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Chairman Phil Mendelson

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To provide, on an emergency basis, additional flexibility and authority to the Executive to address critical needs of District residents during a public health emergency including wage replacement, business relief, and additional authorities and exemptions regarding health, public safety, and consumer protection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “COVID-19 Response Emergency Amendment Act of 2020”.

TITLE I. LABOR AND WORKFORCE PROTECTIONS

Sec. 101. Wage replacement.

Section 401(5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 et seq.), is amended

to read as follows:

“(5) An individual shall be deemed “unemployed” with respect to any week during which he performs no service and with respect to which no earnings are payable to him or with respect to any week of less than full-time work if 66% of the earnings payable to him with respect to such week are less than his weekly benefit amount plus $50. This includes a temporary period of no earnings as a result of a Department of Health recommendation that the individual enter quarantine or self-quarantine or if an individual cannot work because an employer has ceased or reduced operations at the recommendation of the Department of Health.”

(b) Section 10 is amended by adding a new paragraph (10) to read as follows:

“(10) That an individual is unemployed because the Department of Health has recommended a period of quarantine or self-quarantine or if an individual cannot work because an employer has ceased or reduced operations at the recommendation of the Department of Health, provided that paragraph (5) shall not apply to any such individual.”

Sec. 102. Employment protections.

Section 17 of the D.C. Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501(4)), is amended by adding a new paragraph (3) to read as follows:

“(3) With respect to Section 6 of this act in the case of an employee who has been recommended to quarantine or self-quarantine by the Department of Health, and to any individual who has tested positive for the COVID-19 virus, to any employer.

TITLE II. BUSINESS RELIEF.

Sec. 201. Delayed remittances.

Section 47-2015 of the District of Columbia Official Code is amended by adding a new subsection (a-2) to read as follows:

“(a-2) Notwithstanding any other provision of this title, a the Mayor or the Chief Financial Officer may allow a vendor required to file a return pursuant to subsection (a) to file the return and gross receipts taxes up to 90 days late without penalty, provided that the gross receipts are paid in full by the end of the tax year.”

Sec. 202. Public health emergency small business grant program.

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:

1. 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).to D.C. Official Code § 7-2304 the Mayor may, in the Mayor’s sole discretion, disburse grants 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) Can demonstrate, to the satisfaction of the Mayor, financial distress caused by a reduction of business as a result of the cause of the public health emergency.

“(2) A grant issued pursuant to this section may be expended for the following:

“(A) Employee wages and benefits. For the purposes of this section, “benefits” means fringe benefits associated with employment, including health insurance;

“(B) Operating costs of the business.

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

“(c) Funds for the program may be made available:

“(1) Reprogramming of funds pursuant to Chapter 3 of Title 47;

“(2) Draws on a fund established under section 405a of the District of Columbia Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-204.05a);

“(3) Any other funds available law.

“(d) For the purposes of this section, the term “small business” means a business enterprise eligible for certification under Section 2332 of this act.

“(e) 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.*), shall issue rules to implement the provisions of this section.”

TITLE III. PUBLIC HEALTH, SAFETY, AND CONSUMER PROTECTION.

Sec. 301. 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 5a(d)(3) (D.C. Official Code § 7-2304.01(d)(3)) is amended by striking the phrase “solely for the duration of the public health emergency” and inserting the phrase “solely for actions take during the public health emergency” in its place.

(b) Section 7 (D.C. Official Code § 7-2306) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “15 calendar days” and inserting the phrase “30 calendar days” in its place.

(2) Subsection (b) is amended by striking the phrase “15-day period” and inserting the phrase “30-day period” in its place.

(3) Subsection (c) is amended by striking the phrase “15 days” and inserting the phrase “30 days” in its place.

Sec. 302. Price gouging.

Section 2(b)(1) of the Natural Disaster Consumer Protection Act of 1992, effective March 20, 1992 (D.C. Law 9-80; D.C. Official Code § 28-4102(b)(1)) is amended by striking the phrase “of a natural disaster,” and inserting the phrase “of a natural disaster or a public health emergency declared in accordance with section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 3-149; D.C. Official Code § 7-2304.01),” in its place.

Sec. 303. Disconnection of electric service.

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 106a 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 during 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 residential electric service during a public health emergency.”.

Sec. 304. Disconnection of gas service.

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 7a to read as follows:

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

“(a) For the purposes of this section, the term “public health emergency” means a period of time during 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 residential gas service during a public health emergency.”.

Sec. 305. Disconnection of water service.

Section 103 of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Star. 101; D.C. Code § 43-1524 et seq.), is amended by adding a new paragraph (c) to read as follows:

“(c)(1) For the purposes of this subsection, the term “public health emergency” means a period of time during 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 period of time in 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), notwithstanding any other provision of this act, the water supply to any property may not be shut off during a public health emergency.”.

Sec. 306. Eviction Prohibition.

Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01(k)), is amended by adding a new subparagraph (3) to read as follows:

“(3) While an emergency executive order is in effect pursuant to §7.2306.”.

Sec. 307. 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 § 3-1208.02), 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 chapter may prescribe and dispense a one-time refill of patient prescription medications prior to the expiration of the waiting period between refills, if certified to do so by the Board and pursuant to a written protocol established by the Board and the Board of Medicine under paragraph (2) of this subsection, to allow District residents to maintain an adequate supply of necessary medication during a public emergency, as defined by section 2(3) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(3)).

“(2) The Board and the Board of Medicine shall jointly develop and issue emergency regulations establishing protocols for the prescription and dispensation of one-time patient prescription refills during a public emergency.”.

Sec. 308. Public assistance benefits.

Notwithstanding any provision of law, during a period time in 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 waive any provision in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) to the maximum extent permitted by controlling Federal laws and waivers granted to the District of Columbia as is necessary to ensure continuity of public benefits and services for District residents.

Sec. 309. Extension of licenses and registrations.

Notwithstanding any provision of law, during a period time in 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 waive any provision in the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) the Mayor may extend the validity of a license, registration, or permit that would otherwise require in person-renewal, including drivers licenses, vehicle registrations, professional licenses.

TITLE IV. PUBLIC BODY MEETINGS

Sec. 401 Advisory Neighborhood Commission Meetings.

Section 14(b)(1) of the Advisory Neighborhood Commission Act of 1975, effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 et seq.) is amended by striking the phrase “by the Commission.” and inserting the phrase “by the Commission; provided that no meetings shall be required during a public health emergency declared by the Mayor pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 et seq.) and the number of required meetings in a given year shall be reduced by one for every 30 days that a public health emergency is in effect during the year.”.

Sec. 402 Other boards and commissions.

Notwithstanding any provision of law, during a period time in 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 of a board, commission, or other public body to meet periodically is waived.

Sec. 403 Freedom of Information Act.

Section 202 of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place

(2) Paragraph (2)(A) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place

(b) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times it appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

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

(1) Paragraphs (1) and (1A) are redesignated as paragraphs (1A) and 1(B) respectively.

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

“(1) “COVID-19 closure” means:

“(A) The Mayor has issued an emergency executive order, or a public health emergency executive order, pursuant to 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.), or otherwise declared a state of emergency; or

“(B) A public body is closed due to the COVID-19 coronavirus disease, as determined by the personnel authority of the public body.”.

TITLE V. COUNICL AUTHORITY

Sec. 501. Budget Submission Requirements

Section 2 of the Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended by striking the phrase “not later than March 19, 2020” and inserting the phrase “not later than May 1, 2020 or 5 calendar days following the end of a public health emergency declared in accordance with section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 3-149; D.C. Official Code § 7-2304), whichever is sooner” in its place.

Section 502. Virtual meetings.

Section 367 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended by striking the phrase “remote voting.”

TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 601. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 602. Effective date.

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