

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on a temporary basis, for the health, safety, and welfare of District residents and support to businesses during the current public health emergency; and for other purposes.

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

**TITLE I. LABOR AND WORKFORCE DEVELOPMENT**

Sec. 101. Wage replacement.

(a) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, 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 for unemployment insurance in accordance with subsection (b) of this section.

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

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

(A) Employer has provided a date certain for the employee’s return to work; or  
(B) Employee has a reasonable expectation of continued employment with the current employer.

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

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

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

emergency, as determined by the Mayor, all as demonstrated by reasonable documentation required by the Mayor or the Mayor's designee.

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

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

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

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

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

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

(g) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, 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 section 9(a)(4)(B) and (5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(a)(4)(B) and (5)), shall not apply.

**Sec. 102. Unemployment insurance clarification.**

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

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

“(A-i) 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 with federal law, the Director may determine that the term “employment” as defined in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-time employment, do not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under District or federal law or pandemic emergency unemployment compensation.”.

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

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

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

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

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

“(b) 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 the availability of additional moneys provided by local or federal law, the Director shall have the authority to pay such benefits as are authorized by law.”.

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

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

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

“(b) 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 shall have broad discretion to waive any eligibility requirements set forth in this act, other than the physical ability and availability requirement, when the Director considers such waiver to be in the public interest.”.

Sec. 103. Reserved.

Sec. 104. Family and medical leave.

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

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

“(1) “Employee” means:

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

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

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

“Sec. 3a. COVID-19 leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(i) For the purposes of this section, the term “COVID-19 public health emergency” means 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.”.

**Sec. 105. Paid public health emergency leave.**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

“(2) “COVID-19 emergency” means 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.

“(3) “Health care provider” means any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. The term “health care provider” includes any

permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency, no more than \$500,000 of the money in the Fund may be used for activities related to enforcement of the paid public health emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, passed on 2nd reading on April 6, 2021 (Enrolled version of Bill 24-140).

“(2) For the purposes of this subsection, “COVID-19 emergency” means 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.”.

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

Sec. 201. Small business microgrants.

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 § 2-218.01 *et seq.*), is amended as follows:

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

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

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

“Sec. 2316. Public health emergency grant program.

“(a)(1) 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, 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 an eligible small business; provided, that the eligible small business:

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

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

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

“(A)(i) Employee wages and benefits.

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

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

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

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

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

“(d) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, 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 the award amount. The Mayor shall publish the list online no later than June 1, 2020, or 5 days following the end of the COVID-19 emergency, whichever is earlier.

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

“(1) “COVID-19 emergency” means 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.

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

**Sec. 202. Contractor advance payment.**

Section 2349 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), is amended as follows:

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

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

“(a-1) 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), an agency may make advance payments to a certified contractor for purchases related to the PHE when the payments are necessary to achieve the purposes of this subtitle and may provide an advance of more than 10% of the total value of the contract.”.

**Sec. 203. Certified Business Enterprise assistance.**

(a) Notwithstanding 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 § 2-218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the period of the COVID-19 emergency, any contract for a government-assisted project in excess of

\$250,000 that is unrelated to the District's response to the COVID-19 emergency but entered into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act, shall provide that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) “COVID-19 emergency” means 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.

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

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

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

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

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

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

Sec. 204. Alcoholic beverage regulation.

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

(a) Chapter 1 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(VII) Prohibit self-service buffets;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

“(vi) An on-premises retailer licensee who has been registered to offer beer, wine, or spirits for carryout or delivery or on-premises alcohol consumption for indoor dining in accordance with this subparagraph may do so for no longer than 60 calendar days. The Board may approve a written request from an on-premises retailer’s licensee to extend carryout or delivery alcohol sales or on-premises alcohol sales and consumption for indoor dining from an additional location pursuant to this subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-premises consumption or on-premises alcohol sales and consumption for indoor dining from the additional location for more than 90 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

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

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

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

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

“(6)(A) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol business may register with the Board at no cost to sell, serve, and permit the consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license. Upon registration, Board approval shall not be required; provided, that the licensee:

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

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

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

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

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

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

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

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

“(v) Prohibit self-service buffets;

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

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

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

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

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

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

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

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

- “(xiv) Not serve alcoholic beverages or food to standing patrons;
  - “(xv) Prohibit standing at outdoor bars and only permit seating at outdoor bars that are not being staffed or utilized by a bartender;
  - “(xvi) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;
  - “(xvii) Provide and require that wait staff wear masks;
  - “(xviii) Require that patrons wear masks or face coverings while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;
  - “(xix) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;
  - “(xx) Implement sanitization and disinfection protocols including the provision of single-use condiment packages; and
  - “(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with another business.
- “(C) Registration under subparagraph (A) of this paragraph shall be valid until December 31, 2021.
- “(D) The Board may fine or suspend, or revoke the license of an on-premises retailer licensee, class C or D, or a manufacturer’s licensee, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.
- “(E)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.
- “(ii) The Board shall not interpret settlement agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this paragraph.
  - “(iii) The Board shall not interpret settlement agreement language that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the temporary operation of sidewalk cafés or summer gardens.
  - “(iv) The Board shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by the DDOT or the property owner.
  - “(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed 180 days.

“(F) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer gardens enclosed by awnings or tents having no more than one side shall be considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under subparagraph (A) of this paragraph.

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

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

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

(b) Chapter 4 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 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 health emergency”), a person, corporation, partnership, or association operating a third-party food platform within the District shall register with the Department of Consumer and Regulatory Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.”.

**TITLE III. CONSUMER PROTECTION AND REGULATION**

Sec. 301. Reserved.

Sec. 302. Funeral services consumer protection.

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

“Sec. 4a. Funeral Bill of Rights.

For 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), there shall be established a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other available consumer rights. The Department of Consumer and Regulatory Affairs, in consultation with the Board of Funeral Directors and the Attorney General for the District of Columbia (“Attorney General”), shall write the Funeral Bill of Rights, which shall be published in the District of Columbia Register no later than May 8, 2020. If the foregoing does not occur on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall have it published in the District of Columbia Register no later than May 15, 2020.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 303. Debt collection.**

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

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

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

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

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

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

“(4) “public health emergency” means a period of time for which the Mayor has



declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to § 28-4102.”.

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

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

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

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

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

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

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

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

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

“(3) This subsection shall not apply to:

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

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

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

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

“(2) This subsection shall not apply to:

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

“(B) Original creditors collecting or attempting to collect their own debt;  
“(C) Collecting or attempting to collect a debt which is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for common expenses pursuant to § 42-1903.12;

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

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

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

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

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

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

#### Sec. 304. Emergency credit alerts.

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

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

“Subchapter IV. COVID-19 Emergency Credit Alert.

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

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

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

“(a) If a consumer reports in good faith that he or she has experienced financial hardship resulting directly or indirectly from the public health emergency declared pursuant to § 7-2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in that file a personal statement, if furnished by the consumer, indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that personal statement along with or accompanying any credit report provided by the agency, beginning on the date of such request, unless the consumer requests that the personal statement be removed.

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

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

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

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

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

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

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

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

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

“(1) “Consumer;”

“(2) “Credit report;” and

“(3) “Credit reporting agency.

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

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

Sec. 305. Enhanced penalties for unlawful trade practices.

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

Sec. 306. Price gouging and stockpiling.

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

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

“28-4102.01. Stockpiling.”.

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

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

(2) Subparagraph (B) is amended by striking the phrase “natural disaster, if an emergency is declared pursuant to § 28-4102(b)” and inserting the phrase “natural disaster, if an

emergency is declared pursuant to § 28-4102(b), or the circumstances giving rise to a public health emergency, if an emergency is declared pursuant to § 7-2304.01” in its place.

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

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

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

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

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

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

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

“§ 28-4102.01. Stockpiling.

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

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

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

“(3) Subject to rationing.”.

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

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

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

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

Sec. 307. Utility shutoff.

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

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

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

“(2) Notwithstanding paragraph (1) of this subsection, 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 for 105 calendar days thereafter, money in the Fund may be used to assist low-income residential customers located in the District of Columbia with the payment of an outstanding water bill balance; except, that not less than \$1.26 million of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit organizations located in the District with the payment of impervious area charges, pursuant to section 216b(a) of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 34-2202.16b(a)), and not less than \$360,000 of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist residential customers with the payment of impervious area charges, pursuant to section 216b(b).”.

(b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic cable operator services for non-payment of a bill, any fees for service or equipment, or any other charges, or for noncompliance with a deferred payment agreement 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), or for 15 calendar days thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 308. Utility payment plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) "Eligible Customer" means a customer that:

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

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

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



(6) “Program period” means 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:

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

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

(7) “Telecommunications provider” means an entity that provides telecommunications services, whether through a telecommunications system or universal service, as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by the Public Service Commission of the District of Columbia or the Federal Communications Commission, or is currently not regulated by either local or federal law.

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

**Sec. 309. Composting virtual training.**

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

“(1A) Notwithstanding paragraph (1) of this subsection, 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 Mayor, or a contractor selected by the Mayor, may provide the training required by paragraph (1) of this subsection remotely through videoconference.”.

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

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

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

“(a) 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, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

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

- “(2) Address:
- “(A) Submission of claims or proof of loss;
  - “(B) Grace periods for payment of premiums and performance of other duties by insureds;
  - “(C) Temporary postponement of:
    - “(i) Cancellations;
    - “(ii) Nonrenewals; or
    - “(iii) Premium increases;
  - “(D) Modifications to insurance policies;
  - “(E) Insurer operations;
  - “(F) Filing requirements;
  - “(G) Procedures for obtaining nonelective health care services;
  - “(H) Time restrictions for filling or refilling prescription drugs;
  - “(I) Time frames applicable to an action by the Commissioner under this section;
  - “(J) Temporarily waiving application of laws, rulemaking, or requirements to ensure that depository services, non-depository services, and securities transactions can continue to be provided, including allowing for the opening of a temporary service location, which may be a mobile branch, temporary office space, or other facility; and
  - “(K) Any other activity related to insurance, securities, and banking and under the purview of the Commissioner reasonably calculated to protect the health, safety, and welfare of District residents during the public health emergency.
- “(b) The Commissioner may require licensees to answer questions related to, and submit documentation of, the licensee’s continuity of operations plan.
- “(c)(1) To accomplish the purposes of this section, the Commissioner may issue emergency rulemaking, orders, or bulletins pursuant to this section specifying:
- “(A) That the rulemaking, order, or bulletin is effective immediately;
  - “(B) The line or lines of business or the class or classes of licenses to which the regulation, order, or bulletin applies;
  - “(C) The geographic areas to which the regulation, order, or bulletin applies; and
  - “(D) The period of time for which the regulation, order, or bulletin applies.
- “(2) A regulation issued under paragraph (1) of this subsection may not apply for longer than the duration of the effects of a declared public health emergency.”.

Sec. 311. Vacant property designations.

Section 6(b) 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)), is amended as follows:

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

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

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

“(10) A commercial property that houses a business that has closed 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), as a result of the circumstances giving rise to or resulting from the public health emergency, and for 60 days thereafter.”.

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

Notwithstanding any 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), the Mayor, may:

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

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

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

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

**Sec. 401. Mortgage relief.**

(a) In accordance with section 5(b)(15) 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(b)(15)), and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other provision of District law, 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, a mortgage lender that makes or holds a residential mortgage loan or commercial mortgage loan in the District shall develop a deferment program for borrowers that, at a minimum:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) A person or business whose application for deferment is denied may file a written complaint with the Commissioner. The Commissioner is authorized to investigate the complaint

in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

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

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

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

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

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

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

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

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

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

#### Sec. 402. Tenant payment plans.

(a) 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 for one year

thereafter (“program period”), a provider shall offer a rent-payment-plan program (“program”) for eligible tenants. Under its program, a provider shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Has leased from a provider:

(i) A residential property;

(ii) Commercial retail space; or

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

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

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

(4) "Provider" means a housing provider or a non-housing provider.

#### Sec. 403. Residential cleaning.

(a) During a period of time 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), the owner or representative of the owner of a housing accommodation shall clean common areas of the

housing accommodation on a regular basis, including surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

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

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

Sec. 404. Eviction prohibition.

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

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

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

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

“(b)(1) During a period of time for which the Mayor has declared a public health emergency pursuant to D.C. Official Code § 7-2304.01, and for 60 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except where 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, 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.

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

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

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

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

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

“(3) 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.



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

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

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

(B) Strike the phrase “before the day fixed for the trial of action.” and insert the phrase “before the day fixed for the trial of the action; except, that a summons may be served during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, and for 60 days thereafter, if the summons relates to a complaint that is filed pursuant to the exception listed in § 16-1501(b).” in its place.

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

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

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

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

(C) 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 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), except for evictions arising from those complaints filed pursuant to the exception in D.C. Official Code § 16-1501(b) on or after the effective date of the Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021, passed on an emergency basis on April 6, 2021 (Enrolled version of Bill 24-163); provided, that:

“(A) Any family facing eviction pursuant to this paragraph shall be connected to 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) Any person with behavioral, emotional, or mental health issues facing eviction pursuant to this paragraph shall be connected to behavioral health or housing counseling services and shall be offered alternative housing arrangements before the eviction is carried out.”.

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

“(q-1)(1) Subsection (q) of this section shall not apply to notices related to complaints that allege 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, 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.

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

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

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

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

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

“(3)(A) A notice issued to a tenant pursuant to this subsection shall:

“(i) State that the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do so;

“(ii) State that the tenant has the right to correct or cease the alleged violation of tenancy and remain in the rental unit;

“(iii) State 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; and

“(iv) Include the phone numbers of the Office of the Tenant Advocate and the Landlord Tenant Legal Assistance Network and state that both resources provide free legal services to a tenant facing eviction.

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

Sec. 405. Residential tenant protections.

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

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

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

“(B) In the event that a majority of the Rental Housing Commissioners (or any one Commissioner if there is a vacancy) will be unable to perform their official duties for an

extended period of time due to circumstances related to a declared state of emergency in the District of Columbia, including quarantine or movement restrictions, illness, or the care of a close family member, one Commissioner shall constitute a quorum to do business.

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

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

“(iii) For such time as the Rental Housing Commission is operating as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency basis in accordance with section 105(c) of the District of Columbia Administrative Procedure Act, approved October 21, 2968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

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

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

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

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

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

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

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

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

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

“(b) If, during a public health emergency that 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 consistent with applicable law or an order issued by the Mayor pursuant to the Public Emergency Act, a housing provider temporarily stops providing:

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

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

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

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

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

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

“(6) Impose a late fee on a tenant during any month 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).”.

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

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

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

“(b) Any notice of intent to vacate that a tenant provided prior to the 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), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.”.

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

“(c) Any notice of intent to vacate that a tenant provided prior to the 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), shall be tolled at the election of the tenant for the period of any such public health emergency such that the tenant shall have the same number of days to vacate remaining at the end of the public health emergency as the tenant had remaining upon the effective date of the public health emergency.”.

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

“(c) No housing provider may issue a rent increase notice to any residential tenant 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”).

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

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

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

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

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

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

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

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

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

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

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

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

“The running of all time periods for tenants and tenant organizations to exercise rights under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 3800 through 4399) shall be tolled 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.”.

#### Sec. 406. Rent increase prohibition.

(a) Notwithstanding any other provision of law, a rent increase for a residential property not prohibited by the provisions of 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)), shall be prohibited 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.

(b)(1) Notwithstanding any other provision of law, a rent increase for a commercial property shall be prohibited 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.

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

(A) A commercial retail establishment; or

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

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

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

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

(a) Section 29-405.01(e) is amended by striking the phrase “The articles of incorporation or bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of incorporation or bylaws, an annual” in its place.

(b) Section 29-405.02(f) is amended by striking the phrase “The articles of incorporation or bylaws may provide that a special meeting” and inserting the phrase “Notwithstanding the articles of incorporation or bylaws, a special meeting” in its place.

(c) Section 29-910 is amended by striking the phrase “If authorized by the articles or bylaws” and inserting the phrase “Regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws” in its place.

Sec. 408. Foreclosure moratorium.

(a)(1) Notwithstanding any provision of District law, 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 for 60 days thereafter, no:

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

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

(2) This subsection shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record

owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of the first day of the public health emergency.

(b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and inserting the phrase “3 years, not including any 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 for 60 days thereafter,” in its place.

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

### **Sec. 501. Prescription drugs.**

Section 208 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), is amended by adding a new subsection (g-2) to read as follows:

“(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize and dispense a refill of patient prescription medications prior to the expiration of the waiting period between refills to allow District residents to maintain an adequate supply of necessary medication 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).

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

### **Sec. 502. Homeless services.**

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

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

(1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and inserting the phrase “not to exceed 3 days; except, that during a public health emergency 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), the Mayor may place the family in an interim eligibility placement for a period not to exceed 60 days” in its place.

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

(3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of the interim eligibility placement” and inserting the phrase “within 12 days of the start of the

interim eligibility placement; except, that during a public health emergency 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), the Mayor shall have 10 business days following the end of the public health emergency to issue the eligibility determination required by this paragraph” in its place.

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

(b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the phrase “and other professionals” and inserting the phrase “and other professionals; except, that the Mayor may waive the requirements of this provision for in-person meetings and communications during a public health emergency 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)” in its place.

(c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase “established pursuant to section 18” and inserting the phrase “established pursuant to section 18; except, that the Mayor may waive this provision during a public health emergency 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)” in its place.

(d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the phrase “served on the client.” and inserting the phrase “served on the client; except, that during a public health emergency 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), the Mayor may serve written notice via electronic transmission.” in its place.

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

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

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

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

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

“(C) During a period of time 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), to prevent or mitigate the spread of contagious disease, as determined by the Department or provider.”.

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



**ENROLLED ORIGINAL**

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

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

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

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

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

“(14) To retain custody of a youth committed to the Agency who becomes 21 years of age 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) for a period not exceeding 90 days after the end of the public health emergency; provided, that the youth consents to the Agency’s continued custody.”.

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

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

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

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

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

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

Sec. 504. Reserved.

Sec. 505. Health status and residence of wards.

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

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

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

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

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

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

“(1) The ward dies;

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

Sec. 506. Contact tracing hiring requirements.

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

“Sec. 9a. Contact tracing hiring requirements.

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

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

Sec. 507. Public health emergency authority.

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

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

(1) Paragraph (1) is repealed.

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

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

(B) The source selection method;

(C) The award amount; and

(D) The name of the awardee.”.

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

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

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

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

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

“(A) Redeploying employees within or between agencies;

“(B) Modifying employees’ tours of duty;

“(C) Modifying employees’ places of duty;

“(D) Mandating telework;

“(E) Extending shifts and assigning additional shifts;

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

“(G) Assigning additional duties to employees;

“(H) Extending existing terms of employees;

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

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

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

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

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

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

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

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

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

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

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

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

“(a) 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:

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

“(2) Purchasing and distributing personal protective equipment;

“(3) Promoting and facilitating social distancing measures;

“(4) Providing public health awareness outreach;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 508. Public benefits clarification and continued access.

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

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

“(2A-i) “COVID-19 relief” means any benefit in cash or in kind, including pandemic Supplemental Nutrition Assistance Program benefits, emergency Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or

benefit to a household and were received pursuant to federal or District relief provided in response to the COVID-19 Public Health Emergency of 2020. The term “COVID-19 relief” does not include COVID-19 related unemployment insurance benefits.”.

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

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

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

(b) Notwithstanding any provision of District law, the Mayor may extend the eligibility period for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program, including the DC Healthcare Alliance and Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental Nutritional Assistance Program, until 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), as allowable under federal law.

**Sec. 509. Notice of modified staffing levels.**

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

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

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

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

“(iii) Provide a written report of the staffing level to the Department of Health for each day that the facility is below the prescribed staffing level as a result of circumstances giving rise to a public health emergency 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).”.

Sec. 510. Reserved.

Sec. 511. Reserved.

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

Each long-term care facility located in the District shall report daily to the Department of Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the long-term care facility during the 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 for 60 days thereafter.

Sec. 513. Reserved.

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

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

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

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

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

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

**Sec. 515. Contractor reporting of positive cases.**

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

(b) Notices under subsection (a) of this section shall be made to the District government’s contracting officer and contract administrator, or, if a covered individual is in care or custody of the District, to the District agency authorized to receive personally identifiable information. The notice shall contain the following information:

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

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

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

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

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

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



(d) The District shall privately and securely maintain all personally identifiable information of covered employees and covered individuals and shall not disclose such information to a third party except as authorized or required by law. District contractors and subcontractors may submit notices pursuant to subsection (a) of this section and otherwise transmit personally identifiable information electronically; provided, that all personally identifiable information be transmitted via a secure or otherwise encrypted data method.

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

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

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

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

(C) Is exhibiting symptoms of COVID-19.

(2) "Covered individual" means:

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

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

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

(3) "COVID-19" means the disease caused by the novel 2019 coronavirus (SARS-CoV-2).

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

(5) "SARS-CoV-2" means the novel 2019 coronavirus.

(f) This section shall apply to all District government contracts and subcontracts that were in effect on, or awarded after March 11, 2020, and shall remain in effect during the 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 for 30 days thereafter.

## TITLE VI. EDUCATION

Sec. 601. Graduation requirements.

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

(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase "shall be satisfactorily completed" and inserting the phrase "shall be satisfactorily completed; except,

that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-20 or 2020-2021 school year” in its place.

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

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

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

“(c) 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 Office may waive the requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

**Sec. 603. Summer school attendance.**

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

“(c) The Chancellor shall have the authority to waive the requirements of subsection (a) of this section for any student who fails to meet the promotion criteria specified in the DCMR during a school year that includes 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).”.

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

**Sec. 701. Jail reporting.**

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

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

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

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

“(8) 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), provide to the Council Committee with jurisdiction over the Office a:

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

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

“(ii) Any District government response to either the United States District Court for the District of Columbia or the Court-appointed inspectors regarding the implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of *Banks v. Booth* (Civil Action No. 20-849), without reference to personally identifiable information; and

“(iii) A description of all actions taken by the District government to improve conditions of confinement in the Central Detention Facility and Correctional Treatment Facility, including by the Director of the Department of Youth and Rehabilitation Services or the Director’s designee; and

“(B) Weekly written updates, without reference to personally identifiable information, containing data and a description of the COVID-19 testing and vaccination of Department of Corrections staff and individuals detained in the Central Detention Facility and Correctional Treatment Facility, including whether and under what conditions the District is vaccinating and testing both groups.”.

Sec. 702. Civil rights enforcement.

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

“Sec. 316a. Civil actions by the Attorney General.

“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), 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, other than an action brought pursuant to section 307:

“(1) The Attorney General may obtain:

“(A) Injunctive relief, as described in section 307;

“(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-1), for each action or practice in violation of this act, and, in the context of a discriminatory advertisement, for each day the advertisement was posted; and

“(C) Any other form of relief described in section 313(a)(1); and

“(2) The Attorney General may seek subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, which shall contain the information described in section 110a(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

**Sec. 703. FEMS reassignments.**

Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as follows:

“(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign personnel of the Fire and Emergency Medical Services Department from firefighting and emergency medical services operations during a period of time 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), based upon the inability of the personnel to wear personal protective equipment in a manner consistent with medical and health guidelines.”.

**Sec. 704. Reserved.**

**Sec. 705. Reserved.**

**Sec. 706. Reserved.**

**Sec. 707. Healthcare provider liability.**

(a) Notwithstanding any provision of District law:

(1) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from liability in a civil action for damages resulting from such care or treatment of COVID-19, or from any act or failure to act in providing or arranging medical treatment for COVID-19;

(2) A donor of time, professional services, equipment, or supplies for the benefit of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for the family members of such individuals for damages resulting from such donation shall be exempt from liability in a civil action; and

(3) A contractor or subcontractor on a District government contract that has been contracted to provide either health care services or human care services, consistent with section 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(37)), related to the District government's COVID-19 response shall be exempt from liability in a civil action.

(b) The limitations on liability provided for by subsection (a) of this section shall apply to any healthcare provider, first responder, volunteer, donor, or District government contractor or subcontractor of a District government contractor ("provider"), including a party involved in the healthcare process at the request of a health-care facility or the District government and acting within the scope of the provider's employment or organization's purpose, contractual or voluntary service, or donation, even if outside the provider's professional scope of practice, state of licensure, or with an expired license, who:

(1) Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176; 132 Stat. 1372);

(2) Provides direct or ancillary health-care services or health care products, including direct patient care, testing, equipment or supplies, consultations, triage services, resource teams, nutrition services, or physical, mental, and behavioral therapies; or

(3) Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health-care services to combat the COVID-19 virus.

(c) The limitations on civil liability provided for by subsection (a) of this section shall not extend to:

(1) Acts or omissions that constitute actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or

(2) Acts or omissions unrelated to direct patient care; provided, that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID-19.

(d) The limitations on liability provided for by subsection (a) of this section extend to acts, omissions, and donations performed or made 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 to damages that ensue at any time from acts, omissions, and donations made during the public health emergency.

(e) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal prosecution for any act or failure to act in providing or arranging medical treatment for COVID-19 during a public health emergency, if such action is made in good faith.

(f) The limitations on liability provided for by this section do not limit the applicability of other limitations on liability, including qualified and absolute immunity, that may otherwise apply to a person covered by this section.

(g) For the purposes of this section, the term “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

Sec. 708. Comprehensive policing and justice reform extension.

Notwithstanding Council Rule 413, section 303(b) of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920), is amended by striking the number “225” and inserting the number “295” in its place.

## **TITLE VIII. GOVERNMENT OPERATIONS**

Sec. 801. Reserved.

Sec. 802. Reserved.

Sec. 803. Reserved.

Sec. 804. Reserved.

Sec. 805. Reserved.

Sec. 806. Reserved.

Sec. 807. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph (1A) to read as follows:

“(1A) “Audio-video communication” means an electronic device or process that:

“(A) Enables a notary public to view, in real time, an individual and to compare for consistency the information and photos on that individual’s government-issued identification; and

“(B) Is specifically designed to facilitate remote notarizations.”.

(b) Section 6 (D.C. Official Code § 1-1231.05) is amended as follows:

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

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

“(b) Notwithstanding any provision of District law, 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 Mayor may authorize, without the personal appearance of the individual making the statement or executing the signature, notarial acts required or permitted under District law if:

“(1) The notary public and the individual communicate with each other simultaneously by sight and sound using audio-video communication; and

“(2) The notary public:

“(A) Has notified the Mayor of the intention to perform notarial acts using audio-video communication and the identity of the audio-video communication the notary public intends to use;

“(B) Has satisfactory evidence of the identity of the individual by means of:

“(i) Personal knowledge or by the individual’s presentation of a current government-issued identification that contains the signature or photograph of the individual to the notary public during the video conference; or

“(ii) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver’s license, or government-issued nondriver identification card;

“(C) Confirms that the individual made a statement or executed a signature on a document;

“(D) Receives by electronic means a legible copy of the signed document directly from the individual immediately after it was signed;

“(E) Upon receiving the signed document, immediately completes the notarization;

“(F) Upon completing the notarization, immediately transmits by electronic means the notarized document to the individual;

“(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and

“(H) Indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and that the notarial act was performed using audio-visual communication.”.

(c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection (d) to read as follows:

“(d) Notwithstanding any provision of District law, 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), a notarial act shall be deemed to be performed in the District.”.

Sec. 808. Reserved.

Sec. 809. Open meetings.

The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

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

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(4) 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), the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.”.

(b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6) to read as follows:

“(6) The public posting requirements of paragraph (2)(A) of this section shall not apply 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).”.

(c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a meeting held 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), steps are taken that are reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable;” in its place.

(d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new paragraph (3) to read as follows:

“(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be tolled 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).”.



Sec. 810. Electronic witnessing.

(a) Chapter 48 of Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-4802 is amended as follows:

(A) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(9B) “Electronic presence” means when one or more witnesses are in a different physical location than the designator but can observe and communicate with the designator and one another to the same extent as if the witnesses and designator were physically present with one another.”.

(B) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(11B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 16-4803 is amended as follows:

(A) Subsection (c) is amended by striking the phrase “the adult signs the designation in the presence of the designator” and inserting the phrase “the adult signs the designation in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

(B) Subsection (d) is amended by striking the phrase “in the presence of 2 witnesses” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of 2 witnesses” in its place.

(b) Title 21 of the District of Columbia Official Code is amended as follows:

(1) Section 21-2011 is amended as follows:

(A) New paragraphs (5B-i) and (5B-ii) are added to read as follows:

“(5B-i) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(5B-ii) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

(B) New paragraphs (23A) and (23B) are added to read as follows:

“(23A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(23B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 21-2043 is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

(3) Section 21-2202 is amended as follows:

(A) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(3B) “Electronic presence” means when one or more witnesses are in a different physical location than the principal but can observe and communicate with the principal and one another to the same extent as if the witnesses and principal were physically present with one another.”.

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

“(6B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.”.

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

“(8) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the principal was of sound mind” in its place.

(5) Section 21-2210(c) is amended by striking the phrase “There shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness present or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, electronically present” in its place.

(c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

(1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

(A) New paragraphs (6A) and (6B) are added to read as follows:

“(6A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(6B) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

(B) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(9B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, 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 electronic presence of the signatory.”.

Sec. 811. Electronic wills.

Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

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

“18-113. Electronic wills.”.

(b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined in § 18-813(a)(2), of the testator” in its place.

(c) A new section 18-113 is added to read as follows:

“§ 18-113. Electronic wills.

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

“(1) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(2) “Electronic presence” means when one or more witnesses are in a different physical location than the testator but can observe and communicate with the testator and one another to the same extent as if the witnesses and testator were physically present with one another.

“(3) “Electronic will” means a will or codicil executed by electronic means.

“(4) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(5) “Sign” means, with present intent to authenticate or adopt a record, to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.

“(b)(1) A validly executed electronic will shall be a record that is:

“(A) Readable as text at the time of signing pursuant to subparagraph (B) of this paragraph; and

“(B) Signed:

“(i) By the testator, or by another person in the testator’s physical presence and by the testator’s express direction; and

“(ii) In the physical or electronic presence of the testator by at least 2 credible witnesses, each of whom is physically located in the United States at the time of signing.

“(2) In order for the electronic will to be admitted to the Probate Court, the testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who supervised the execution of the electronic will shall certify a paper copy of the electronic will by affirming under penalty of perjury that:

“(A) The paper copy of the electronic will is a complete, true, and accurate copy of the electronic will; and

“(B) The conditions in paragraph (1) of this subsection were satisfied at the time the electronic will was signed.

“(3) Except as provided in subsection (c) of this section, a certified paper copy of an electronic will shall be deemed to be the electronic will of the testator for all purposes under this title.

“(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

“(2) An electronic will, or a part thereof, is revoked by:

“(A) A subsequent will or electronic will that revokes the electronic will, or a part thereof, expressly or by inconsistency; or

“(B) A direct physical act cancelling the electronic will, or a part thereof, with the intention of revoking it, by the testator or a person in the testator’s physical presence and by the testator’s express direction and consent.

“(3) After it is revoked, an electronic will, or a part thereof, may not be revived other than by its re-execution, or by a codicil executed as provided in the case of wills or electronic wills, and then only to the extent to which an intention to revive is shown in the codicil.

“(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if executed in compliance with the law of the jurisdiction where the testator is:

“(1) Physically located when the electronic will is signed; or

“(2) Domiciled or resides when the electronic will is signed or when the testator dies.

“(e) Except as otherwise provided in this section:

“(1) An electronic will is a will for all purposes under the laws of the District of Columbia; and

“(2) The laws of the District of Columbia applicable to wills and principles of equity apply to an electronic will.

“(f) This section shall apply to electronic wills made during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

**Sec. 812. Administrative hearings deadlines.**

Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during 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), the 90-day time period to request a hearing shall be tolled:

(1) To review an adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind, or conditions of public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits or to take other action adverse to the recipient pursuant to section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-210.09); or

(2) To appeal an adverse decision listed in section 26(b) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.41(b)).

**Sec. 813. Other boards and commissions.**

Notwithstanding any provision of law, during 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), any requirement for a board, commission, or other public body to meet is waived, unless the Mayor determines that it is necessary or appropriate for the board, commission, or other public body to meet during the period of the public health emergency, in which case the Mayor may order the board, commission, or other public body to meet.

**Sec. 814. Living will declaration.**

The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-621) is amended as follows:

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

“(2B) “Electronic presence” means when one or more witnesses are in a different physical location than the declarant but can observe and communicate with the declarant and one another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to the same extent as if the witnesses and declarant were physically present with one another.”.

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

“(5A) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(b) Section 3 (D.C. Official Code § 7-622) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “Signed in the presence” and inserting the phrase “Signed in the presence or, 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 electronic presence” in its place.

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

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

(c) Section 5(a)(3) (D.C. Official Code § 7-624(a)(3)) is amended by striking the phrase “in the presence of a witness” and inserting the phrase “in the presence or, 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), electronic presence of a witness” in its place.

Sec. 815. Reserved.

Sec. 816. WMATA Board of Directors appointment.

Section 2(a)(4) of the Washington Metropolitan Area Transit Authority Board of Directors Act of 2012, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11(a)(4)), is repealed.

## **TITLE IX. LEGISLATIVE BRANCH**

Sec. 901. Reserved.

Sec. 902. Grant budget modifications.

For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant, all or a portion of which is accepted, obligated, and expended, if:

(1) No written notice of disapproval is filed with the Secretary to the Council within 2 business days of the receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

(2) Such a notice of disapproval is filed within such deadline, and the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5

calendar days of the initial receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

**Sec. 903. Budget submission requirements.**

The Fiscal Year 2022 Budget Submission Requirements Resolution of 2020, effective December 1, 2020 (Res. 23-610; 67 DCR 14617), is amended as follows:

(a) Section 2 is amended by striking the phrase “not later than March 31, 2021,” and inserting the phrase “not later than April 22, 2021, unless another date is set by subsequent resolution of the Council” in its place.

(b) Section 3(2)(C) is amended by striking the phrase “produced from PeopleSoft on March 31, 2021” and inserting the phrase “produced from PeopleSoft on May 27, 2021” in its place.

**Sec. 904. Reserved.**

**Sec. 905. Advisory Neighborhood Commissions.**

The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended by adding a new paragraph (3) to read as follows:

“(3) During 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):

“(A) Petition sheets circulated in support of a candidate shall be filed with the Board in hard copy but may be electronically provided by the:

“(i) Board to the candidate;

“(ii) Candidate to qualified petition circulators; and

“(iii) Qualified petition circulator to the candidate;

“(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears; and

“(C) If the election is for member of an Advisory Neighborhood Commission representing the single-member district containing the Central Detention Facility and Correctional Treatment Facility:

“(i) The Board shall develop, and the Department of Corrections shall distribute, lay-friendly educational materials for individuals in the Department of Corrections’ care and custody about how to register to vote, residency requirements to run for Advisory Neighborhood Commissioner, how to vote, and the functions of an Advisory Neighborhood Commission; and

“(i) The Department of Corrections shall facilitate the transmission of the petition sheets to any candidates who are in the care and custody of the Department of Corrections and from the candidates to the Board, as well as the petition circulation among the qualified registered electors in its care and custody.”.

(b) Section 8(d)(6)(E) (D.C. Official Code § 1-309.06(d)(6)(E)) is amended as follows:

(1) The existing text is designated as sub-subparagraph (i).

(2) A new sub-subparagraph (ii) is added to read as follows:

“(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, during 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):

“(I) If the Board transmits a list of qualified candidates containing more than one name, the affected Advisory Neighborhood Commission shall give notice at a public meeting of a time and location, to be determined in consultation with the Board and the OANC, at which the qualified registered electors of the affected single-member district shall vote to elect a Commissioner. At the location selected, the Board, in consultation with the affected Advisory Neighborhood Commission and OANC, shall make in-person voting available to qualified registered electors during at least a 4-hour time period. To vote, all qualified registered electors shall display their voter identification card or, alternatively, be listed as a voter in the affected single-member district on the Board’s voter registration list. Ballot counting shall be facilitated by at least 2 representatives of the Board, and the results shall be read aloud at the conclusion of the selected time period by the Chairman of the Advisory Neighborhood Commission, by such Commissioner as the Chairperson shall designate, or by a representative of the Board or OANC. In the event that the office of the Chairperson is vacant, the results shall be read aloud by the Commissioner presiding over the meeting or by a representative of the Board or OANC; and

“(II) Notwithstanding sub-sub-subparagraph (I) of this sub-subparagraph, if the affected single-member district contains the Central Detention Facility and Correctional Treatment Facility, the Board, in consultation with the affected Advisory Neighborhood Commission and OANC, shall make in-person voting available to qualified registered electors within the single-member district who are not in the care and custody of the Department of Corrections, and the Department of Corrections, in consultation with the affected Advisory Neighborhood Commission, the Board, and OANC, shall make voting available to qualified registered electors in its care and custody, including by distributing ballots to qualified registered electors listed as voters in the affected single-member district on the voter registration list provided by the Board, collecting the ballots, and transmitting the ballots to the Board for counting and transmission of the results to OANC and the affected Advisory Neighborhood Commission.”.

(c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection (q) to read as follows:



“(q) During 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):

“(1) The 30-day written notice requirement set forth in subsection (b) of this section shall be a 51-day written notice requirement; and

“(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of this section shall be a 66-calendar-day notice requirement.”.

(d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “by the Commission.” and inserting the phrase “by the Commission; provided, that no meetings shall be required to be held in-person during a period 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 the number of meetings required to be held in a given year shall be reduced by one for every 30 days that a public health emergency is in effect during the year.” in its place.

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

“(1B) Notwithstanding any other provision of law, during a period 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), 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.”.

(e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

(1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as follows:

“(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to file quarterly reports due during 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).”.

(2) Subsection (m)(1) is amended by striking the phrase “District government” and inserting the phrase “District government; except, that notwithstanding any provision of District law, during a period 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), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government” in its place.

Sec. 906. Council detailee appointment clarification.

Title 27 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-627.01 *et seq.*), is amended by adding a new section 2707 to read as follows:

“Section 2707. Definitions.

“For the purposes of this title, the term:

“(1) “Agency” includes the Council.

“(2) “Appropriate officials” includes:

“(A) For an assignment for which the Council is the receiving agency, the personnel authority to whom the employee will be assigned in consultation with the Chairman of the Council.

“(B) For an assignment for which the Council is the sending agency, the personnel authority to whom the employee is currently assigned.”.

**TITLE X. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT;  
EFFECTIVE DATE**

Sec. 1001. Repeals.

(a) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-129; 67 DCR 6601), is repealed.

(b) The Coronavirus Support Temporary Amendment Act of 2020, effective October 9, 2020 (D.C. Law 23-130; 67 DCR 8622), is repealed.

(c) The Coronavirus Public Health Extension Temporary Amendment Act of 2020, enacted on January 25, 2021 (D.C. Act 23-614, 68 DCR 1484), is repealed.

Sec. 1002. Applicability.

Titles I through IX of this act shall apply as of March 12, 2021.

Sec. 1003. 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. 1004. Effective date.

(a) 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), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia