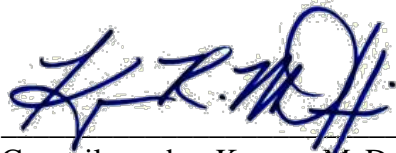


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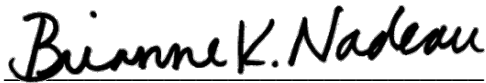
2 Councilmember Kenyan McDuffie

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6 Councilmember Anita Bonds

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10 Councilmember Elissa Silverman

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13 Councilmember Brianne K. Nadeau

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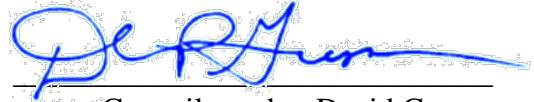
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17 Councilmember Brandon Todd

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22 Councilmember Vincent C. Gray



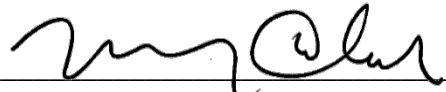
Chairman Phil Mendelson



Councilmember David Grosso



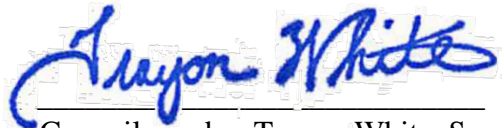
Councilmember Robert C. White, Jr.



Councilmember Mary M. Cheh



Councilmember Charles Allen



Councilmember Trayon White, Sr.

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30 A PROPOSED RESOLUTION

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34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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36 _____

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39 To declare the existence of an emergency with respect to the need to provide additional
40 protections to Districts residents and businesses during the current public health
41 emergency.
42

43 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
44 resolution may be cited as the “Coronavirus Omnibus Emergency Declaration Resolution of
45 2020”.

46 Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s
47 Order 2020-45, 2020-46, and 2020-63, declaring a public emergency and a public health
48 emergency in the District due to the imminent threat to the health, safety, and welfare of District
49 residents posed by the spread of COVID-19. That order is currently in effect through May 15,
50 2020. Additional orders extending the emergency are likely to be issued.

51 (b)(1) As a result of COVID-19 and/or the Mayor’s Order, many District businesses have
52 been required to close, in full or in part. Many of the District’s businesses have business
53 interruption insurance policies that cover losses from such a partial or total shut down due to
54 “physical loss or damage” or orders of “Civil Authority.” However, it appears that many
55 insurers contend that their policies do not provide coverage for these business interruption losses
56 being experienced due to COVID-19 and/or the Order(s), either because the insurer construes
57 ambiguous policy language against the insured or because the insurance policies contains an
58 express exclusion that the insurer argues is applicable to COVID-19. It is necessary to ensure
59 that the District’s businesses who are experiencing financial distress resulting from COVID-19
60 or the Orde(s)r be able to collect promptly insurance proceeds from their existing business
61 interruption insurance.

62 (2) Small businesses are the backbone of the District’s economy. Without
63 coverage from insurance, many small businesses in the District will fail. For example, pursuant
64 to the Mayor’s Orders, restaurants and retailers in the District have been forced to close
65 completely or to limit service to delivery or low-contact pick-up. The District’s Chief Financial

66 Officer told the Council that as many as 20% of the District’s restaurants are in danger of not
67 reopening once restrictions are lifted. Industry groups told the Council that the food and
68 beverage industry employs over 65,000, and the retail trade, sports, arts, and entertainment
69 industry—which have been completely closed—employ nearly 5,000 people. More broadly, the
70 29,000 businesses in the District with fewer than 100 employees employ more than 200,000
71 workers.

72 (3) Not surprisingly, the impact to the District’s small businesses have created an
73 economic emergency. More than 85,000 District residents have applied for unemployment
74 insurance. The District’s Chief Financial Officer estimates that, largely because of the business
75 losses in the District and the associated loss of household income, the District government will
76 lose as much as \$3.2 billion in revenue over the course of our four-year financial plan. That loss
77 of revenue endangers the District’s ability to carry essential services for its residents and the tens
78 of thousands of regional residents, and tourists from around the world, who work in and visit the
79 District every day. It is essential that the District government find ways to ensure that as many
80 businesses as possible survive and continue to pay employees, including by ensuring that
81 legitimate insurance claims are paid.

82 (4) The District government has a long history of legislating to protect small,
83 locally owned businesses. For example, the District government requires many government
84 contracts to include minimum amounts of participation from small businesses, and in the Fiscal
85 year 2020 budget, the Council provided tax credits limited to small retailers in the District.
86 Before the Mayor declared a public health emergency, the Council’s Committee on Business and
87 Economic Development was considering three additional pieces of legislation that would provide

88 additional support for small businesses, in particular because of the part that small businesses
89 play in the history and culture of the District and its neighborhoods.

90 (5) The Council has heard from many small businesses who have had potentially
91 legitimate claims denied because its insurer has construed ambiguous policy language against the
92 insured or because the insurance policies contains an express exclusion that the insurer argues is
93 applicable to COVID-19, and news reports indicated that, in some instances in other states, even
94 when a policy has seemingly unambiguous language that should provide coverage for loss,
95 claims are still being denied. Many small businesses have neither the resources to hire counsel to
96 win nor the reserve to stay afloat while waiting for a resolution to a claim that may be contested
97 over months or years.

98 (6) Because of the huge impact on small businesses and the District's strong
99 interest in protecting its small businesses, workers, and broader economy, there is a clear
100 economic emergency necessitating the need for the Council to ensure that all legitimate business
101 interruption insurance claims made by the most vulnerable businesses in the District are paid
102 promptly, subject to policy limits, during the recently declared public health emergency. It is also
103 necessary to establish a procedure whereby insurers can be reimbursed for payment of claims
104 that may be affected by this legislation, and to ensure that insurers have a clear process to
105 challenge any determination made pursuant to the provisions of section 2 of the Coronavirus
106 Omnibus Emergency Amendment Act of 2020 that the insurer believes was incorrectly made.

107 (c) Due to the closure of non-essential businesses, alcohol licensees face obstacles to
108 providing and maintaining licenses. Additionally, ANCs face challenges in reviewing licenses
109 within their jurisdiction. As such, it is necessary to allow non-notarized signatures on an
110 application for licensure, extend the review period for Advisory Neighborhood Commission to

111 provide input on licenses, and to extend the number of days an establishment has to surrender a
112 license.

113 (d) To aid restaurants while they are unable to provide unrestricted dine-in service, it is
114 necessary to cap the commission fee that third-party food delivery platforms may charge a
115 restaurant to a maximum of 15% of the purchase price on delivery or pick-up orders and to
116 require third-party food delivery platforms to disclose fees to the customer where the restaurant
117 allows such disclosure.

118 (e) Four individuals currently serving on the University of the District of Columbia's
119 Board of Trustees are set to have their terms expire on May 15, 2020. In order to make sure that
120 the Board can continue operating effectively and not experience quorum issues, it is necessary to
121 amend the terms for certain Board of Trustee members.

122 (f) During emergencies, the internet can provide critical information to residents about
123 social services, government operations, and ways to stay engaged with the community.

124 According to data from the Census Bureau, approximately 22% of households with incomes of
125 less than \$30,000 do not have access to the internet. During this public health emergency, it is
126 necessary to establish mechanisms that allow these households to access the internet.

127 (g) For the health and well-being of District residents, the DC Board of Elections is
128 encouraging voters to request absentee (mail-in) ballots for the primary election on June 2nd and
129 the special election for Ward 2 on June 16th. In order to make the process of requesting a ballot
130 as easy as possible, it is imperative to make changes to the petitioning requirements for ballot
131 access.

132 (h) Advisory Neighborhood Commissions (ANCs) are a vital component of District
133 government, providing advice and insight on critical matters such as planning, social service

134 programs, and public safety in their neighborhoods. To enable ANCs to better respond to the
135 needs of their neighborhood during this public health emergency, it is necessary to expand their
136 grant-making authority.

137 (i) Long-term care facilities in the District house population that are particularly
138 vulnerable to COVID-19. As of April 24, 2020, at least 13 nursing homes in the District have
139 reported about 200 infections and roughly 15 fatalities. To ensure that the nurses providing care
140 to these residents can do so safely and effectively, it is crucial to provide enhanced protections to
141 these nurses.

142 (j) As of April 28, 2020, 131 residents in DC jail facilities have tested positive for
143 COVID-19 and one individual has died. Conditions in the facilities have led to lawsuits and
144 ongoing monitoring of DOC practices to keep residents safe. For the Council and the public to
145 have the best possible information on developments occurring within DC jail facilities, it is vital
146 to prescribe reporting requirements.

147 (k) As part of the Sustainable Solid Waste Management Act of 2014, the District
148 established incentives for composting and explicitly residents to engage in residential
149 composting to reduce waste. To continue to promote sustainable waste practices during this
150 public health emergency, it is crucial to allow virtual composting trainings.

151 (l) As District residents grapple with the economic consequences of this public health
152 emergency, it is incumbent that the government provide mechanisms to relieve the financial
153 strain families are experiencing. As such, it is necessary to enable tenants and residents to
154 establish payment plans for rental units and utility services.

155 Sec. 3. The Council of the District of Columbia determines that the circumstances in
156 section 2 constitute emergency circumstances, making it necessary that the Coronavirus
157 Omnibus Emergency Amendment Act of 2020 be adopted after a single reading.

158 Sec. 4. This resolution shall take effect immediately.