumer Protection Act of 1999, effective March 9, 2016 (D.C. Law 21-82; D.C. Official Code § 34-1506.01).

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

“(1) “Payment assistance programs” shall mean LIHEAP, UDP, CAP, or STAY DC.

“(2) “Company” or “companies” shall mean an electric company, gas company, DC Water, or incumbent local exchange carrier.”.

(l) Section 308 is amended as follows:

(1) Subsection (c) is amended as follows:

(A) The existing text is redesignated as paragraph (1).

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

“(2)(A)(i) Upon request by a customer of an electric company, gas company, incumbent local exchange carrier, or DC Water to the Office of the People’s Counsel (“OPC”), OPC shall be authorized to negotiate a payment plan on behalf of a customer.

“(ii) Within 2 business days of receiving a request under this subparagraph, OPC shall provide notice to the utility provider of the customer’s request.

“(B) A disconnection notice sent to a customer shall include notice of the right of a customer to request that OPC negotiate a payment plan on the customer’s behalf,

including information on how the customer may make such a request.

“(C) When a company and a customer have been unable to agree on terms of a payment plan within 24 hours of the customer’s request to enter into a payment plan, the company shall provide notice to the customer that the customer may contact OPC to negotiate a payment plan on the customer’s behalf.”.

(2) Subsection (i)(6) is amended by striking the phrase “a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “the period of time from March 11, 2020, until November 5, 2021” in its place

(m) Reserved.

(n) Amendatory section 5a(a) of the Department of Insurance and Securities Regulation Establishment Act of 1996, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31-104.01), in section 310 is amended by striking the phrase “For the duration of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“public health emergency”), and to address the circumstances giving rise to that emergency” and inserting the phrase “From March 11, 2020 until November 5, 2021” in its place.

(o) Amendatory section 6(b)(10) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)(10)), in section 311(c) is amended to read as follows:

“(10) A commercial property that houses a business that closed between March 11, 2020, and November 5, 2021.”

(p) The lead-in language of section 312 is amended by striking the phrase “provision of law during, or within 45 days after the end of, a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “provision of law, during the period from March 11, 2020, until November 5, 2021” in its place.

(q) Section 401(a) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”), and for 60 days thereafter” and inserting the phrase “during the period of time from March 11, 2020, until November 5, 2021” in its place.

(r) Section 402 is amended by adding a new subsection (f-1) to read as follows:

“(f-1) Tenant payment plans may not contain any waiver of the tenant’s rights under the tenant’s lease or District of Columbia law. A tenant entering into a tenant payment plan retains the right to contest the amount of rent due unless this is agreed to in writing by both parties.”.

(s) Section 403 is repealed.

(t) Section 404 is repealed.

(u) Section 405 is amended as follows:

(1) Paragraph (3) is repealed.

(2) Amendatory section 904(c) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), in paragraph (7) is amended by

striking the phrase “during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”)” and inserting the phrase “prior to December 31, 2021” in its place.

(v) Section 406 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter” and inserting the phrase “prior to December 31, 2021” in its place.

(2) Subsection (b)(1) is amended by striking the phrase “during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 2304.01), and for 30 days thereafter” and inserting the phrase “prior to December 31, 2021” in its place.

(w) Reserved.

(x) Amendatory section 208(g-2)(1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-2)(1)), in section 501 is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)”. and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(y) Section 507 is amended as follows:

(1) Subsection (a)(2) is amended to read as follows:

“(2) Paragraph (2) is amended by striking the phrase “District of Columbia government;” and inserting the phrase “District of Columbia government; provided further, that, with respect to the public health emergency declared in the Mayor’s order dated March 11, 2020, and any extensions thereof, the additional authority provided pursuant to this paragraph for entering into contracts and incurring obligations shall expire on November 5, 2021;” in its place.”

(2) Amendatory section 5b(a) of the District of Columbia Public Emergency Act of 1980, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 7-2304.02(a)), in subsection (c) is amended by striking the phrase “Upon the Mayor’s declaration of a public health emergency pursuant to section 5a, and for a period not exceeding 90 days after the end of the public health emergency, 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 or loan to a program, organization, business, or entity to assist the District in responding to the public health emergency, including a grant or loan for the purpose of” and inserting the phrase “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.), from March 11, 2020 until November 5, 2021, the Mayor may issue a grant or loan to a program, organization, business, or entity, including a grant or loan for the purpose of” in its place.

(z) Section 508(b) is amended by striking the phrase “60 days after the end of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

Code § 7-2304.01),” and inserting the phrase “November 5, 2021” in its place.

(aa) Section 509 is repealed.

(bb) Section 512 is repealed.

(cc) The lead-in language in amendatory section 316a of the Human Rights Act of 1977, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 2-1403.16a), in section 702 is amended by striking the phrase “a period of time for which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action initiated by the Attorney General for the District of Columbia (“Attorney General”) for violations of this act, or a civil action arising in connection with the PHE” and inserting the phrase “the period of time from March 11, 2020, until November 5, 2021, for violations of this act, or a civil action arising in connection with the public health emergency declared by the Mayor on March 11, 2020 (Mayor’s Order 2020-046)” in its place.

(dd) Section 807 is amended as follows:

(1) Amendatory section 6(b) of the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.05(b)), in subsection (b) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “during the period of time from March 11, 2020, until November 5, 2021” in its place.

(2) Amendatory section 10(d) of the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.09(d)), in

subsection (c) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “during the period of time from March 11, 2020, until November 5, 2021” in its place.

(ee) Section 809 is amended as follows:

(1) Amendatory section 405(a)(4) of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(a)(4)) in subsection (a)(3) is amended by striking the phrase “a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “the period of time from March 11, 2020, until November 5, 2021” in its place.

(2) Amendatory section 406(6) of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576(6)), in subsection (b) is amended by striking the phrase “a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “the period from March 11, 2020, through November 5, 2021” in its place.

(3) Subsection (c) is amended by striking the phrase “a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” and inserting the phrase “the period from March 11, 2020, until November 5, 2021” in its place.

(ff) Section 810 is amended as follows:

(1) Subsection (a)(2) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period of time from March 11, 2020, until November 5, 2021” in its place.

(B) Subparagraph (B) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(2) Subsection (b) is amended as follows:

(A) Amendatory section 21-2043(c-1) of the District of Columbia Official Code in paragraph (2) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(B) Paragraph (4) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(C) Paragraph (5) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(gg) Section 811 is amended as follows:

(1) Subsection (b) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(2) Amendatory section 18-113(f) of the District of Columbia Official Code in subsection (c) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(hh) Section 814 is amended as follows:

(1) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(B) Amendatory section 3(d) of the Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-622(d)), in paragraph (2) is amended to read as follows:

“(d) Any signature required by this act may be an electronic signature.”.

(2) Subsection (c) is amended by striking the phrase “during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(ii) Section 902 is repealed.

(jj) Section 905 is amended as follows:

(1) Amendatory section 13(q) of the Advisory Neighborhood Commissions Act of

1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(q)), in subsection (c) is amended by striking the phrase “a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “the period of time from March 11, 2020, until November 5, 2021” in its place.

(2) Subsection (d) is amended as follows:

(A) A new paragraph (1A) is added to read as follows

“(1A) Paragraph (1A) is repealed.”.

(B) Paragraph (2) is amended to read as follows:

“(2) A new paragraph (1B) is added to read as follows:

“(1B) Notwithstanding any other provision of law, an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.”.

Sec. 4. STAY DC Improvements.

(a)(1) No later than August 9, 2021, the Stronger Together by Assisting You (“STAY DC”) Program application portal shall allow housing providers to submit an application for emergency rental assistance on behalf of tenants with an electronic signature from the tenant for funding allocated to the District through section 501 of Division N of the Consolidated Appropriations Act of 2021, approved December 27, 2020 (134 Stat. 2069; 15 U.S.C. § 9058a).

(2) Applications submitted by housing providers under paragraph (1) shall meet

all the requirements of section 501(f)(2) of Division N of the Consolidated Appropriations Act, 2021, approved December 27, 2020 (134 Stat. 2069; 15 U.S.C. § 9058a(f)(2)), and applicable guidance issued by the United States Department of Treasury.

(b) No later than August 9, 2021, the Mayor shall issue guidance outlining the circumstances in which STAY DC will cover arrearages for internet services provided to the rental unit and security deposits, consistent with U.S. Department of Treasury guidance. This guidance shall be posted on the STAY DC website.

(c) Should additional time be necessary to implement the changes in this section, the Mayor shall notify the Council. For each specific improvement required by this section, the notice to Council shall include the reason more time is needed, and an estimate of the additional time needed.

(d) No later than August 9, 2021, the Mayor shall provide information related to the STAY DC program, including eligibility, instructions for application, benefits of enrolling, and any programmatic deadlines, via e-mail or another form of communication, to all individuals who have received benefits during the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies, from the following programs:

- (1) Unemployment insurance;
- (2) Emergency rental assistance;
- (3) Medicaid;
- (4) Low Income Home Energy Assistance Program;
- (5) Supplemental Nutrition Assistance Program;

- (6) Temporary Assistance for Needy Families Program; and
(7) DC Healthcare Alliance.

Sec. 5. Phasing of the eviction moratorium and additional protections.

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

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

“§ 16-1501. Definition; summons.

“(a) When a person detains possession of real property without right, or after his right to possession has ceased, the Superior Court of the District of Columbia, on complaint under oath verified by the person aggrieved by the detention, or by his agent or attorney having knowledge of the facts, may issue a summons in English and Spanish to the party complained of to appear and show cause why judgment should not be given against him for the restitution of possession.

“(b) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600. Nothing in this subsection shall prevent the person aggrieved from filing a complaint to recover the amount owed.

“(c)(1) Prior to January 1, 2022, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except when:

“(A) The complaint alleges that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, or residents of immediately adjacent properties, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault;

502 “(B) The complaint alleges that the tenant has willfully or wantonly
503 caused significant damage to the unit, building, premises, or property of the housing provider; or

504 “(C) The complaint alleges non-payment of rent, the complaint is filed on
505 or after October 12, 2021, and the person aggrieved provides documentation at the time of filing
506 demonstrating that:

507 “(i) He or she has applied for emergency rental assistance through
508 the STAY DC program on behalf of the tenant, or initiated the application on behalf of the tenant
509 by completing all landlord portions of the application, the tenant has been notified in writing of
510 the application, and the housing provider is eligible to seek possession pursuant to § 42 -
511 3505.01(b-1)(1); and

512 “(ii) The tenant has been served with a written notice which
513 meets the requirements of § 42-3505.01(b-1)(2) and all other requirements under District law.

514 “(2) It shall be a dispositive affirmative defense requiring dismissal of a complaint
515 for non-payment of rent if a tenant can demonstrate with substantial evidence provided through
516 testimony that:

517 “(A) The housing provider did not pursue rental assistance as required
518 timely or in good faith;

519 “(B) The tenant did not receive notice of the rental assistance application;

520 “(C) The housing provider did not provide a notice that meets the
521 requirements of 42-3505.01(b-1)(2), and all other requirements under District of Columbia law;

522 “(D) The tenant or their authorized representative submitted an application
523 for emergency rental assistance prior to or during the 60 days after receiving a past due rent
524 notice, and that application is still pending, approved and awaiting payment, or under appeal;

525 “(E) The housing provider has not met the requirements of § 42 -
526 3505.01(b-1)(1); or

527 “(F) For complaints that involve rent arrears accrued since March 11,
528 2020, the landlord did not offer or negotiate a payment plan in good faith pursuant to § 42-3281
529 at any time since March 11, 2020.

530 “(3) For complaints filed pursuant to (c)(1)(B) of this subsection, it shall be a
531 dispositive affirmative defense requiring dismissal of a complaint if a tenant can demonstrate
532 with substantial evidence that the housing provider willfully or negligently contributed to the
533 significant damage of the unit, premises, building, or property that are the subject of the
534 complaint.

535 “(4) For purposes of this subsection, the term:

536 “(A) “Act of violence” shall have the same meaning as “crime of
537 violence” as provided in § 23-1331(4).

538 “(B) “Assault” shall be construed according to § 22-404.

539 “(C) “Significant damage” includes large holes in the walls of the
540 unit that cannot be repaired with plaster and paint, destruction of major building systems such as
541 electric or plumbing, destruction of appliances such as ovens, refrigerators or dish washing
542 machines in the unit, or damage to large areas of flooring such that the housing provider will
543 have to replace the damaged flooring.

544 “(D) “Threat” shall be construed according to § 22-407.

545 “(E) “Unlawful possession of a firearm” shall be construed
546 according to § 22-4503.

547 “(5) Nothing in this section shall be construed to create an obligation on the part

of any person to pursue an eviction action under this subsection.

“(6) No tenant shall be evicted from a rental unit based on a complaint filed under this subsection unless the court determines by a preponderance of the evidence that the alleged violation of an obligation of tenancy meets all of the requirements of this subsection.

“(7) At the initial hearing for any complaint for non-payment of rent, if the complaint does not allege sufficient facts or the person aggrieved has not produced sufficient documentation to meet all pre-filing requirements under District law, the Court shall dismiss the complaint.

“(d)(1) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section without a valid registration or claim or exemption issued pursuant to § 42-3502.05, and a current license for rental housing issued pursuant to § 47-2828(c)(1) presented at the time of filing.

“(2) The Court may waive the requirements in this subsection if the person aggrieved can demonstrate that the housing provider for the housing accommodation was unable to obtain or renew a current rental housing license due to extenuating circumstances.

“(e) The person aggrieved shall not file a complaint pursuant seeking relief to this section based on consistent late payment of rent by a tenant occurring between the dates of March 11, 2020, and 60 days after the expiration of the public health emergency declared in response to the novel 2019 coronavirus (SARS CoV-2).

“(f) Complaints seeking relief pursuant to this section that are not permitted to be filed pursuant to subsection (c) of this section shall not be filed until January 1, 2022, at the earliest.”.

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

“§ 16-1502. Service of summons.

571 “(a) The summons provided for by § 16-1501 shall be served 30 days, exclusive of
572 Sundays, legal holidays, and days occurring during a period of time for which the Mayor has
573 declared a public health emergency pursuant to § 7-2304.01, before the day fixed for the initial
574 hearing of the action; except, that a summons may be served during a period of time for which
575 the Mayor has declared a public health emergency pursuant to § 7-2304.01, and for 60 days
576 thereafter, if the summons relates to a complaint that is filed pursuant to the exceptions listed in §
577 16-1501(c)(1). If the defendant has left the District of Columbia, or cannot be found, the
578 summons may be served by delivering a copy thereof to the tenant, or by leaving a copy with
579 some person above the age of sixteen years residing on or in possession of the premises sought to
580 be recovered, and if no one is in actual possession of the premises, or residing thereon, by
581 posting a copy of the summons on the premises where it may be conveniently read. If the
582 summons is posted on the premises, a copy of the summons shall be mailed first class U.S. mail,
583 postage prepaid, to the premises sought to be recovered, in the name of the person known to be
584 in possession of the premises, or if unknown, in the name of the person occupying the premises,
585 within 3 calendar days of the date of posting.

586 “(b) If a summons is served by posting a copy on the premises, a photograph of the
587 posted summons must be submitted to the court. The photograph must have a readable
588 timestamp that indicates the date and time of when the summons was posted.”.

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

591 (1) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:

592 (A) Subsection (a) is amended as follows:

593 (i) The existing text is designated as paragraph (1).

(ii) Paragraph (1) is amended by striking the phrase “written notice to vacate” and inserting the phrase “written notice” in its place.

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

“(2) If a notice is served by posting a copy on the premises, a photograph of the posted notice must be submitted to the court. The photograph must have a readable timestamp that indicates the date and time of when the summons was posted.”.

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

“(3) If the landlord knows the tenant speaks a primary language other than English or Spanish that is covered under section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), the landlord must provide the notice in that language.

(B) Subsection (a-1) is amended as follows

(i) Paragraph (1) is amended by striking the word “claim” and inserting the phrase “claim, unless the claim pertains to subsection (b-1) of this section” in its place.

(ii) Paragraph (2)(C) is amended by striking the phrase “, including evidence of the time and date of service” and inserting the phrase “with a readable timestamp that indicates the date and time of when the summons was posted” in its place.

(C) Subsection (b) is amended to read as follows:

“(b) A housing provider may recover possession of a rental unit when the tenant is violating an obligation of tenancy, other than nonpayment of rent, and fails to correct the violation within 30 days after receiving notice from the housing provider.”.

(D) A new subsection (b-1) is added to read as follows:

“(b-1)(1) On or after October 12, 2021, a housing provider may recover possession of a rental unit for nonpayment of rent when the past due rent is equal to more than \$600 and any of the following applies:

“(A) The tenant fails to submit an emergency rental assistance application within 60 days of receiving a notice of past due rent;

“(B) The tenant’s application for emergency rental assistance was denied, or the application was approved with a balance of equal to or greater than \$600 remaining unpaid, and the tenant and housing provider have not established a rent payment plan pursuant to section 402 of the Coronavirus Support Temporary Amendment Act, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 42-3192.01), within 14 days of the denial; or

“(C) A tenant with a rent payment plan is at least \$600 or 2 months behind on the terms of the payment plan, whichever is greater.

“(2) Prior to filing a complaint with the Superior Court for nonpayment of rent, a housing provider shall send to the tenant a notice of past due rent containing the following or substantively similar language:

“This is a notice of past due rent. The total amount of rent owed is [list specific amount due]. A ledger showing the dates of rent charges and payments for the period of delinquency is attached. You have the right to remain in the rental unit if the total balance of unpaid rent is paid in full or if you are current on a rent payment plan.

“[Name of housing provider] has initiated an application to STAY DC for emergency rental assistance on your behalf for any rent due after April 1, 2020. Only you or your authorized representative can complete the tenant portion of the application. If the ledger shows amounts due prior to April 2020, you should also seek assistance from other District emergency

rental assistance programs, such as the Emergency Rental Assistance Program (“ERAP”).

“You have 60 days, or until [insert specific date], to submit your portion of any application(s) for emergency rental assistance. To apply for STAY DC, go to stay.dc.gov or call 833-4STAYDC (833-478-2932). The STAY DC call center can also connect you to application help and refer you to ERAP and other District emergency rental-assistance programs.

“ You may qualify for assistance if your household’s annual income is equal to or less than the amounts shown below:

People in Household	Maximum Income	People in Household	Maximum Income
1	\$57,650	5	\$88,900
2	\$65,850	6	\$95,500
3	\$74,100	7	\$102,100
4	\$82,300	8	\$108,650

“[Name of housing provider] has the right to file a case in court seeking your eviction, without further notice, if any of the following occur:

“(A) You fail to submit an emergency rental assistance application within 60 days;

“(B) You are denied emergency rental assistance for all or part of the past due amount and you have not established a rent payment plan with us within 14 days of the denial; or

“(C) You miss payments under a rent payment plan totaling at least \$600 or two months of rent, whichever is greater.

“If [name of housing provider] files in court, your next notice will be a summons to appear in court. You have the right to defend yourself in court. Only a court can order your eviction. For further help or to seek free legal services, contact the Office of the Tenant Advocate at 202-719-6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.”.

(E) Subsection (k) is amended as follows:

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

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

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

“(3) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01), except for evictions arising from those complaints filed pursuant to the exceptions in D.C. Official Code § 16-1501(c)(1); provided, that:

“(A) A family facing eviction pursuant to D.C. Official Code § 16-1501(c)(1)(A) shall be offered assistance and resources that support the coordination or continuation of youth education, social services, and other resources before the eviction is carried out; and

“(B) A person with behavioral, emotional, or mental health issues facing eviction pursuant to D.C. Official Code § 16-1501(c)(1)(A) shall be offered behavioral health or housing counseling services and shall be offered alternative housing arrangements before the eviction is carried out.

(F) Subsection (q) is amended to read as follows:

“(q)(1) Beginning on October 14, 2020, for the period of time during which there exists a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01), and not earlier than September 26, 2021, no housing provider may:

684 “(A) Issue to a tenant a notice pursuant to this section, except notices of
685 past due rent pursuant to subsection (b-1)(2) of this section; or

686 “(B) Engage in any action that is intended to force tenants to leave their
687 housing or otherwise give up their rights under the law, including the actions described under
688 section 502(a).

689 “(2) A person who violates paragraph (1) of this subsection shall be subject to
690 penalties under section 901.”

691 (G) A new subsection (q-1) is added to read as follows:

692 “(q-1)(1) Subsection (q) shall not apply to notice for complaints filed pursuant to the
693 exceptions in D.C. Official Code § 16-1501(c)(1).

694 “(2)(A) A notice issued to a tenant pursuant to this subsection must do the
695 following:

696 “(i) State prominently and at the beginning of any such notice that
697 the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do
698 so;

699 “(ii) For cases involving alleged violations of obligations of
700 tenancy, state prominently and at the beginning of any such notice that the tenant has the right to
701 correct or cease the alleged violation of tenancy and remain in the rental unit;

702 “(iii) For cases involving non-payment of rent, meet the
703 requirements of subsection (b-1)(2) of this section in addition to the requirements of this
704 subsection and other applicable District laws;

“(iv) State prominently and at the beginning of any such notice that the tenant has the right to dispute the landlord’s allegations through the court process and remain in the rental unit until the court reaches a decision on the matter;

“(v) Include the phone numbers of the Office of the Tenant Advocate and the Landlord Tenant Legal Assistance Network and state prominently and at the beginning of any such notice that both resources may provide or may refer the tenant to free legal services for tenants facing eviction; and

“(vi) If the landlord knows the tenant speaks a primary language other than English or Spanish that is covered section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), be translated into that language.

(H) A new subsection (s) is added to read as follows:

“(s) Unless a purchaser of real property has obtained the deed to the property, the purchaser shall not evict a tenant.”.

(2) Section 501a(b) (D.C. Official Code § 42-3505.01a(b)) is amended as follows:

(A) The lead-in language of paragraph (1) is amended by striking the phrase “date of eviction not fewer than 21 days before the date of eviction” and inserting the phrase “date of eviction” in its place.

(B) A new paragraph (1-A) is added to read as follows:

“(1A) For a rescheduled eviction authorized prior to March 11, 2020, a housing provider shall deliver to the tenant the notice required in paragraph (1) of this subsection not fewer than 30 days prior to the new date.”

(C) A new paragraph (1-B) is added to read as follows:

“(1B) For evictions other than those covered in paragraph (1 -A) of this subsection, a housing provider shall deliver to the tenant the notice required in paragraph (1) of this subsection not fewer than 21 days prior to the new date.”.

Sec. 6. Repealers.

(a) Section 2 of the Coronavirus Public Health Extension Emergency Amendment Act of 2021, effective May 19, 2021 (D.C. Act 24-79; 68 DCR 5600), is repealed.

(b) Section 2 of the Coronavirus Public Health Extension Temporary Amendment Act of 2021, enacted on June 17, 2021 (D.C. Act 24-99; 68 DCR 6446), is repealed.

Sec. 7. Fiscal impact statement.

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

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).