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Chairman Phil Mendelson

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Councilmember Anita Bonds

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Councilmember Mary M. Cheh

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Councilmember Brandon Todd

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Councilmember Charles Allen

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Councilmember Vincent C. Gray

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Councilmember Trayon White, Sr.

A BILL

\_\_\_\_\_  
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
To provide, on an emergency basis, for the health, safety, and welfare of District residents and supports to businesses during the current public health emergency; and for other purposes

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148 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
149 act may be cited as the “Coronavirus Support Emergency Amendment Act of 2020”.

150

## 151 **TITLE I. LABOR AND WORKFORCE DEVELOPMENT**

152 Sec. 101. Wage replacement.

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

159 (b)(1) Upon application, an affected employee shall receive unemployment insurance  
160 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)).

(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

184 federal agency, or a medical professional, or an employee of an employer that ceased or reduced  
185 operations due to an order or guidance from the Mayor or the Department of Health or a  
186 reduction in business revenue resulting from the circumstances giving rise to the public health  
187 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation  
188 required by the Mayor or the Mayor's designee.

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

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

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

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

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

202 (f) If the Mayor determines that the payment of UI under this section may not be made  
203 from the District Unemployment Fund or from the unemployment fund of another jurisdiction  
204 due to federal law or regulation, payment may be made by the Mayor from any other source of  
205 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(4)(B) and 9(5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(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 filing during a period of national emergency shall not be charged to the experience rating of the eligible claimant’s base period employer’s accounts. Employers electing to become liable for payments in lieu of contributions shall be charged 50% of reimbursements due as a result of FPUC benefits paid to an individual filing during a period of national emergency.”.

(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 deems such waiver to be in the public interest.”.



Sec. 103. Shared work compensation program clarification.

The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

(a) Section 2(5) is amended ~~to read~~ as follows:

(1) Paragraph (4) is repealed.

(2) Paragraph (5) is amended to read as follows:

“(5) “Normal weekly hours of work” means the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.”.

(3) Paragraph (7) is amended to read as follows:

“(7) “Shared work benefit” means the unemployment benefits payable to a participating employee in an affected unit under an shared work plan, as distinguished from the unemployment benefits otherwise payable under the employment security law.”.

(4) Paragraph (8) is amended to read as follows:

“(8) “Shared work plan” means a written plan to participate in the shared work unemployment compensation program approved by the Director, under which the employer requests the payment of shared work benefits to workers in an affected unit of the employer to avert temporary or permanent layoffs.”.

(5) New paragraph 5a is added. to read as follows:

“(5a) “Participating employee” means an employee who voluntarily agrees to participate in an employer’s shared work plan.”

(b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

273 “Sec. 4. Employer participation in the shared work unemployment compensation  
274 program.

275 “(a) Employer participation in the shared work unemployment compensation program  
276 shall be voluntary.

277 “(b) An employer that wishes to participate in the shared work unemployment  
278 compensation program shall submit a signed application and proposed shared work plan to the  
279 Director for approval.

280 “(c) The Director shall develop an application form consistent with the requirements of  
281 this section. The application shall require the employer to:

282 “(1) Identify the affected unit (or units) to be covered by the shared work plan,  
283 including the number of full-time or part-time employees in such unit, the percentage of workers  
284 in the affected unit covered by the plan, identification of each individual employee in the  
285 affected unit by name, social security number, the employer’s unemployment tax account  
286 number, and any other information required by the Director to identify plan participants;

287 “(2) Provide a description of how employees in the affected unit will be notified  
288 of the employer’s participation in the shared work unemployment compensation program if such  
289 application is approved, including how the employer will notify those employees in a collective  
290 bargaining unit as well as any workers in the affected unit who are not in a collective bargaining  
291 unit. If the employer will not provide advance notice to employees in the affected unit, the  
292 employer shall explain in a statement in the application why it is not feasible to provide such  
293 notice.

294 “(3) Identify the usual weekly hours of work for employees in the affected unit  
295 and the specific percentage by which hours will be reduced during all weeks covered by the plan.

A shared work plan may not reduce participating employees' usual weekly hours of work by less than 10% or more than 60%. If the plan includes any week for which the employer regularly provides no work (due to a holiday or other plant closing), then such week shall be identified in the application;

“(4) If the employer provides health benefits and retirement benefits under the defined benefit pension plans (as defined in section 414(j) of the Internal Revenue Code) or contributions under a defined contribution plan (defined in section 414(i) of such Code) to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee's usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee's compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan, which is equally applicable to employees who are not participating in the plan and to participating employees, does not violate a certification made pursuant to this paragraph;

“(7) Certify that the aggregate reduction in work hours under the shared work plan is in lieu of temporary or permanent layoffs and provide a good faith estimate of the number of workers who would have been laid off in the absence of the shared work plan;

“(8) Agree to:

319 (A) Furnish reports to the Director relating to the proper conduct of the  
320 shared work plan;

321 (B) Allow the Director or the Director's authorized representatives access  
322 to all records necessary to approve or disapprove the application for a shared work plan;

323 (C) Allow the Director to monitor and evaluate the shared work plan; and

324 (C) Follow any other directives the Director deems necessary for the  
325 agency to implement the shared work plan consistent with the requirements for shared work plan  
326 applications;

327 “(9) Certify that participation in the shared work unemployment compensation  
328 program and implementation of the shared work plan will be consistent with the employer's  
329 obligations under applicable federal and state laws;

330 “(10) State the duration of the shared work plan, which shall not exceed 365 days  
331 from the effective date established pursuant to section 6;

332 “(11) Provide any additional information or certifications that the Director  
333 determines to be appropriate for purposes of the shared work unemployment compensation  
334 program, consistent with requirements issued by the United States Secretary of Labor.

335 “(12) Provide written approval of the shared work plan by the collective  
336 bargaining representative for any employees who will participate in the plan and who are  
337 covered by a collective bargaining agreement.”.

338 ~~(b)(5)~~ Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

339 “Sec. 5. Approval and disapproval of a shared work plan.

340       “(a)(1) The Director shall approve or disapprove an application for a shared work plan in  
341 writing within 15 calendar days of its receipt and promptly issue a notice of approval or  
342 disapproval to the employer.

343       “(2) A decision disapproving the shared work plan shall clearly identify the  
344 reasons for the disapproval.

345       “(3) A decision to disapprove a shared work plan shall be final, but the employer  
346 may submit another application for a shared work plan not earlier than 10 calendar days from the  
347 date of the disapproval.

348       “(b) Except as provided in subsections (c) and (d) of this section, the Director shall  
349 approve a shared work plan if the employer:

350       “(1) Complies with the requirements of section 4; and

351       “(2)(A) Has filed all reports required to be filed under the employment security  
352 law for all past and current periods and has paid all contributions and benefit cost payments; or

353       “(B) If the employer is a reimbursing employer, has made all payments in  
354 lieu of contributions due for all past and current periods.

355       “(c) Except as provided in subsection (d) of this section, the Director may not approve a  
356 shared work plan:

357       “(1) To provide payments to an employee if the employee is employed by the  
358 participating employer on a seasonal, temporary, or intermittent basis;

359       “(2) If the employer's unemployment insurance account has a negative  
360 unemployment experience rating;

361       “(3) If the employer's unemployment insurance account is taxed at the maximum  
362 tax rate in effect for the calendar year;

363 “(4) For employers who have not qualified to have a tax rate assigned based on  
364 actual experience; or

365 “(5) For employees who are receiving or who will receive supplemental  
366 unemployment benefits during any period a shared work plan is in effect.

367 “(d) During the effective period of a shared work plan entered into during a public health  
368 public health emergency, section shall not apply. During , the Director may not approve a shared  
369 work plan:

370 “(1) To provide payments to an employee if the employee is employed by the  
371 participating employer on a seasonal, temporary, or intermittent basis; or

372 “(2) For employers that have reported quarterly earnings to the Department of  
373 Employment Services for fewer than 3 quarters at the time of the application for the shared work  
374 unemployment compensation program.”.

375 “(e) For the purposes of this section, “public health emergency” means the public health  
376 emergency declared in the Mayor’s order dated March 11, 2020, and any extensions thereof.

377 ~~—————(1) Subsection (a)(4) is amended by striking the phrase “20% and not more than~~  
378 ~~40%” and inserting the phrase “10% and not more than 60%” in its place.~~

379 ~~—————(2) Subsection (c) is amended to read as follows:—~~

380 ~~—————“(c) A shared work plan shall not be implemented:~~

381 ~~—————“(1) To provide payments to an individual if the individual is employed by the~~  
382 ~~participating employer on a seasonal, temporary, or intermittent basis; or~~

383 ~~—————“(2) During the public health emergency, for employers that have reported~~  
384 ~~quarterly earnings to the Department of Employment Services for fewer than 3 quarters.”.~~

~~(3) Subsection (d) is amended by striking the number “30th” and inserting the number “15th” in its place.~~

~~(ed)~~ Section 8(b) (D.C. Official Code § 51-177(b)) is amended to read as follows:

“Sec. 6. Effective date and expiration of a shared work plan.

“(a) A shared work plan shall be effective on the date that is mutually agreed upon by the employer and the Director, which shall be specified in the notice of approval to the employer.

“(b) The duration of the plan shall be 365 days from the effective date, unless a shorter duration is requested by employer or the plan is terminated or revoked in accordance with this section.

“(c) An employer may terminate a shared work plan at any time upon written notice to the Director, a collective bargaining representative, and the employees in the affected unit. After receipt of such notice from the employer, the Director shall issue to the employer, collective bargaining representative, and participating employees, an Acknowledgment of Voluntary Termination, which shall state the date the shared work plan terminated.

“(d) The Director may revoke a shared work plan at any time for good cause, including:

“(1) Failure to comply with the certifications and terms of the shared work plan;

“(2) Failure to comply with federal or state law;

“(3) Failure to report or request proposed modifications to the shared work plan in accordance with section 7;

“(4) Unreasonable revision of productivity standards for the affected unit;

“(5) Conduct or occurrences tending to defeat the purpose and effective operation of the shared work plan;

“(6) Change in conditions on which approval of the plan was based;

409 “(7) Violation of any criteria on which approval of the plan was based; or

410 “(8) Upon the request of an employee in the affected unit.

411 “(e) Upon a decision to revoke a shared work plan, the Director shall issue a written  
412 revocation order to the employer that specifies the reasons for the revocation and the date the  
413 revocation is effective. The Director shall provide a copy of the revocation order to the  
414 representative of an affected collective bargaining unit.

415 “(f) An employer may submit a new application for a shared work plan at any time after  
416 the expiration or termination a shared work plan.”.

417 ~~————— (1) Paragraph (1) is amended by striking the phrase “was approved before the~~  
418 ~~week in question and is in effect” and inserting the phrase “is in effect” in its place.~~

419 ~~————— (2) Paragraph (3) is amended by striking the phrase “20% but not more than 40%”~~  
420 ~~and inserting the phrase “10% but not more than 60%” in its place.~~

421 ~~————— (3) Paragraph (4) is repealed.~~

422 (e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

423 “Sec. 7. Modification of a shared work plan.

424 “(a) An employer may not implement a substantial modification to a shared work plan  
425 without first obtaining the written approval of the Director.

426 “(b)(1) An employer must report, in writing, every proposed modification of the shared  
427 work plan to the Director a least 5 calendar days before implementing the proposed modification.  
428 The Director shall review the proposed modification to determine if the modification is  
429 substantial. If the Director determines that the proposed modification is substantial, the Director  
430 shall notify the employer of the need to request a substantial modification.



431 “(2) An employer may request a substantial modification to a shared work plan by  
432 filing a written request with the Director. The request shall identify the specific provisions of the  
433 shared work plan to be modified and provide an explanation of why the proposed modification is  
434 consistent with and supports the purposes of the shared work plan. A modification may not  
435 extend the expiration date of the plan.

436 “(c)(1) At the Director’s discretion, an employer’s request for a substantial modification  
437 of a shared work plan may be approved if:

438 “(A) Conditions have changed since the plan was approved; and

439 “(B) The Director determines that the proposed modification is consistent  
440 with and supports the purposes of the approved plan.

441 “(2) The Director shall approve or disapprove a request for substantial  
442 modification, in writing, within 15 calendar days of receiving the request and promptly  
443 communicate the decision to the employer. If the request is approved, the notice of approval  
444 shall contain the effective date of the modification.

445 “(d) The Director may periodically review the operation of an employer’s shared work  
446 plan to ensure compliance with its terms and applicable federal and state laws.”.

447 (f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

448 “Sec. 8. Employee eligibility for shared work benefits.

449 “(a) A participating employee is eligible to receive shared work benefits with respect to  
450 any week only if the individual is monetarily eligible for unemployment compensation, not  
451 otherwise disqualified for unemployment compensation, and:

452 “(1) With respect to the week for which shared work benefits are claimed, the  
453 participating employee was covered by a shared work plan that was approved prior to that week;

454 “(2) Notwithstanding any other provisions of the employment security law  
455 relating to availability for work and actively seeking work, the participating employee was  
456 available for the individual’s usual hours of work with the shared-work employer, which may  
457 include availability to participate in training to enhance job skills approved by the Director, such  
458 as employer-sponsored training or training funded under the Workforce Innovation and  
459 Opportunities Act.

460 “(3) Notwithstanding any other provision of law, a participating employee is  
461 deemed unemployed for the purposes of determining eligibility to receive unemployment  
462 compensation benefits in any week during the duration of such plan if the individual’s  
463 remuneration as an employee in an affected unit is reduced under the terms of the plan.

464 “(b) A participating employee may be eligible for shared work benefits or unemployment  
465 compensation, as appropriate, except that no participating employee may be eligible for  
466 combined benefits in any benefit year in an amount more than the maximum entitlement  
467 established for regular unemployment compensation, nor shall a participating employee be paid  
468 shared work benefits for more than 52 weeks under a shared work benefit plan or in an amount  
469 more than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

470 “(c) The shared work benefit paid to a participating employee shall be deducted from the  
471 maximum entitlement amount of regular unemployment compensation established for that  
472 individual's benefit year.

473 “(d) Provisions applicable to unemployment compensation claimants under the  
474 employment security law shall apply to participating employees to the extent that they are not  
475 inconsistent with shared work benefit provisions. A participating employee who files an initial

claim for shared work benefits shall receive a monetary determination that the individual is eligible to receive benefits.

“(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits pursuant to section § 51–107 (g), and if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

“(f) Shared work benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under the employment security law, unless waived by federal or local law. Employers liable for payments in lieu of contributions shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed, unless waived by federal or local law.”.

(dg) Section 9(b) (D.C. Official Code § 51-178(b)) is ~~repealed~~ amended as follows:-

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

“(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a participating employee shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the participating employee’s usual weekly hours of work.

“(2) The shared work benefit for a participating employee who performs work for another employer during weeks covered by a shared work plan shall be calculated as follows:

“(A) If the combined hours of work in a week for both employers does not result in a reduction of at least 10% of the usual weekly hours of work the participating employee works for the shared-work employer, the participating employee is not eligible for shared work benefits;

\_\_\_\_\_  
“(B) If the combined hours of work for both employers results in a  
reduction equal to or greater than 10% of the usual weekly hours worked for the shared-work  
employer, the shared work benefit payable to the participating employee is determined by  
multiplying the weekly unemployment benefit amount for a week of total unemployment by the  
percentage by which the combined hours of work have been reduced. A week for which benefits  
are paid under this subparagraph shall be reported as a week of shared work benefits.”.

\_\_\_\_\_  
“(C) If an individual worked the reduced percentage of the usual weekly  
hours of work for the shared-work employer and is available for all the participating employee’s  
usual hours of work with the shared-work employer, and the participating employee did not work  
any hours for the other employer, either because of the lack of work with that employer or  
because the participating employee is excused from work with the other employer, the  
participating employee shall be eligible for the full value of the shared work benefit for that  
week.

\_\_\_\_\_  
(2) New subsections (c) and (d) are added to read as follows:

\_\_\_\_\_  
“(c) A participating employee who is not provided any work during a week by the  
shared-work employer or any other employer, and who is otherwise eligible for unemployment  
compensation shall be eligible for the amount of regular unemployment compensation to which  
the individual would otherwise be eligible.

\_\_\_\_\_  
“(d) A participating employee who is not provided any work by the shared-work  
employer during a week, but who works for another employer and is otherwise eligible for  
unemployment compensation may be paid unemployment compensation for that week subject to  
the disqualifying income and other provisions applicable to claims for regular unemployment  
compensation.”.

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:~~by striking the phrase “medical leave” and inserting the phrase “medical leave; except, that 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 3-149; D.C. Official Code § 7-2304.01), the one-year employment requirement and 1,000-hour work requirement shall not apply to an employee who has been ordered or recommended to quarantine or isolate by the Department of Health or any other District agency, a federal agency, or a medical professional.~~

“(1) “Employee” means:

“(A) For leave provided under sections 3 or 4, any individual who has been employed by the same employer for 1 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 (to be codified at D.C. Official Code § 32-502.01) is added to read as follows:

“Sec. 3a. COVID-19 family and medical leave.

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

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

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

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

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

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

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

559 “(1) If the leave is upon the recommendation of a health care provider to the  
560 employee, a written, dated statement from a health care provider stating that the employee has  
561 such need and the probable duration of the need for leave;

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

566 “(3) If the leave is needed because a school, place of care, or childcare provider is  
567 unavailable, a statement by the head of the agency, company, or childcare provider stating such

568 closure or unavailability, which may include a printed statement obtained from the institution's  
569 website.

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

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

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

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

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

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

586 “(g) Any employer who willfully violates subsections (a) through (e) of this section shall  
587 be assessed a civil penalty of \$1000 for each offense.

588 “(h) The rights provided to an employee under this section may not be diminished by any  
589 collective bargaining agreement or any employment benefit program or plan, except that this  
590 section shall not supersede any clause on family or medical leave in a collective bargaining

591 agreement in force on the applicability date of this section for the time that the collective  
592 bargaining agreement is in effect.

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

597 ~~———“Sec. 3a. Declaration of emergency leave.~~

598 ~~———“(a) An employee who is unable to work as a result of the circumstances giving rise to~~  
599 ~~the public health emergency during a period of time for which the Mayor has declared a public~~  
600 ~~health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of~~  
601 ~~1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be~~  
602 ~~entitled to declaration of emergency (“DOE”) leave during such period.~~

603 ~~———“(b) For DOE leave, a recommendation from the Mayor, Department of Health or any~~  
604 ~~other District agency, a federal agency, or a medical professional that the employee self-~~  
605 ~~quarantine or self-isolate shall serve as certification of the need for such leave, and, in the case of~~  
606 ~~a government-mandated quarantine or isolation, the declaration of public health emergency shall~~  
607 ~~serve as certification of the need for such leave.”.~~

608 ~~———“(c) Section 17 (D.C. Official Code § 32-516) is amended by adding a new paragraph (3)~~  
609 ~~to read as follows:~~

610 ~~———“(3) For an employee who is on leave pursuant to section 3a, to any employer~~  
611 ~~regardless of the number of persons in the District that the employer employs.”.~~



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, which 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, 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.

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

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

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

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

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

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

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

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

663 “(1) “Covered reasons” means any of the reasons for which federal paid leave is  
664 available pursuant to section 5102 of the Families First Coronavirus Response Act, approved  
665 March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195).

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

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

677 ~~“Sec. 3a. Declared emergency leave requirement.~~

678 ~~“(a)(1) During the COVID-19 emergency, an employer with between 50 and 499~~  
679 ~~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 any of the reasons for which paid leave may be used pursuant to sections 3102 and 5102 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178).~~

~~“(2) An employer shall provide declared emergency paid leave to an employee in an amount sufficient to ensure that the 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, the usual number of hours the employee works in a 2-week period.~~

~~“(3)(A) Subject to subparagraph (B) of this paragraph, paid leave provided pursuant to this section shall be compensated at the employee’s regular rate of pay or, 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, 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. Official Code § 32-1003(a)).~~

~~“(4) The 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.~~

~~“(5) An employer may require that an employee exhaust any available leave under federal or District law or an employer’s own policies prior to use of additional leave under this section.~~

~~“(b) 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 declared emergency paid leave available 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 law, other District law, or the employer's own policies.~~

~~“(c) An employer alleged to have violated this section shall be provided with an opportunity to cure such alleged violation by the Mayor. The opportunity to cure shall last for no more than 5 business days from the date the employer is notified in writing of the potential violation of the law. The notice may be from the Mayor's duly authorized representative in a form and manner as prescribed by the representative.~~

~~“(d) 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) ‘Health care provider’ means a 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 a 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:

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

(2) 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.”.

~~“(b) An employee who seeks to use paid leave pursuant to section 3a shall not:~~

~~“(1) Except for emergency leave pursuant to paragraph (2) of this subsection, be required by the employer to provide more than 48 hours’ notice of the need to use such leave;~~

~~“(2) Be required by the employee’s employer to provide more than reasonable notice of the employee’s need to use such leave in the event of an emergency; —~~

~~“(3) Be subject to threats or retaliation, including verbal or written warnings; or~~

~~“(4) Be required by the employer to 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 ~~shall~~ 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 ~~employee shall not be required to~~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 ~~or any declared public health emergency~~, no more than \$500,000 of the money in the Fund may be used for activities related to enforcement of the ~~declared emergency~~paid public health emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, effective ~~April 10, 2020~~ \_\_\_\_\_ (D.C. Act 23-286; D.C. Official Code § 32-531.02a)..

“(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



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

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

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

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

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

803 “(C) Repayment of loans obtained through the United States Small  
804 Business Administration; ~~and~~

805 “(D) Payments or other mortgage housing costs, in the case of independent  
806 contractors and self-employed individuals.

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

810 “(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative  
811 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505), may  
812 issue emergency rules to implement the provisions of this section.

813 “(d) The Mayor, and any third-party entity chosen pursuant to subsection (b), shall  
814 maintain a list of all grants awarded pursuant to this section, identifying for each award the grant  
815 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.

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)(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 maximum credit for \$1.30 against the CBE minimum expenditure.

(c) 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).

(d) 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 Small and Certified Business Enterprise Development and Assistance Act of

2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Code § 2-218.01 *et seq.*), 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) Section 25-112 is amended by adding a new subsection (h) to read as follows:

“(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption (“Convention Center food and alcohol business”) that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such carry-out or delivery orders are accompanied by one or more prepared food items.

“(2) Board approval shall not be required for a registration under this subsection.”.

(b) Section 25-113(a)(3) is amended by adding new subparagraphs (C) and (D) to read as follows:

“(C)(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 registers with the Board may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents; provided, that each such carry out or delivery order is accompanied by one or more prepared food items.

“ (ii) Board approval shall not be required for a registration under this subparagraph; except, that the licensee shall receive written authorization from ABRA prior to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.”.

“(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 register with the Board to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from one additional location other than the licensed premises. Board approval shall not be required for the additional registration under this subsection; provided, that:

“(I) The licensee separately registers with the Board and receives written authorization from ABRA prior to offering alcoholic beverages for carryout or delivery at the additional location;

“(II) 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) 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;

“(IV) The licensee agrees to follow all applicable Department of Consumer and Regulatory Affairs and Department of Health laws and regulations; and

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

932                   “(ii) The on-premises retailer’s licensee shall not offer beer, wine, or  
933 spirits for carryout and delivery on public space; except, that an additional location under this  
934 subparagraph may include a sidewalk café that has been issued a public-space permit by the  
935 District Department of Transportation.

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

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

947                   “(v) The on-premises retailer’s licensee may sell and deliver alcoholic  
948 beverages for carryout and delivery from an additional location in accordance with this  
949 subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

950                   “(vi) The Board may fine an on-premises retailer’s licensee, or  
951 suspend, cancel, or revoke an on-premises retailer’s license, and shall revoke an on-premises  
952 retailer’s licensee’s registration to offer beer, wine, or spirits for carryout or delivery at the  
953 additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this  
954 subparagraph.”.

(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 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.

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 a commission fee for the use of the platform’s services for delivery or pick-up that totals more than 15% of the purchase price per online order.

(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 imposed by the third-party food delivery platform on the restaurant as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant's use of the 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:

(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 § 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.

Sec. 206. Corporate filing extension.

Section 29-102.12 of the District of Columbia Official Code is amended by adding a new subsection (e) to read as follows:

“(e) There shall be no late fee for delivering the biennial report for 2020 required by section 29-102.11(c); provided, that the biennial report for 2020 be delivered to the Mayor for filing by June 1, 2020.”.

Sec. 207. Outdoor dining expansion.

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

(1) “BID” means a Business Improvement District formed pursuant the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 et seq.).

(2) “Eligible business” means an applicant for an Outdoor Dining Expansion permit, pursuant to this section, that:

(A) Before submitting an application pursuant to this section, has:

(i) Met the administrative procedures for a sidewalk café, as set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Regulations; and

(ii) Obtained the necessary licenses and license endorsements required by the Alcoholic Beverage Control Board to sell, serve, or permit the consumption of alcoholic beverages in a sidewalk café, pursuant to D.C. Official Code § 25-113a; and

(B) Is required, pursuant to a valid Mayor’s Order, to operate at a reduced capacity, compared to the capacity at which the applicant operated before the declaration 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).

1045 (3) “Main Street Program” means a D.C. Main Streets Program that is in good  
1046 standing and has a letter of agreement with the Department of Small and Local Business  
1047 Development.

1048 (b) The District Department of Transportation (“DDOT”) shall create an Outdoor Dining  
1049 Expansion permit application and make it available, at no cost, through DDOT’s website.

1050 (c)(1) An eligible business, a BID, or a Main Street Program may submit an Outdoor  
1051 Dining Expansion permit application requesting that, for the purposes of an eligible business  
1052 operating a sidewalk café, DDOT close to vehicle traffic:

1053 (A) In the case of an eligible business, public space on a block where the  
1054 eligible business operates a sidewalk café; or

1055 (B) In the case of a BID or a Main Street Program, public space within the  
1056 BID’s or Main Street Program’s boundaries.

1057 (2) The application shall identify, in a form determined by DDOT:

1058 (A) The area of public space the eligible business, BID, or Main Street  
1059 Program requests for closure;

1060 (B) The period of time for which the eligible business, BID, or Main  
1061 Street Program requests the closure of public space, up to one year after a public health  
1062 emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of  
1063 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) has ended;  
1064 and

1065 (C) A list of any eligible businesses that will use, as a sidewalk café, the  
1066 public space requested for closure and, for each eligible business listed, evidence that the eligible  
1067 business meets the description in subsection (a)(2)(A).

1068 (d) DDOT shall approve or deny an Outdoor Dining Expansion permit application made  
1069 pursuant to this section, by providing to the applicant written notice of approval or disapproval,  
1070 within 30 days after receipt of the Outdoor Dining Expansion permit application.

1071 (e)(1) DDOT shall approve an Outdoor Dining Expansion permit application made  
1072 pursuant to this section if DDOT:

1073 (A) Determines that the application meets the requirements of subsection  
1074 (c)(2) of this section;

1075 (B) Has received a letter of support for the application from each Advisory  
1076 Neighborhood Commission (“ANC”) that includes the area of public space for which the  
1077 application requests closure; and

1078 (C) Determines that the closure of public space will not cause significant  
1079 public safety concerns.

1080 (2) A notice of approval shall describe the area of public space to be closed.

1081 (3) DDOT shall close to motor vehicle traffic the public space identified in the  
1082 notice of approval.

1083 (f) Notwithstanding subsection (e) of this section, DDOT may modify the area of public  
1084 space to be closed if the modification is consistent with a letter of support received from an ANC  
1085 described in subsection (e)(1)(B) of this section.

1086 (g) Notwithstanding section 202 of the District of Columbia Public Space Rental Act,  
1087 approved October 17, 1968 (82 Stat. 1158; D.C. Official Code § 10-1102.02), and D.C. Official  
1088 Code § 25-113a, an eligible business shall not be required to pay any additional fees for the use  
1089 of public space allowed by a permit issued pursuant to this section.

(h) A permit, issued pursuant to the requirements set forth in Chapter 3 of Title 24 of the District of Columbia Municipal Regulations, held by an eligible business listed in an application submitted pursuant to subsection (c) of this section that authorizes the eligible business to operate a sidewalk café shall also authorize the eligible business to operate a sidewalk café in public space closed pursuant to subsection (e) of this section.

Sec. 208. Taxes and trade name renewals.

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

(a) Section 47-811(b) is amended by striking the phrase “tax year beginning July 1, 1989, and ending June 30, 1990, the amount of the first and second installments shall reflect and be consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)” and inserting the phrase “tax year 2020 first installment owing for a real property that is commercially improved and occupied and is a hotel or motel; provided, that the Chief Financial Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the definition of a hotel or motel, the Chief Financial Officer may waive any penalties and abate interest if the owner pays such installment by June 30, 2020” in its place.

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

“(GG) Small business loans awarded and subsequently forgiven under section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281).”.

“(HH) Public health emergency small business grants awarded pursuant to section ~~202-201~~ of ~~this act~~ ~~the COVID-19 Response Emergency Amendment Act of 2020,~~ effective ~~March 17, 2020 (D.C. Act 23-247; 67 DCR 3093).~~”.

(c) Section 47-2855.04 is amended by adding a new subsection (c) to read as follows:

“(c) There shall be no late fee for trade name renewal applications required by rules promulgated under subsection (a) of this section to be filed by April 1, 2020; provided, that the trade name renewal application be filed by June 1, 2020.”.

(d) Section 47-4221 is amended by adding a new subsection (d) to read as follows:

“(d)(1) Except as provided in paragraph (2) and notwithstanding any other provision of this title, the Chief Financial Officer may waive any penalty and abate interest that may be imposed for failure to timely pay any taxes due pursuant to Chapters 20 and 22 of this title for periods ending on February 29, 2020, or March 31, 2020; provided, that all taxes for such periods are paid in full on or before July 20, 2020.

“(2) This subsection shall not apply to hotels or motels permitted to defer real property tax under § 47-811(b).”.

Sec. 209. 8th and O disposition extension.

Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b-3) is amended by adding a new paragraph (8) to read as follows:

“(8) Notwithstanding paragraph (2) of this subsection, for the disposition of the District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall be for housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs, whether or not the units to be constructed are rental units or ownership units. The Land Disposition and

1136 Development Agreement in the form approved by Council pursuant to the 8th & O Streets,  
1137 N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63  
1138 DCR 1498), remains in full force and effect, including, without limitation, the Affordable  
1139 Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at  
1140 closing.

1141 (b) Subsection (d-7) is amended by striking the date “February 2, 2020” and inserting the  
1142 date “September 15, 2020” in its place.

### 1143 **TITLE III. CONSUMER PROTECTION AND REGULATION**

1144 Sec. 301. Opportunity accounts expanded use.

1145 The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C.  
1146 Official Code § 1-307.61 *et seq.*), is amended as follows:

1147 (a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph  
1148 (2A) to read as follows:

1149 “(2A) “Commissioner” means the Commissioner of the Department of Insurance,  
1150 Securities, and Banking.”.

1151 (b) Section 8 (D.C. Official Code § 1-307.67) is amended as follows:

1152 (1) Subsection (a) is amended by striking the figure “\$2” and inserting the figure  
1153 “\$1” in its place.

1154 (2) Subsection (b) is amended as follows:

1155 (A) The lead-in language is amended by striking the figure “\$2” and  
1156 inserting the figure “\$3” in its place.

1157 (B) Paragraph (1) is amended as follows:



1158 (i) Strike the phrase “in at least the same amount” and insert the  
1159 phrase “consistent with subsection (a) of this section” in its place.

1160 (ii) Strike the phrase “; and” and insert a semicolon in its place.

1161 (C) Paragraph (2) is amended as follows:

1162 (i) Strike the phrase “than \$3,000” and insert the phrase “than  
1163 \$6,000” in its place;

1164 (ii) Strike the period and insert the phrase “; and” in its place.

1165 (D) A new paragraph (3) is added to read as follows:

1166 “(3) The Commissioner may waive the requirement of subsection (a) of this  
1167 section and provide to an administering organization matching funds of up to \$4 for every dollar  
1168 the account holder deposits into the opportunity account when adequate federal or private  
1169 matching funds are not available.”.

1170 (c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

1171 (1) Paragraph (6) is repealed.

1172 (2) Paragraph (8) is amended by striking the period at the end and inserting the  
1173 phrase “; and” in its place.

1174 (3) A new paragraph (9) is added to read as follows:

1175 “(9) To pay for any cost, expense, or item authorized by the Commissioner by  
1176 rule issued pursuant to section 14, or by order during a declared public health emergency.”.

1177 (d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

1178 (1) Subsection (b) is amended as follows:

1179 (A) Paragraph (2) is amended by striking the phrase “; or” and inserting a  
1180 semicolon in its place.

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

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

“(4) Making payments necessary to enable the account holder to meet necessary living expenses in the event of a sudden, unexpected loss of income.”.

(2) Subsection (c) is amended by striking the phrase “An account holder” and inserting the phrase “Except 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 account holder” in its place.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(2) or (3) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds.

“(c-2) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(1) of this section, the account holder shall withdraw only funds deposited by the account holder and shall not withdraw matching funds, unless the withdrawal is for a medical emergency.

“(c-3) If an account holder makes an emergency withdrawal for the purposes set forth at subsection (b)(4) of this section, the account holder may withdraw funds deposited by the account holder and matching funds.”.

(4) The lead-in language of subsection (e) is amended to read as follows:

“An account holder shall not be required to repay funds withdrawn from the opportunity account for an emergency withdrawal but shall be required to resume making deposits into the opportunity account no later than 90 days after the emergency withdrawal. If the account holder fails to make a deposit no later than 90 days after the emergency withdrawal:”.

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. 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.

1226 (3) New subsections (ll) and (mm) are added to read as follows:

1227 “(ll) violate any provision of 17 DCMR § 3013; or”

1228 “(mm) violate any provision of 17 DCMR § 3117.”.

1229 (c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*)

1230 is amended as follows:

1231 (1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

1232 (A) The lead-in language of subparagraph (8) is amended by striking the  
1233 phrase “customer, or failing to passing” and inserting the phrase “customer, failing to provide to  
1234 the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the  
1235 customer, or failing to pass” in its place.

1236 (B) Subparagraph (24) is amended by striking the phrase “; or” and  
1237 inserting a semicolon in its place.

1238 (C) Subparagraph (25) is amended by striking the period at the end and  
1239 inserting a semicolon in its place.

1240 (D) New subparagraphs (26), (27), (28), and (29) are added to read as  
1241 follows:

1242 “(26) Failing to clearly and conspicuously post a General Price List, Casket Price  
1243 List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry  
1244 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any website  
1245 maintained by the applicant or licensee;

1246 “(27) Failing to provide to any customer a General Price List, Casket Price List,  
1247 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry  
1248 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*);

1249                   “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as  
1250 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,  
1251 passed on 2nd reading on April 21, 2020 (Enrolled version of Bill 23-734), on any website  
1252 maintained by the applicant or licensee; or

1253                   “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in  
1254 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on 2nd  
1255 reading on April 21, 2020 (Enrolled version of Bill 23-734), during an initial meeting to discuss  
1256 or make arrangements for the purchase of funeral goods or services.”.

1257                   (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection  
1258 3110.9 to read as follows:

1259                   “3110.9 A funeral services establishment shall keep and retain records documenting any  
1260 required disclosures to consumers, including disclosure of its General Price List, Casket Price  
1261 List, an Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer,  
1262 as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,  
1263 passed on 2nd reading on April 21, 2020 (Enrolled version of Bill 23-734), after the completion  
1264 or termination of a funeral contract.”.

1265                   Sec. 303. Debt collection.

1266                   Section 28-3814 of the D.C. Official Code is amended as follows:

1267                   (a) Subsection (b) is amended as follows:

1268                   (1) New paragraphs (1A) and (1B) are added to read as follows:

1269                   “(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 which 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;

1293                   “(C) Initiate, threaten to initiate, or act upon any statutory remedy for the  
1294 repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is  
1295 voluntarily surrendered; or

1296                   “(D) Visit or threaten to visit the household of a debtor at any time for the  
1297 purpose of collecting a debt;

1298                   “(E) Visit or threaten to visit the place of employment of a debtor at any  
1299 time; or

1300                   “(F) Confront or communicate in person with a debtor regarding the  
1301 collection of a debt in any public place at any time, unless initiated by the debtor.

1302                   “(3) This subsection shall not apply to collecting or attempting to collect a debt  
1303 that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for  
1304 common expenses pursuant to Section 312 of the Condominium Act of 1976, effective March  
1305 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.12).

1306                   “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt  
1307 collector shall initiate any communication with a debtor via any written or electronic  
1308 communication, including email, text message, or telephone. A debt collector shall not be  
1309 deemed to have initiated a communication with a debtor if the communication by the debt  
1310 collector is in response to a request made by the debtor for the communication or is the mailing  
1311 of monthly statements related to an existing payment plan or payment receipts related to an  
1312 existing payment plan.

1313                   “(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 Section 312 of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.12); or

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

“(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 for Chapter 38 is amended by adding the following at the end to read as follows:

“Subchapter IV. COVID-19 Emergency Credit Alert.

\_\_\_\_\_ (b) A new section 28-387162.01 is added to read as follows:



\_\_\_\_ “§ 28-3871~~62.01~~. COVID-19 Emergency credit alert.

“(a) If a consumer reports in good faith that the consumer has experienced ~~demonstrates~~  
~~evidence of~~ financial hardship resulting directly or indirectly from the cause of the public health  
 emergency 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  
 following (“covered time period”), a ~~consumer credit~~ reporting agency ~~that maintains~~maintaining  
 a file on the consumer shall include an alert (“COVID-19 alert”) in that file indicating that the  
 consumer has been financially impacted by the COVID-19 emergency and shall provide that  
 alert along with or accompanying any ~~consumer credit~~ report or credit score provided by the  
 agency, beginning on the date of such request, unless the consumer requests that such COVID-19  
 alert be removed.

“(b) No user of a consumer report shall use or take into consideration any adverse  
 information in a report that was the result of an action or inaction by a consumer that occurred  
 during the covered time period if there is a COVID-19 alert included along with or  
 accompanying the consumer’s report or provided with the consumer’s credit score pursuant to  
 subsection (a) of this section.

“(c) This section shall not apply to a federal credit union, as defined by section 1752 of  
the Federal Credit Union Act, approved September 22, 1959 (73 Stat 628; 12 U.S.C. §  
1752(1))~~12 U.S.C. § 1752(1), a national bank, as defined by 12 U.S.C. § 25b(a)(1)), a national~~  
bank, as defined by section 25b of the National Bank Act, approved June 3, 1864 (18 Stat. 123;  
12 U.S.C. § 25b(a)(1)), or a federal savings association, as defined by Section 1462 of the Home  
Owners’ Loan Act, approved August 9, 1989 (103 Stat. 277; 12 U.S.C. § 1462(3))~~12 U.S.C. §~~

1462(3)); except, that ~~this an non-applicability~~ exception granted by this subsection shall not apply to any entity to which the savings clause at Section 25b of the National Bank Act, approved June 3, 1864 (18 Stat. 123; 12 U.S.C. § 25b(b)(2)), ~~12 U.S.C. § 25b(b)(2))~~ applies.

“(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 COVID-19 alert to accompany the credit report.

“(e)(1) If any person or entity violates this section, the affected consumer may bring a civil action for:

“(A) Injunctive relief to prevent or restrain further violation of this section;

“(B) Actual damages; and

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

“(2) If a credit reporting agency willfully violates this section, the affected consumer may obtain punitive damages, except in the case of negligence as provided by 15 U.S.C. § 1681h(e)).

“(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 ~~restitution for property lost or damages~~ 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 of this  
chapter:

“(1) “Consumer;”

“(2) “Credit report;” and

“(3) “Credit reporting agency.

“(h) This section shall not be construed in a manner inconsistent with the Fair Credit  
Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. § 1681 et seq.)~~15 U.S.C. §~~  
~~1681 et seq.~~, or any other federal law or regulation.”.

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.

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 28-4102(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

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 during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section.”.

(c) 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 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”);

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

“(3) Subject to rationing.”.

(d) 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 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 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

1473 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
1474 194; D.C. Official Code § 7-2304.01).

1475 “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees  
1476 during a public health emergency or for 15 calendar days thereafter.”.

1477 (e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,  
1478 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read  
1479 as follows:

1480 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a  
1481 period of time for which the Mayor has declared a public health emergency pursuant to section  
1482 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
1483 Law 14-194; D.C. Official Code § 7-2304.01).

1484 “(2) During a public health emergency, or for 15 calendar days thereafter,  
1485 notwithstanding any other provision of this act, the water supply to any property shall not be shut  
1486 off for non-payment of a bill or fees.”.

1487 (f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C.  
1488 Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a  
1489 to read as follows:

1490 “Section 3a. Disconnection of telecommunications service during a public health  
1491 emergency prohibited.

1492 “(a) For the purposes of this section, the term “public health emergency” means a period  
1493 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the  
1494 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
1495 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, and other charges, or 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 provisions of this act, ~~the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), or the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178).~~

Sec. 308. Utility 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 the lesser of six months thereafter (“program period”) or the cancellation of service, whichever occurs first, a utility provider shall offer a utility-payment-plan program (“program”) for customers. Under its program, a utility provider shall:

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

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



1519 (3) Not report to a credit bureau any delinquency or other derogatory information  
1520 that occurs solely due to the existence of a customer entering into a payment plan;;and

1521 (4) Notify all customers of the availability, terms, and application process for its  
1522 utility payment program.

1523 (b)(1) Customers entering into a payment plan shall be required to make payments in  
1524 equal monthly installments for the duration of the payment plan, unless a shorter payment  
1525 schedule is requested by the customer.

1526 (2) A utility provider shall permit a customer that has entered into a payment plan  
1527 to pay an amount greater than the monthly amount provided for in the payment plan.

1528 (3) A utility provider shall not require or request a customer provide a lump-sum  
1529 payment in excess of the amount required under a payment plan.

1530 (4) A utility provider shall provide confirmation in writing to the customer of the  
1531 payment plan entered into, including the terms of a payment plan.

1532 (c) A utility provider shall utilize existing procedures or, if necessary, establish new  
1533 procedures to provide a process by which a customer may apply for a payment plan, which may  
1534 include requiring the customer to submit supporting documentation. A utility provider shall  
1535 permit application for a payment plan to occur online and by telephone.

1536 (d)(1)A utility provider shall approve each application for a payment plan submitted  
1537 during the covered time period made by an eligible customer.

1538 (2) For payment plans requested within six months after the covered time period,  
1539 a utility provider shall continue to offer payment plans of at least one-year in duration and  
1540 consider information from customers regarding evidence of a financial hardship resulting  
1541 directly or indirectly from the public health emergency. If a customer's request for a payment

1542 plan is denied, the utility provider shall inform the customer, in writing, of the option to file a  
1543 written complaint to appeal a payment plan denial, and the customer may file a written complaint  
1544 pursuant to subsection (g) of this section.

1545 (e)(1) A utility provide shall not disconnect service for non-payment of a bill or fees  
1546 where a customer has entered into a payment plan under this section and has made payments in  
1547 accordance with the terms of the payment plan;

1548 (2) Where a customer fails to pay in full the amounts due under a payment plan  
1549 and the customer and utility provider have not mutually agreed to a modification of the terms of  
1550 the payment plan, nothing under this section shall prevent a utility provider from offering the  
1551 customer a new payment plan or disconnecting service.

1552 (f)(1) A utility provider who receives an application for a payment plan pursuant to this  
1553 section shall retain the application, whether approved or denied, for at least 3 years.

1554 (2) Upon request by the customer, a provider shall make an application for a  
1555 payment plan available to:

1556 (A) For utility providers regulated by the Public Service Commission and  
1557 DC Water, the Office of the People's Counsel; and

1558 (B) For all other utility providers, the Department of Consumer and  
1559 Regulatory Affairs.

1560 (g) A customer whose application for a payment plan is denied may file a written  
1561 complaint with:

1562 (1) For utility providers regulated by the Public Service Commission, the Public  
1563 Service Commission; and

1564 (2) For all other utility providers, the Department of Consumer and Regulatory  
1565 Affairs and any such complaint shall be forwarded to the Office of Administrative Hearings for  
1566 adjudication.

1567 (h) A cable operator or telecommunications service provider shall offer customers with a  
1568 payment plan under this section discounted basic service plan for the term of the payment plan.

1569 (i) During a period of time for which the Mayor has declared a public health emergency,  
1570 a utility provider shall reconnect service to occupied residential property upon customer request  
1571 and not charge a fee for this reconnection.

1572 (j) For the purposes of this section, the term:

1573 (1) "Cable operator" shall have the same meaning as provided in section 103(6) of  
1574 the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193;  
1575 D.C. Official Code § 34-1251.03(6)).

1576 (2) "DC Water" means the District of Columbia Water and Sewer Authority  
1577 established pursuant to Section 202(a) of the Water and Sewer Authority Establishment and  
1578 Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law  
1579 11-111; D.C. Official Code § 34-2202.02(a)).

1580 (3) "Electric company" shall have the same meaning as provided in section 8 of  
1581 An Act Making appropriations to provide for the expenses of the government of the District of  
1582 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other  
1583 purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-207).

1584 (4) "Customer" means a customer that:

1585 (A) Has notified the utility provider of an inability to pay all or a portion  
1586 of the amount due as a result of the public health emergency;

\_\_\_\_\_  
(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(7) 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(b)).

\_\_\_\_\_  
(6) “Telecommunications service provider” shall have the same meaning as provided in section 2(20A) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01(20A)).

\_\_\_\_\_  
(7) “Utility provider” means a cable operator, DC Water, an electric company, a gas company, and a telecommunications service 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:

1610 “Sec. 5a. Emergency authority of the Commissioner during a declared public health  
1611 emergency.

1612 “(a) For the duration of a public health emergency declared by the Mayor pursuant to  
1613 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
1614 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise  
1615 to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

1616 “(1) Apply to any person or entity regulated by the Commissioner; and

1617 “(2) Address:

1618 “(A) Submission of claims or proof of loss;

1619 “(B) Grace periods for payment of premiums and performance of other  
1620 duties by insureds;

1621 “(C) Temporary postponement of:

1622 “(i) Cancellations;

1623 “(ii) Nonrenewals; or

1624 “(iii) Premium increases;

1625 “(D) Modifications to insurance policies;

1626 “(E) Insurer operations;

1627 “(F) Filing requirements;

1628 “(G) Procedures for obtaining nonelective health care services;

1629 “(H) Time restrictions for filling or refilling prescription drugs;

1630 “(I) Time frames applicable to an action by the Commissioner under this

1631 section;

1632                   “(J) Temporarily waiving application of laws, rulemaking, or requirements  
1633 to ensure that depository services, non-depository services, and securities transactions can  
1634 continue to be provided, including allowing for the opening of a temporary service location,  
1635 which may be a mobile branch, temporary office space, or other facility; and

1636                   “(K) Any other activity related to insurance, securities, and banking and  
1637 under the purview of the Commissioner reasonably calculated to protect the health, safety, and  
1638 welfare of District residents during the public health emergency.

1639           “(b) The Commissioner may require licensees to answer questions related to, and submit  
1640 documentation of, the licensee’s continuity of operations plan.

1641           “(c) Emergency rulemaking, orders, and bulletins.

1642           “(1)(A) To accomplish the purposes of this section, the Commissioner may issue  
1643 an emergency rulemaking, order, or bulletin pursuant to this section specifying:

1644                   “(i) That the rulemaking, order, or bulletin is effective  
1645 immediately;

1646                   “(ii) The line or lines of business, or the class or classes of  
1647 licenses, to which the regulation, order, or bulletin applies;

1648                   “(iii) The geographic areas to which the regulation, order, or  
1649 bulletin applies; and

1650                   “(iv) The period of time for which the regulation, order, or bulletin  
1651 applies.

1652           “(B) A regulation issued under paragraph (1)(A) of this section may not  
1653 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 § 7-2301(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), and for 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or commercial mortgage loan under the jurisdiction of the Commissioner of the Department of Insurance, Securities, and Banking 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 pendency of the public health emergency; and



(3) Does not report to a credit bureau any delinquency or other derogatory information that occurs as a result of 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 ~~and 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 ability 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, 5 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 ~~May 8~~ June 4, 2020, provide to the Commissioner notice of all

approved applications on a form prescribed by the Commissioner and such notice shall include the percentage of mortgage deferment approved for and accepted by each borrower.

(ii) After the initial submission prescribed in this paragraph, a mortgage lender who approved 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 requiring a lump sum payment from any borrower making payments under a deferred payment program pursuant to subsection (c)(2)(A) of 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) A borrower receiving a mortgage deferral pursuant to subsection (b) of this section on a property that has a tenant shall, within 5 days of the approval, provide notice of the deferral to all tenants, and:

1743 (1) Shall reduce the rent charged for the property to any qualified tenant during  
1744 the period of time in which there is a mortgage deferral in place in an amount 80% proportional  
1745 to deferred mortgage amount; and

1746 ~~(1) Shall provide a reduction in the rent charged for the property to any qualified~~  
1747 ~~tenant during the period of time in which there is mortgage deferral in place. The amount of the~~  
1748 ~~reduction shall be proportional to the deferred mortgage amount paid by the borrower to the~~  
1749 ~~mortgage lender as a percentage of total expenses reported in the borrower's 2019 Income and~~  
1750 ~~Expense report provided to the Office of Tax and Revenue; and~~

1751 (2) May require that the qualified tenant repay the difference in the amount of the  
1752 rent as stated in the lease and the reduced rent, without interest or fees, within 18 months, or  
1753 upon cessation of the tenancy, whichever occurs first; and

1754 (3) The borrower shall not report to a credit bureau any delinquency or other  
1755 derogatory information that occurs as a result of a qualified tenant's compliance with the terms  
1756 of this subsection.

1757 (h) To the extent necessary to conform with the provisions of this section, the exemptions  
1758 in section 3 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C.  
1759 Law 11-155; D.C. Official Code § 26-1102), are waived for the duration of the public health  
1760 emergency.

1761 (i) To the extent necessary to conform with the provisions of this section, the provisions  
1762 in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89;  
1763 D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health  
1764 emergency.

(j) 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.

(k) This section shall not apply to a mortgage loan which is guaranteed or insured by the United States government.

~~(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).

~~(lm)~~ 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.

(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.

(4) “Qualified tenant” means a tenant of a property owned or controlled by a person or entity receiving a mortgage deferral under subsection (a) of this section that has notified the landlord of an inability to pay all or a portion of the rent due as a result of the public health emergency.

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 (“~~covered time~~program period”), a provider shall ~~develop~~offer a rent-payment-plan program (“program”) for eligible ~~residential and commercial~~ tenants. Under ~~the~~its program, a provider shall:

~~(1) Permit an eligible tenant to enter into a payment plan for rent that comes due during the covered time and prior to cessation of the tenancy (“payment plan”);~~

(1) Make a payment plan (“payment plan”) available to an eligible tenant for the payment of amounts of gross rent that come due 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~~ aris~~ing~~ out of an eligible tenant entering into a payment plan;

(3) Not report to a credit bureau ~~as any~~ delinquency ~~or other derogatory information that occurs solely due to the existence of an eligible tenant entering into a payment plan~~ the rent that is subject to the payment plan or report the payment plan as derogatory information; and

1810 (4) Provide that an eligible tenant does not lose any rights under the lease due to a  
1811 default on the monetary amounts due during the lease period, provided that the tenant does not  
1812 default on the terms of the payment plan; and

1813 (45) Notify all tenants of the availability, terms, and application process for ~~the~~-its  
1814 program.

1815 (b)(1) Tenants entering into a payment plan shall be required to make payments in equal  
1816 monthly installments for the duration of the payment plan, unless a different payment schedule is  
1817 requested by the tenant.

1818 (2) A provider shall permit a tenant ~~with that has entered into~~ a payment plan to  
1819 pay an amount greater than the monthly amount provided for in the payment plan.

1820 (23) A provider shall not require or request a tenant to provide a lump-sum  
1821 payment in excess of the amount required under a payment plan.

1822 (34) A provider shall agree in writing to the terms of ~~the~~-a payment plan.

1823 ~~———— (4) A provider may use any security deposit, last month's rent, or other amount~~  
1824 ~~held by the provider on behalf of the tenant to satisfy amounts owed under a payment plan;~~  
1825 ~~provided, that the tenant agrees in writing to such use.~~

1826 (c) A provider shall utilize existing procedures or, if necessary, establish new procedures  
1827 to provide a process by which an eligible governing how tenants ~~may are to~~ apply for ~~its~~a  
1828 ~~Program~~payment plan, which may include~~ing~~ requiring ~~a~~the tenant to submit supporting  
1829 documentation. ~~An A provider shall permit~~ application for a payment plan to occur~~shall be~~  
1830 ~~made available~~ online and by telephone.

1831 (d) A provider shall approve each application for a payment plan submitted during a  
1832 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;

(A) That is in addition to any ~~regardless of an existing~~ delinquency or a future inability to make rental payments ~~established in existence~~ prior to the start of the public health emergency; and

(B) That would cause the tenant to be unable to qualify to rent the unit based on utilization of the same qualification criteria that were applied to the tenant at the time he or she was approved to rent the unit; 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 ~~pursuant to this section~~ shall retain the application, whether approved or denied, for at least 3 years.

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

(A) For residential tenants, the Rent Administrator and 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. The Department

of Consumer and Regulatory Affairs shall forward the complaint to the Office of Administrative Hearings for adjudication.

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

(1) “Eligible tenant” means a tenant of a residential or commercial retail property that:

(A) Has notified ~~the landlord~~ 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 currently receiving a rent reduction pursuant to section ~~202-201~~ of ~~this act~~ the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178); provided, that a tenant not currently receiving such a rent reduction otherwise remains eligible under this section; and

(C) Is not a franchise unless the franchise is owned by a District resident ~~and operated in the District.~~

(2) “Housing provider” means a person who is:

(A) 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; and

(B) Has 5 or more residential units currently rented or available for rent.

(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 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) 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, the person aggrieved shall not file a complaint seeking relief pursuant to this section.”.

(b) Section 1502 of the District of Columbia Official Code is amended by striking the phrase “exclusive of Sundays and legal holidays” and inserting the phrase “exclusive of Sundays, legal holidays, and 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)” in its place.

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

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

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

(3) 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).”.

Sec. 405. Residential tenant protections.

(a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section 510b to read as follows:

1923 “Sec. 510b. Tolling of tenant deadlines during a public health emergency.  
1924 “The running of all time periods for tenants and tenant organizations to exercise rights  
1925 under this act shall be tolled from the beginning of the period of a public health emergency  
1926 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
1927 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of  
1928 the public health emergency, and for 30 days thereafter.”.

1929 (b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.  
1930 Official Code § 42-3501.01 *et seq.*), is amended as follows:

1931 (1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read  
1932 as follows:

1933 “(2)(A) A majority of the Rental Housing Commissioners shall constitute a  
1934 quorum to do business, and a single vacancy shall not impair the right of the remaining Rental  
1935 Housing Commissioners to exercise all powers of the Rental Housing Commission.

1936 “(B) In the event that a majority of the Rental Housing Commissioners (or  
1937 any one Commissioner if there is a vacancy) will be unable to perform their official duties for an  
1938 extended period of time due to circumstances related to a declared state of emergency in the  
1939 District of Columbia, including quarantine or movement restrictions, illness, or the care of a  
1940 close family member, one Commissioner shall constitute a quorum to do business.

1941 “(i) If the Chairperson will be unable to perform his or her duties,  
1942 he or she shall designate an acting Chairperson or, if only one Commissioner is available, that  
1943 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 under 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 D.C. Official Code § 2-505(c).

“(iv) The authority to operate with 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.

(~~42~~) 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.”.

(~~23~~) 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), and consistent with applicable law or an order issued 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 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.”.

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

(A) Paragraph (4) is amended by striking the phrase “late fee;” and inserting the phrase “late fee; or” 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).”.

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

1899 (A) The existing language is designated subsection (a).

1900 (B) A new subsection (b) is added to read as follows:

1901 “(b) Any notice of intent to vacate that a tenant provided prior to the period for which a  
1902 public health emergency has been declared pursuant to section 5a of the District of Columbia  
1903 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
1904 Code § 7-2304.01), shall be tolled for the period of any such public health emergency such that  
1905 the tenant shall have the same number of days to vacate remaining at the end of the public health  
1906 emergency as the tenant had remaining upon the effective date of the public health emergency.”.

1907 ~~(56)~~ Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new  
1908 subsection (c) to read as follows:

1909 “(c) Any notice of intent to vacate that a tenant provided prior to the period for which a  
1900 public health emergency has been declared pursuant to section 5a of the District of Columbia  
1901 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
1902 Code §7-2304.01), shall be tolled for the period of any such public health emergency such that  
1903 the tenant shall have the same number of days to vacate remaining at the end of the public health  
1904 emergency as the tenant had remaining upon the effective date of the public health emergency.”.

2005 ~~(67)~~ Section 904 D.C. Official Code § 42-3509.04) is amended by adding a new  
2006 subsection (c) to read as follows:

2007 “(c)~~(1)~~ Any rent increase, whether under this act, the Rental Accommodations Act of  
2008 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative  
2009 decisions issued under these acts, shall be null and void if:

2010 \_\_\_\_\_ “~~(1A)~~ The effective date on the notice of rent increase occurs during a  
2011 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;

\_\_\_\_ “~~(2B)~~ The notice of rent increase was provided to the tenant during a period for which a public health emergency has been declared; or

\_\_\_\_ “~~(3C)~~ The notice was provided to the tenant prior to, but 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 and the tenant if the notice is determined to be inconsistent.”.

~~(78)~~ A new section 910 is added to read as follows:

“Sec. 910. 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) Notwithstanding any other provision of law, a rent increase for a commercial retail 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 § 7-2304.01), and for 30 days thereafter.

Sec. 407. Cooperative association remote meetings.

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

(a) Section 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, 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), ~~An~~an annual” in its place.

(b) Section 910 is amended by striking the phrase “If authorized by the articles or bylaws” and inserting the phrase “During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws” in its place.



Sec. 408. Foreclosure by mortgagees.

(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 foreclosure on a residential mortgage shall be initiated or conducted under:

(A) Section 539 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); or

(B) Section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1204; D.C. Official Code § 42-816).

(2) This subsection shall not apply to a residential mortgage on a 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),” 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) 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). 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.

2099                   (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and  
2100 inserting the phrase “and section 9(a)(20); except, that the Mayor may extend an interim  
2101 eligibility placement to coincide with the period of a public health emergency declared pursuant  
2102 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,  
2103 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

2104                   (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of  
2105 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the  
2106 interim eligibility placement; except, that during a public health emergency declared pursuant to  
2107 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
2108 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days  
2109 following the end of the public health emergency to issue the eligibility determination required  
2110 by this paragraph,” in its place.

2111                   (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility  
2112 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise  
2113 required by paragraph (3) of this subsection” in its place.

2114                   (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the  
2115 phrase “and other professionals” and inserting the phrase “and other professionals; except, that  
2116 the Mayor may waive the requirements of this provision for in-person meetings and  
2117 communications during a public health emergency declared pursuant to section 5a of the District  
2118 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
2119 Official Code § 7-2304.01)” in its place.

2120                   (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase  
2121 “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.” in its place.

(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.

2144 Sec. 503. Extension of care and custody for aged-out youth.

2145 (a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective  
2146 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as  
2147 follows:

2148 (1) Paragraph (12) is amended by striking the phrase “; and” and inserting a  
2149 semicolon in its place.

2150 (2) Paragraph (13) is amended by striking the period and inserting the phrase “;  
2151 and” in its place.

2152 (3) A new paragraph (14) is added to read as follows:

2153 “(14) To retain custody of a youth committed to the Agency who becomes 21  
2154 years of age during a period of time for which the Mayor has declared a public health emergency  
2155 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
2156 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not  
2157 exceeding 90 days after the end of the public health emergency; provided, that the youth  
2158 consents to the Agency’s continued custody .”.

2159 (b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as  
2160 follows:

2161 (1) Section 16-2303 is amended as follows:

2162 (A) The existing text is designated as subsection (a).

2163 (B) A new subsection (b) is added to read as follows:

2164 “(b) The Division shall retain jurisdiction of a minor in the legal custody of a public  
2165 agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time  
2166 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. Standby guardianship.

Section 16-4802 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (6) is amended to read as follows:

“(6) “Debilitation” means those periods when a person cannot care for that person’s minor child as a result of:

“(A) A chronic condition caused by physical illness, disease, or injury from which, to a reasonable degree of probability, the designator may not recover; or

“(B) A serious medical condition caused by COVID-19.”.

(b) Paragraph (10) is amended to read as follows:

“(10) “Incapacity” means:

“(A) A chronic and substantial inability, as a result of a mental or organic impairment, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child; or

“(B) A substantial inability, as a result of COVID-19, to understand the nature and consequences of decisions concerning the care of a minor child, and a consequent inability to care for the minor child.”.

(c) Paragraph (13) is amended to read as follows:

“(13) “Triggering event” means any of the following events:

“(A) The designator is subject to an adverse immigration action;  
“(B) The designator has been diagnosed, in writing, by a licensed clinician  
to suffer from a chronic condition caused by injury, disease, or illness from which, to a  
reasonable degree of probability, the designator may not recover and the designator:  
“(i) Becomes debilitated, with the designator’s written  
acknowledgement of debilitation and consent to commencement of the standby guardianship;  
“(ii) Becomes incapacitated as determined by an attending  
clinician; or  
“(iii) Dies; or  
“(C) The designator has been diagnosed, in writing, by a licensed clinician  
to suffer from COVID-19 and the designator:  
“(i) Becomes debilitated, with the designator’s written  
acknowledgement of debilitation and consent to commencement of the standby guardianship;  
“(ii) Becomes incapacitated as determined by an attending  
clinician; or  
“(iii) Dies.”.

Sec. 505. 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.

2212                   “Of the number of persons hired by the Department of Health for positions,  
2213 whether they be temporary or permanent, under the Contact Trace Force initiative to contain the  
2214 spread of the 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of  
2215 Health shall establish a goal and make the best effort to hire at least 50% District residents, and  
2216 for the position of investigator, whether it be a temporary or permanent position, also establish a  
2217 goal and make the best effort to hire at least 25% graduates from a workforce development or  
2218 adult education program funded or administered by the District of Columbia.”.

2219                   Sec. 506. Public health emergency authority.

2220                   The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.  
2221 Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

2222                   (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

2223                   (1) Paragraph (2) is amended by striking the phrase “District of Columbia  
2224 government;” and inserting the phrase “District of Columbia government; provided further, that  
2225 a summary of each emergency procurement entered into during a period for which a public  
2226 health emergency is declared shall be provided to the Council no later than 7 days after the  
2227 contract is awarded. The summary shall include:

2228                                   (A) A description of the goods or services procured;

2229                                   (B) The source selection method;

2230                                   (C) The award amount; and

2231                                   (D) The name of the awardee.”.

2232                   (2) Paragraph (13) is amended by striking the phrase “; or” and inserting a  
2233 semicolon in its place.



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

(4) 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 (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;

2256 “(I) Hiring new employees into the Career, Education, and Management  
 2257 Supervisory Services without competition;

2258 “(J) Eliminating any annuity offsets established by any law; or

2259 “(K) Denying leave or rescinding approval of previously approved leave.”.

2260 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

2261 (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the  
 2262 public health emergency; and” and inserting the phrase “solely for actions taken during the  
 2263 public health emergency;” in its place.

2264 ~~—————(2) A new paragraph (3A) is added to read as follows:~~

2265 ~~—————“(3A)(A)(i) Exempt from liability in a civil action a healthcare provider, first~~  
 2266 ~~responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed~~  
 2267 ~~individual with COVID-19 for damages resulting from such care or treatment of COVID-19, or~~  
 2268 ~~from any act or failure to act in providing or arranging medical treatment for COVID-19 during a~~  
 2269 ~~declared public health emergency;~~

2270 ~~“(ii) Exempt from liability in a civil action a donor of time,~~  
 2271 ~~professional services, equipment, or supplies for the benefit of persons or entities providing care~~  
 2272 ~~or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for~~  
 2273 ~~the family members of such individuals for damages resulting from such donation during a~~  
 2274 ~~declared public health emergency; or~~

2275 ~~“(iii) Exempt from liability in a civil action a contractor or~~  
 2276 ~~subcontractor on a District government contract that has contracted to provide health care~~  
 2277 ~~services or human care services (consistent with section 104(37) to the Procurement Practices~~  
 2278 ~~Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-~~

~~351.04(37)) related to a declared public health emergency related to the District government's COVID-19 response.~~

~~“(B) The limitations on liability provided for by subparagraph (A) of this paragraph 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:~~

~~“(i) 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).~~

~~“(ii) 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~~

~~“(iii) 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 liability provided for by subparagraph (A) of this paragraph shall not extend to:~~

~~“(i) Acts or omissions that constitute a crime, actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or~~

~~“(ii) 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 subparagraph (A) of this paragraph 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 this section, and to damages that ensue at any time from acts, omissions, and donations made during the emergency.~~

~~“(E) The limitations on liability provided for by subparagraph (A) of this paragraph 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; nor does this section limit the authority of the Mayor under this subsection.”.~~

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

(43) 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) 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 coronavirus (COVID-19) for an additional ~~90~~135-day period. After the additional ~~90~~135-day 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.”.

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

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

(2) New paragraphs (2) and (3) are added to read as follows:

“(2) 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.

“(3) 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. 507. 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 but not limited to 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. This term 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.

2367 Sec. 508. Notice of modified staffing levels.

2368 Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice  
2369 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.  
2370 Official Code § 44-504(h-1)(1)(B)), is amended as follows:

2371 (a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a  
2372 semicolon in its place.

2373 (b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase  
2374 “; and” in its place.

2375 (c) A new sub-subparagraph (iii) is added to read as follows:

2376 “(iii) Provide a written report of the staffing level to the Department of Health for  
2377 each day that the facility is below the prescribed staffing level as a result of circumstances giving  
2378 rise to a public health emergency during a period of time for which the Mayor has declared a  
2379 public health emergency pursuant to section 5a of the District of Columbia Public Emergency  
2380 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2381 Sec. 509. Not-for-Profit Hospital Corporation.

2382 Section 5115(l) of the Not-For-Profit Hospital Corporation Establishment Amendment  
2383 Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(l)),  
2384 is amended as follows:

2385 (a) Paragraph (1) is amended by striking the phrase “Subsections (a), (b),” and inserting  
2386 the phrase “Except as provided in paragraph (1A), subsections (a), (b),” in its place.

2387 (b) A new paragraph (1A) is added to read as follows:

2388 “(1A) During the period of time for which the Mayor has declared a public health  
2389 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), subsections (a), (b), (c), (d), (e), and (f) of this section shall expire if:

“(A) By September 15, 2019, the Board does not adopt a revised budget for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of Columbia as being balanced with a District operating subsidy of \$22.14 million or less; or  
“(B) At any time after September 30, 2020, a District operating subsidy of more than \$15 million per year is required.”.

Sec. 510. Discharge of Long-Term Care residents  
Section 301 of the Nursing Home and Community Residence Facilities Protection Act of 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1003.01), 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), plus an additional 45 days following the end of that period, a facility providing long-term care shall not involuntarily discharge a resident except because the discharge:

“(1) Results from the completion of the resident’s skilled nursing or medical care;  
or

“(2) Is essential to safeguard that resident or one or more other residents from physical injury.”.

Sec. 511. 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. 512. Food access study.

The Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-311 et seq.), is amended by adding a new section 5a to read as follows:

“Sec. 5a. Food access study.

“By July 15, 2020, the Food Policy Director, in consultation with the Department of Employment Services, the Department of Human Services, the Homeland Security and Emergency Management Agency, and other District agencies, as needed, shall make publicly available a study that evaluates and makes recommendations regarding food access needs during and following the COVID-19 public health emergency, including:

“(1) An analysis of current and projected food insecurity rates, based on data compiled across District agencies; and

“(2) A plan for how to address food needs during and following the public health emergency.”.

Sec. 513. 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

2435 sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a  
2436 grant application in the form and with the information required by the Mayor.

2437 (b) The amount of a grant issued to a hospital shall be based on:

2438 (1) An allocation formula based on the number of beds at the hospital; or

2439 (2) Such other method or formula, as established by the Mayor, that addresses the  
2440 impacts of COVID-19 on hospitals.

2441 (c) A grant issued pursuant to this section may be expended by the hospital for:

2442 (1) Supplies and equipment related to the COVID-19 emergency, including  
2443 personal protective equipment, sanitization and cleaning products, medical supplies and  
2444 equipment, and testing supplies and equipment;

2445 (2) Personnel costs incurred to respond to the COVID-19 emergency, including  
2446 the costs of contract staff; and

2447 (3) Costs of constructing and operating temporary structures to test individuals for  
2448 COVID-19 or to treat patients with COVID-19.

2449 (d) The Mayor may issue one or more grants to a third-party grant-managing entity for  
2450 the purpose of administering the grant program authorized by this section and making subgrants  
2451 on behalf of the Mayor in accordance with the requirements of this section.

2452 (e) The Mayor shall maintain a list of all grants awarded pursuant to this section,  
2453 identifying for each award the grant recipient, the date of award, intended use of the award, and  
2454 the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days  
2455 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. 1204; 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 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. 514. Contractor reporting of positive cases.

(a) A District government contractor or subcontractor shall immediately ~~report~~ provide written notice to the District ~~government’s contract administrator and contracting officer~~ if it or its subcontractor ~~the contractor~~ 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 ~~when either individual was exposed, or suspected to have been exposed, to SARS-CoV-2. The report shall contain the following information:~~

(b) Notices under subsection (a) 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 notices shall contain the following information:

(1) The name, ~~telephone number, and email address~~ job title, and contact information of the covered employee;

(2) The date on, and location at, which the covered employee was exposed ~~person was exposed~~, or suspected to have been exposed, to novel 2019 coronavirus (SARS-CoV-2), if known;

(3) All of the covered employee's tour-of-duty locations or jobsite addresses and ~~the~~ the employee's dates ~~on which the employee was~~ at such locations and addresses;

(4) The names of all covered individuals with whom the covered employee is known to have come into contact, or had a high likelihood of coming in 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 ~~exposed person~~ covered employee that will enable the District to protect the health or safety of District residents, employees, or the general public.

~~(b)~~ 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.

~~(c) The District shall securely maintain the name, telephone number, and email address of exposed persons and shall not disclose such information to a third party except as authorized or required by law.~~

(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) and otherwise transmit personally-identifiable information electronically, provided that all personally-identifiable information be transmitted via a secure or otherwise encrypted data method.

(~~de~~) For purposes of this section, the term:

(1) “Covered employee” means an employee, volunteer, subcontractor, 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 coronavirus (SARS-CoV-2);

(B) Is in quarantine or isolation due to exposure or suspected exposure to the novel 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; and

(C) A member of the public who interacted with, or was in close proximity to, ~~a person exposed to SARS-CoV-2 while the exposed person a covered employee while the~~ covered employee carried out performance under a District government contract or subcontract while the ~~exposed person~~ 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 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 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 would otherwise be eligible to graduate from high school in the District of Columbia in the 2019-20 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 2019-20, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 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 of Out of School Time Grants and Youth Outcomes 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 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. 604. Education research practice partnership review panel.

Section 104(d)(2) of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.03(d)(2)), is amended by striking the phrase “timely manner” and inserting the phrase “timely manner; except, that upon the 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 meeting of the review panel shall be postponed until 7 business days following the end of the period of time for which the public health emergency was declared” in its place.

Sec. 605. UDC Board of Trustees terms.

Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as follows:

(a) Subsection (d) is amended to read as follows:

“(d) All terms on the Board of Trustees shall begin on May 15 and shall end one or 5 years thereafter on May 14. The student member elected pursuant to subsection (c)(2) of this section shall serve for a term of one year. All other members shall serve for a term of 5 years. Depending on the date of the individual’s election or appointment, a member of the Board of Trustees may not actually serve a full term.”.

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



“(e) A member of the Board of Trustees who is elected as an alumnus or alumna pursuant to subsection (c)(3) of this section may be re-elected to serve one additional term, after which the individual may not again be elected pursuant to subsection (c)(3) of this section until at least 5 years have passed following the individual’s last day of service on the Board.”.

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

“(f) A member of the Board of Trustees who is appointed pursuant to subsection (c)(1) of this section may serve 3 full or partial terms consecutively. No member shall serve for more than 15 consecutive years regardless of whether elected or appointed and shall not serve again thereafter until at least 5 years have passed following the individual’s last day of service on the Board.”.

Sec. 606. UDC fundraising match.

Section 4082(a) of the University of the District of Columbia Fundraising Match Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the phrase “for every \$2 that UDC raises from private donations by April 1” and inserting the phrase “to match dollar-for-dollar the amount UDC raises from private donations by May 1” in its place.

## **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 (5)(B) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

(c) A new paragraph (7) is added to read as follows:

“(7) 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 weekly written update containing the following information:

“(A) 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 week of individuals detained in the Central Detention Facility and Correctional Treatment Facility, categorized by legal status;

“(B) Any District of Columbia 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), redacted for personally identifiable information; and

“(C) A description of:

“(i) 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 Director’s designee; and

“(ii) Without reference to personally identifiable information, COVID-19 testing of individuals detained in the Central Detention Facility and Correctional

Treatment Facility, including whether and under what conditions the District is testing asymptomatic individuals.”.

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. Police Complaints Board investigation extension.

Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “January 1, 2017, through December 31, 2019” and inserting the phrase “August 1, 2019, through January 31, 2020” in its place.

(b) Paragraph (2) is amended by striking the date “April 30, 2021” and inserting the date “September 30, 2021” in its place.

2679           Sec. 705. Extension of time for non-custodial arrestees to report.

2680           Section 23-501(4) of the District of Columbia Official Code is amended by striking the  
2681 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted  
2682 during a period of time for which the Mayor has declared a public health emergency pursuant to  
2683 § 7-2304.01.” in its place.

2684           Sec. 706. Good time credits and compassionate release.

2685           (a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective  
2686 May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking  
2687 the phrase “this section combined” and inserting the phrase “this section combined; except, that  
2688 during a period for which a public health emergency has been declared pursuant to section 5a of  
2689 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law  
2690 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to  
2691 award additional credits beyond the limits described in this subsection to effectuate the  
2692 immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and  
2693 this section, consistent with public safety.”.

2694           (b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of  
2695 Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47  
2696 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

2697                   (1) A new section 3a-i is added to read as follows:

2698                   “Sec. 3a-i. Good time credit for felony offenses committed before August 5, 2000.

2699                   “(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of  
2700 imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be  
2701 retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54

days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; provided, that in the event of a maximum term of life, only the minimum term shall receive good time.

“(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant's sentence of up to 54 days for each year of the defendant's sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection:

“(A) Shall apply to any mandatory minimum term of incarceration; and

“(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.”.

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

“Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

“(a) Notwithstanding any other provision of law, the court may modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

2725                   “(1) The defendant has a terminal illness, which means a disease or condition with  
2726 an end-of-life trajectory;

2727                   “(2) The defendant is 60 years of age or older and has served at least 25 years in  
2728 prison; or

2729                   “(3) Other extraordinary and compelling reasons warrant such a modification,  
2730 including:

2731                   “(A) A debilitating medical condition involving an incurable, progressive  
2732 illness, or a debilitating injury from which the defendant will not recover;

2733                   “(B) Elderly age, defined as a defendant who is:

2734                               “(i) 60 years of age or older;

2735                               “(ii) Has served at least 20 years in prison or has served the greater  
2736 of 10 years or 75% of their sentence; and

2737                               “(iii) Suffers from a chronic or serious medical condition related to  
2738 the aging process or that causes an acute vulnerability to severe medical complications or death  
2739 as a result of COVID-19;

2740                   “(C) Death or incapacitation of the family member caregiver of the  
2741 defendant’s children; or

2742                   “(D) Incapacitation of a spouse or a domestic partner when the defendant  
2743 would be the only available caregiver for the spouse or domestic partner.

2744                   “(b) Motions brought pursuant to this section may be brought by the United States  
2745 Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole  
2746 Commission, or the defendant.

“(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.”.

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 or a criminal prosecution 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 during a declared public health emergency;

(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 or a criminal prosecution during a declared public health emergency; or

(3) A contractor or subcontractor on a District government contract that has contracted to provide health care services or human care services (consistent with section 104(37) to 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 a declared public health emergency related to the District government’s COVID-19 response shall be exempt from liability in a civil action or a criminal prosecution.

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

(1) Acts or omissions that constitute a crime, 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 emergency.

(e) The limitations on liability provided for by subsection (a) of 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; nor does this section limit the authority  
of the Mayor under this subsection.”.

## **TITLE VIII. GOVERNMENT OPERATIONS**

Sec. 801. Board of Elections stipends.

Section 1108(c-1)(10) 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-  
611.08(c-1)(10)), is amended by striking the phrase “Chairperson per year” and inserting the  
phrase “Chairperson per year; except, that for the remainder of 2020 following ~~the effective date~~  
~~of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April~~  
~~10, 2020 (D.C. Act 23-286; 67 DCR 4178)~~April 10, 2020, District of Columbia Board of  
Elections members shall be entitled to compensation at the hourly rate of \$40 while actually in  
the service of the board, not to exceed \$25,000 for each member per year and \$53,000 for the  
Chairperson per year” in its place.

Sec. 802. Retirement Board Financial disclosure extension of time.

(a) Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the phrase “April 30th” and inserting the phrase “July 30th” in its place.

Sec. 802. Ethics and campaign finance.

(a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

“(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

“(1) Reports required by this section are to be filed; and

“(2) The names of public officials are to be published pursuant to subsection (c-1) of this section.”.

(2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

“(1) Reports required by subsection (a) of this section are to be filed; and

“(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.”.

(3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

2836           “(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the  
2837 Board may change the dates by which reports required by subsection (a) of this section shall be  
2838 filed.”.

2839           (b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.  
2840 Official Code § 1-1163.01 *et seq.*), is amended as follows:

2841           (1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by  
2842 striking the phrase “in person, although online materials may be used to supplement the training”  
2843 and inserting the phrase “in person or online” in its place.

2844           (2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the  
2845 phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its  
2846 place.

2847           (3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking  
2848 the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its  
2849 place.

2850           Sec. 803. Election preparations.

2851           The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat.  
2852 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

2853           (a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph  
2854 (31) to read as follows:

2855           “(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2  
2856 Special Election, the term “polling place” shall include Vote Centers operated by the Board  
2857 throughout the District.”.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new paragraph (9A) to read as follows:

“(9A) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid return envelope;”.

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

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

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

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

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

“(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, regularly promote the Board’s revised plans for those elections on the voter registration agencies’ social media platforms, including by providing information about how to register to vote and vote by mail.”.

(2) Subsection (h) is amended by adding a new paragraph (4) to read as follows:

“(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election.”.

(d) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

“(3A) For the November 3, 2020, general election:

“(A) Petition sheets circulated in support of a candidate for elected office pursuant to this act may be electronically:

2881 “(i) Made available by the candidate to qualified petition circulators; and

2882 “(ii) Returned by qualified petition circulators to the candidate; and

2883 “(B) Signatures on such petition sheets shall not be invalidated because the  
2884 signer was also the circulator of the same petition sheet on which the signature appears.”.

2885 (2) Subsection (j) is amended as follows:

2886 (A) Paragraph (1) is amended by striking the phrase “A duly” and inserting  
2887 the phrase “Except as provided in paragraph (4) of this subsection, a duly” in its place.

2888 (B) A new paragraph (4) is added to read as follows:

2889 “(4) A duly qualified candidate for the following offices for the November 3,  
2890 2020, general election may be nominated directly for election to such office by a petition that is  
2891 filed with the Board not fewer than 90 days before the date of such General Election and signed  
2892 by the number of voters duly registered under section 7 as follows:

2893 “(A) For Delegate or at-large member of the Council, 250 voters; and

2894 “(B) For member of the Council elected by ward, 150 voters who are  
2895 registered in the ward from which the candidate seeks election.”.

2896 (3) Subsection (n) is amended as follows:

2897 (A) The existing text is designated as paragraph (1).

2898 (B) The newly designated paragraph (1) is amended by striking the phrase  
2899 “Each candidate” and inserting the phrase “Except as provided in paragraph (2) of this  
2900 subsection, each candidate” in its place.

2901 (C) A new paragraph (2) is added to read as follows:

2902 “(2) A duly qualified candidate for the following offices for the November 3,  
2903 2020, general election may be nominated directly for election to such office by a petition that is

2904 filed with the Board not fewer than 90 days before the date of such General Election and signed  
2905 by the number of voters duly registered under section 7 as follows:

2906 “(A) For member of the State Board of Education elected at-large, 150  
2907 voters; and

2908 “(B) For member of the State Board of Education elected by ward, 50 voters  
2909 who are registered in the ward from which the candidate seeks election.”.

2910 (e) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

2911 (1) Subsection (g) is amended by striking the phrase “white paper of good writing  
2912 quality of the same size as the original or shall utilize the mobile application made available  
2913 under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-  
2914 sided sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good  
2915 writing quality or shall utilize the mobile application made available under section 5(a)(19).  
2916 Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines  
2917 for printed” in its place.

2918 (2) A new subsection (g-1) is added to read as follows:

2919 “(g-1) In calendar year 2020:

2920 “(1) Petition sheets of proposers may be electronically:

2921 “(A) Made available by the proposers to qualified petition circulators; and

2922 “(B) Returned by qualified petition circulators to the proposers; and

2923 “(2) Signatures on petition sheets of proposers shall not be invalidated because the  
2924 signer was also the circulator of the same petition sheet on which the signature appears.”.

2925 Sec. 804. Absentee ballot request signature waiver.

2926 Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR  
2927 § 720.7(h)) is amended by striking the phrase “Voter’s signature” and inserting the phrase  
2928 “Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16,  
2929 2020, Ward 2 Special Election, voter’s signature” in its place.

2930 Sec. 805. Remote notarizations.

2931 The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018  
2932 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 et seq.), is amended as follows:

2933 (a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph  
2934 (1A) to read as follows:

2935 “(1A) “Audio-video communication” means an electronic device or process that:

2936 “(A) Enables a notary public to view, in real time, an individual and to  
2937 compare for consistency the information and photos on that individual’s government-issued  
2938 identification; and

2939 “(B) Is specifically designed to facilitate remote notarizations.”.

2940 (b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

2941 (1) The existing text is designated as subsection (a).

2942 (2) A new subsection (b) is added to read as follows:

2943 “(b) Notwithstanding any provision of District law, during a period of time for which the  
2944 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
2945 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
2946 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual



2947 making the statement or executing the signature, notarial acts required or permitted under  
2948 District law if:

2949                   “(1) The notary public and the individual communicate with each other  
2950 simultaneously by sight and sound using audio-video communication; and

2951                   “(2) The notary public:

2952                   “(A) Has notified the Mayor of the intention to perform notarial acts using  
2953 audio-video communication and the identity of the audio-video communication the notary public  
2954 intends to use;

2955                   “(B) Has satisfactory evidence of the identity of the individual by personal  
2956 knowledge or by the individual’s presentation of a current government-issued identification that  
2957 contains the signature and photograph of the individual to the notary public during the video  
2958 conference;

2959                   “(C) Confirms that the individual made a statement or executed a signature  
2960 on a document;

2961                   “(D) Receives by electronic means a legible copy of the signed document  
2962 directly from the individual immediately after it was signed;

2963                   “(E) Upon receiving the signed document, immediately completes the  
2964 notarization;

2965                   “(F) Upon completing the notarization, immediately transmits by electronic  
2966 means the notarized document to the individual;

2967                   “(G) Creates, or directs another person to create, and retains an audio-visual  
2968 recording of the performance of the notarial act for 3 years from the date of the notarial act; and

2969 “(H) Indicates on a certificate of the notarial act and in a journal that the  
2970 individual was not in the physical presence of the notary public and that the notarial act was  
2971 performed using audio-visual communication.”.

2972 (c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection  
2973 (d) to read as follows:

2974 “(d) Notwithstanding any provision of District law, during a period of time  
2975 for which the Mayor has declared a public health emergency pursuant to section 5a of the  
2976 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
2977 194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the  
2978 District regardless of the notary public’s physical location at the time of the notarial act so long  
2979 as the requirements of section 6(b) are met.”.

2980 Sec. 806. Freedom of Information Act.

2981 The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96;  
2982 D.C. Official Code § 2-531 *et seq.*), is amended as follows:

2983 (a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

2984 (1) Subsection (c) is amended as follows:

2985 (A) Paragraph (1) is amended by striking the phrase “Sundays, and” and  
2986 inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2987 (B) Paragraph (2)(A) is amended by striking the phrase “Sundays, and”  
2988 and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2989 (2) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times  
2990 it appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2991 (b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase  
2992 “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its  
2993 place.

2994 (c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c)  
2995 to read as follows:

2996 “(c) “COVID-19 closure” means:

2997 “(1) A period of time for which the Mayor has declared a public health emergency  
2998 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
2999 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

3000 “(2) A period of time during which a public body is closed due to the COVID-19  
3001 coronavirus disease, as determined by the personnel authority of the public body.”.

3002 Sec. 807. Open meetings.

3003 The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code  
3004 § 2-571 *et seq.*), is amended as follows:

3005 (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

3006 (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a  
3007 semicolon in its place.

3008 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”  
3009 in its place.

3010 (3) A new paragraph (4) is added to read as follows:

3011 “(4) During a period for which a public health emergency has been declared  
3012 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
3013 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.”.

(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. 808. Electronic witnessing.

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

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

(A) New paragraphs (5B-i), (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 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 paragraph (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 § 7-2304.01, the electronic presence of the signatory.”.



3127           Sec. 809. Electronic wills.

3128           Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

3129           (a) The table of contents is amended by adding a new section designation to read as  
3130 follows:

3131           “18-813. Electronic wills.”.

3132           (b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator”  
3133 and inserting the phrase “in the presence or, during a period of time for which the Mayor has  
3134 declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined  
3135 in § 18-813(a)(2), of the testator” in its place.

3136           (c) A new section 18-813 is added to read as follows:

3137           “§ 18-813. Electronic wills.

3138           “(a) Definitions.

3139           “For the purposes of this section, the term:

3140                   “(1) “Electronic” means relating to technology having electrical, digital,  
3141 magnetic, wireless, optical, electromagnetic, or similar capabilities.

3142                   “(2) “Electronic presence” means when one or more witnesses are in a different  
3143 physical location than the testator but can observe and communicate with the testator and one  
3144 another to the same extent as if the witnesses and testator were physically present with one  
3145 another.

3146                   “(3) “Electronic will” means a will or codicil executed by electronic means.

3147                   “(4) “Record” means information that is inscribed on a tangible medium or that is  
3148 stored in an electronic medium and is retrievable in perceivable form.

3149                   “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

3150 “(A) Execute or adopt a tangible symbol; or

3151 “(B) Affix to or associate with the record an electronic signature.

3152 “(b)(1) A validly executed electronic will shall be a record that is:

3153 “(A) Readable as text at the time of signing pursuant to subparagraph (B)

3154 of this paragraph; and

3155 “(B) Signed:

3156 “(i) By the testator, or by another person in the testator’s physical

3157 presence and by the testator’s express direction; and

3158 “(ii) In the physical or electronic presence of the testator by at least

3159 2 credible witnesses, each of whom is physically located in the United States at the time of

3160 signing.

3161 “(2) In order for the electronic will to be admitted to the Probate Court, the

3162 testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who

3163 supervised the execution of the electronic will shall certify a paper copy of the electronic will by

3164 affirming under penalty of perjury that:

3165 “(A) The paper copy of the electronic will is a complete, true, and accurate

3166 copy of the electronic will; and

3167 “(B) The conditions in subparagraph (A) of this paragraph were satisfied

3168 at the time the electronic will was signed.

3169 “(3) Except as provided in subsection (c) of this section, a certified paper copy of

3170 an electronic will shall be deemed to be the electronic will of the testator for all purposes under

3171 this title.

3172 “(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

3173                   “(2) An electronic will, or a part thereof, is revoked by:

3174                   “(A) A subsequent will or electronic will that revokes the electronic will,  
3175 or a part thereof, expressly or by inconsistency; or

3176                   “(B) A direct physical act cancelling the electronic will, or a part thereof,  
3177 with the intention of revoking it, by the testator or a person in the testator’s physical presence  
3178 and by the testator’s express direction and consent.

3179                   “(3) After it is revoked, an electronic will, or a part thereof, may not be revived  
3180 other than by its re-execution, or by a codicil executed as provided in the case of wills or  
3181 electronic wills, and then only to the extent to which an intention to revive is shown in the  
3182 codicil.

3183                   “(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if  
3184 executed in compliance with the law of the jurisdiction where the testator is:

3185                   “(1) Physically located when the electronic will is signed; or

3186                   “(2) Domiciled or resides when the electronic will is signed or when the testator  
3187 dies.

3188                   “(e) Except as otherwise provided in this section:

3189                   “(1) An electronic will is a will for all purposes under the laws of the District of  
3190 Columbia; and

3191                   “(2) The laws of the District of Columbia applicable to wills and principles of  
3192 equity apply to an electronic will.

3193                   “(f) This section shall apply to electronic wills made during a period of  
3194 time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

3195           Sec. 810. Administrative hearings deadlines.

3196           Notwithstanding any provision of District law, but subject to applicable federal laws and  
3197 regulations, during a period time for which the Mayor has declared a public health emergency  
3198 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
3199 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the 90-day time period to  
3200 request a hearing shall be tolled:

3201                   (1) To review an adverse action by the Mayor concerning any new application for  
3202 public assistance or any application or request for a change in the amount, kind or conditions of  
3203 public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or  
3204 conditions of public assistance benefits or to take other action adverse to the recipient pursuant to  
3205 section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982  
3206 (D.C. Law 4-101; D.C. Official Code § 4–210.09); or

3207                   (2) To appeal an adverse decision listed in section 26(b) of the Homeless Services  
3208 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4–  
3209 754.41(b)).

3210           Sec. 811. Other boards and commissions.

3211           Notwithstanding any provision of law, during a period time for which the Mayor has  
3212 declared a public health emergency pursuant to section 5a of the District of Columbia Public  
3213 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
3214 2304.01):

3215                   (1) Any requirement for a board, commission, or other public body to meet is  
3216 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;

(2) Any vacancy that occurs on a board or commission shall not be considered a vacancy for the purposes of nominating a replacement; and

(3) The review period for nominations transmitted to the Council for approval or disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

## **TITLE IX. LEGISLATIVE BRANCH**

### **Sec. 901. Council Rules.**

The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

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

(b) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23 is amended by adding a new paragraph (5) to read as follows:

“(5) Notwithstanding any other rule, 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 Councilmember may disseminate information about, and connect constituents with,

services and offers, including from for-profit entities, that the Councilmember determines is in the public interest in light of the public health emergency.”.

(c) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23 is amended by striking the phrase “The proposed” and inserting the phrase “Unless the electronic newsletter exclusively contains information relating to a declared public health emergency, the proposed” in its place.

Sec. 603. Grant budget modifications.

(a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on March 11, 2020, submitted to the Council for approval and accompanied by a report by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section 446B(b)(1) 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) 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 related to the Declaration of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of addressing a public emergency, 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

3262 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120  
3263 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

3264 (2) Such a notice of disapproval is filed within such deadline, the Council does  
3265 not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5  
3266 calendar days of the initial receipt of the report from the Chief Financial Officer under section  
3267 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120  
3268 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

3269 Sec. 902. Budget submission requirements.

3270 The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective  
3271 November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

3272 (a) Section 2 is amended by striking the phrase “not later than March 19, 2020,” and  
3273 inserting the phrase “not later than May ~~12~~18, 2020, unless another date is set by subsequent  
3274 resolution of the Council” in its place.

3275 (b) Section 3(2) is amended as follows:

3276 (1) Subparagraph (A) is amended by striking the phrase “the proposed Fiscal Year  
3277 2021 Local Budget Act of 2020,” and inserting the phrase “the proposed Fiscal Year 2021 Local  
3278 Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the  
3279 proposed Fiscal Year 2021 Local Budget Temporary Act of 2020,” in its place.

3280 (2) Subparagraph (C) is amended by striking the phrase “produced from  
3281 PeopleSoft on March 19, 2020” and inserting the phrase “produced from PeopleSoft on May 19,  
3282 2020” in its place.

Sec. 903. Tolling of matters transmitted to the Council.

(a) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

(1) Subsection (c) is amended by striking the phrase “180 days,” and inserting the phrase “180 days, excluding days occurring 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),” in its place

(2) Subsection (e) is amended by striking the phrase “excluding days of Council recess” and inserting the phrase “excluding days of Council recess and days occurring 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),” in its place.

(3) Subsection (f) is amended by striking the phrase “Council shall have an additional 45 days, excluding days of Council recess,” and inserting the phrase “Council shall have an additional 45 days, excluding days of Council recess and days occurring 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),” in its place.

(b) 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), the review period for any matter transmitted to the Council for approval or



disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

Sec. 904. 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 as follows:

(1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

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

“(3) For the November 3, 2020, general election:

“(A) Candidates for member of an Advisory Neighborhood Commission shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are residents of the single-member district from which the candidate seeks election;

“(B) The petitions of a candidate in subparagraph (A) of this paragraph may be electronically:

“(i) Made available by the candidate to a qualified petition circulator; and

“(ii) Returned by a qualified petition circulator to the candidate; and

3329 “(C) Signatures on a candidate’s petitions shall not be invalidated  
3330 because the signer was also the circulator of the same petition on which the signature appears.”.

3331 (b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

3332 (1) Paragraph (1) is amended by striking the phrase “prior to a general election”  
3333 both times it appears and inserting the phrase “prior to a general election or during a period of  
3334 time for which a public health emergency has been declared by the Mayor pursuant to section 5a  
3335 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
3336 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3337 (2) Paragraph (6) is amended as follows:

3338 (A) Subparagraph (A) is amended by striking the phrase “and legal  
3339 holidays” and inserting the phrase “legal holidays, and days during a period of time for which a  
3340 public health emergency has been declared by the Mayor pursuant to section 5a of the District of  
3341 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
3342 Official Code § 7-2304.01)” in its place.

3343 (B) Subparagraph (C) is amended by striking the phrase “petitions  
3344 available,” and inserting the phrase “petitions available, not including days during a period of  
3345 time for which a public health emergency has been declared by the Mayor pursuant to section 5a  
3346 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
3347 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3348 (C) Subparagraph (E) is amended by striking the phrase “or special  
3349 meeting” and inserting the phrase “or special meeting, not to include a remote meeting held  
3350 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),” in its place.

(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) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; 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 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.”.

(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 is amended as follows:

(1) Subsection (j)(3) (D.C. Official Code § 1-309.13(j)(3)) is amended by adding a new subparagraph (C) to read as follows:

“(C) Sub-subparagraph (i) of subparagraph (A) 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) (D.C. Official Code § 1-309.13(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.

## **TITLE X. BORROWING AUTHORITY**

### **SUBTITLE A. GENERAL OBLIGATION NOTES**

Sec. 1001. Short title.

This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes Emergency Act of 2020”.

Sec. 1002. Definitions.

For the purposes of this subtitle, the term:

(1) “Additional Notes” means District general obligation notes described in section 609 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the notes.

(2) “Authorized delegate” means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) “Available funds” means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) “Chief Financial Officer” means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

3419 (6) “City Administrator” means the City Administrator established pursuant to  
3420 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3421 (7) “Council” means the Council of the District of Columbia.

3422 (8) “District” means the District of Columbia.

3423 (9) “Escrow Agent” means any bank, trust company, or national banking  
3424 association with requisite trust powers designated to serve in this capacity by the Chief Financial  
3425 Officer.

3426 (10) “Escrow Agreement” means the escrow agreement between the District and  
3427 the Escrow Agent authorized in section 607.

3428 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
3429 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3430 (12) “Mayor” means the Mayor of the District of Columbia.

3431 (13) “Notes” means one or more series of District general obligation notes  
3432 authorized to be issued pursuant to this subtitle.

3433 (14) “Receipts” means all funds received by the District from any source,  
3434 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys  
3435 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds  
3436 that are pledged to debt or other obligations according to section 609 or that are restricted by law  
3437 to uses other than payment of principal of, and interest on, the notes.

3438 (15) “Secretary” means the Secretary of the District of Columbia.

3439 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to  
3440 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

3441           Sec. 1003. Findings.

3442           The Council finds that:

3443                   (1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71),  
3444 the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to  
3445 meet appropriations for that fiscal year.

3446                   (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82),  
3447 the full faith and credit of the District is pledged for the payment of the principal of, and interest  
3448 on, any general obligation note.

3449                   (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83),  
3450 the Council is required to provide in the annual budget sufficient funds to pay the principal of,  
3451 and interest on, all general obligation notes becoming due and payable during that fiscal year,  
3452 and the Mayor is required to ensure that the principal of, and interest on, all general obligation  
3453 notes is paid when due, including by paying the principal and interest from funds not otherwise  
3454 legally committed.

3455                   (4) The issuance of general obligation notes in a sum not to exceed  
3456 \$300,000,000 is in the public interest.

3457           Sec. 1004. Note authorization.

3458                   (a) The District is authorized to incur indebtedness, for operating or capital expenses, by  
3459 issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§  
3460 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet  
3461 appropriations for the fiscal year ending September 30, 2020.

3462                   (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the  
3463 costs and expenses of issuing and delivering the notes, including, but not limited to,

underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1005. Note details.

(a) The notes shall be known as “District of Columbia Fiscal Year 2020 General Obligation Notes” and shall be due and payable, as to both principal and interest, on or before September 30, 2021.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;



(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1006. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief

Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes. .

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificate.

Sec. 1007. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to

3554 ensure that the principal of, and interest on, the notes are paid when due for any reason, including  
3555 the payment of principal and interest from any funds or accounts of the District not otherwise  
3556 legally committed.

3557 (d) The notes shall evidence continuing obligations of the District until paid in  
3558 accordance with their terms.

3559 (e) The funds for the payment of the notes as described in this subtitle shall be  
3560 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds  
3561 shall be used for the payment of the principal of, and interest on, the notes when due, and shall  
3562 not be used for other purposes so long as the notes are outstanding and unpaid.

3563 (f) The Chief Financial Officer may, without regard to any act or resolution of the  
3564 Council now existing or adopted after the effective date of this subtitle, designate an Escrow  
3565 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the  
3566 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official  
3567 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate  
3568 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for  
3569 Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and  
3570 shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in  
3571 the Escrow Agreement. Funds on deposit, including investment income, under the Escrow  
3572 Agreement shall not be used for any purposes except for payment of the notes or, to the extent  
3573 permitted by the Home Rule Act, to service any contract or other arrangement permitted under  
3574 subsections (k) or (l) of this section, and may be invested only as provided in the Escrow  
3575 Agreement.

(g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to the effective date of this subtitle, relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to

secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 20% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally

recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1008. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow agent,” in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less-than-sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1009. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home



Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the provisions of section 607 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement.

Sec. 1010. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1011. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1012. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1013. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1014. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

## **SUBTITLE B. TRANS NOTES**

Sec. 1021. Short title.

This subtitle may be cited as the “Fiscal Year 2020 Tax Revenue Anticipation Notes Emergency Act of 2020”.

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) “Additional Notes” means District general obligation revenue anticipation notes described in section 629 that may be issued pursuant to section 472 of the Home Rule Act

3710 (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a  
3711 parity with the notes.

3712 (2) “Authorized delegate” means the City Administrator, the Chief Financial  
3713 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under  
3714 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

3715 (3) “Available funds” means District funds required to be deposited with the  
3716 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

3717 (4) “Bond Counsel” means a firm or firms of attorneys designated  
3718 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

3719 (5) “Chief Financial Officer” means the Chief Financial Officer established  
3720 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

3721 (6) “City Administrator” means the City Administrator established pursuant to  
3722 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3723 (7) “Council” means the Council of the District of Columbia.

3724 (8) “District” means the District of Columbia.

3725 (9) “Escrow Agent” means any bank, trust company, or national banking  
3726 association with requisite trust powers designated to serve in this capacity by the Chief Financial  
3727 Officer.

3728 (10) “Escrow Agreement” means the escrow agreement between the District and  
3729 the Escrow Agent authorized in section 627.

3730 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
3731 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

3732 (12) “Mayor” means the Mayor of the District of Columbia.

(13) “Notes” means one or more series of District general obligation revenue anticipation notes authorized to be issued pursuant to this subtitle.

(14) “Receipts” means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 629 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) “Secretary” means the Secretary of the District of Columbia.

(16) “Treasurer” means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1023. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to exceed \$200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$200,000,000 is in the public interest.

Sec. 1024. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in one or more series, in a sum not to exceed \$200,000,000, to finance its general governmental expenses, including operating or capital expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to,

underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1025. Note details.

(a) The notes shall be known as “District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes” and shall be due and payable, as to both principal and interest, on or before September 30, 2020.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;

(2) Provisions for the transfer and exchange of the notes;

(3) The principal amount of the notes to be issued;

(4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);

(5) The date or dates of issuance, sale, and delivery of the notes;

(6) The place or places of payment of principal of, and interest on, the notes;

(7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;

(8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and

(9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1026. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the

notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

(1) The issuance of the notes;

(2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

(3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;

(4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or

(5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.



(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes.

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 1027. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds

shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

(2) If Additional Notes are issued pursuant to section 629(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2020, through September 30, 2020, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act

(D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(g) Before the 16th day of each month, beginning in August 2020, the Chief Financial Officer shall review the current monthly cash flow projections of the District, and if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement. Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83)).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the

D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other

arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1028. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow agent,” in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act

or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1029. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the provisions of section 627 shall apply to both the notes and



the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 627(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 627(g) applied immediately after the issuance.

Sec. 1030. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1031. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1032. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1033. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1034. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

## **TITLE XI. REVENUE BONDS**

### **SUBTITLE A. STUDIO THEATER, INC.**

Sec. 1101. Short title.

This subtitle may be cited as the “The Studio Theatre, Inc. Revenue Bonds Emergency Act of 2020”.

Sec. 1102. Definitions.

For the purposes of this subtitle the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 422(6)).

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which is liable for the repayment of the Bonds.

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs of:

(A) Renovating and expanding by approximately 2,780 gross square feet the Borrower’s mixed-use theater complex located at 1501 14th Street, N.W., in Washington, D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of above grade improvements (“Theater Facility”);

4114 (B) Renovating certain residential facilities in Washington, D.C., owned  
4115 by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179,  
4116 Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W.  
4117 (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W.  
4118 (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, “Ancillary Facilities” and together  
4119 with the Theater Facility, “Facilities”);

4120 (C) Purchasing certain equipment and furnishings, together with other  
4121 property, real and personal, functionally related and subordinate to the Facilities;

4122 (D) Funding certain expenditures associated with the financing of the  
4123 Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt  
4124 service reserve fund or working capital; and

4125 (E) Paying costs of issuance and other related costs, to the extent  
4126 permissible.

4127 Sec. 1103. Findings.

4128 The Council finds that:

4129 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
4130 that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
4131 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
4132 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the  
4133 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)  
4134 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly  
4135 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by  
4136 the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$12,500,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facilities are located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of capital projects in the form of facilities used for the Borrower's operations and, in part, as a venue to produce contemporary theater and serve the community through artistic innovation, engagement, education and professional development (and property used in connection with or supplementing the foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1104. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$12,500,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1105. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The



4204 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
4205 approval, on behalf of the District, of the final form and content of the Bonds.

4206 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
4207 otherwise reproduced on the Bonds.

4208 (e) The Bonds of any series may be issued in accordance with the terms of a trust  
4209 instrument to be entered into by the District and a trustee to be selected by the Borrower subject  
4210 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered  
4211 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-  
4212 204.90(a)(4)).

4213 (f) The Bonds may be issued at any time or from time to time in one or more issues and  
4214 in one or more series.

4215 Sec. 1106. Sale of the Bonds.

4216 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
4217 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in  
4218 the best interest of the District.

4219 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of  
4220 the Bonds, offering documents on behalf of the District, may deem final any such offering  
4221 document on behalf of the District for purposes of compliance with federal laws and regulations  
4222 governing such matters and may authorize the distribution of the documents in connection with  
4223 the sale of the Bonds.

4224 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
4225 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
4226 the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1107. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1108. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1109. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1110. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a

pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 707.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to either perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the

Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1111. District officials.

(a) Except as otherwise provided in section 710(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1112. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1113. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1114. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1115. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1116. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

**SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.**

Sec. 1121. Short title.

This subtitle may be cited as the “DC Scholars Public Charter School, Inc. Revenue Bonds Emergency Act of 2020”.

Sec. 1122. Definitions.

For the purpose of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

4360                   (4) “Borrower” means the owner, operator, manager and user of the assets  
4361   financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars  
4362   Public Charter School, Inc., a corporation organized under the laws of the District of Columbia,  
4363   and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of  
4364   1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization  
4365   described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954  
4366   (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

4367                   (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4368                   (6) “Closing Documents” means all documents and agreements other than  
4369   Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds  
4370   and to make the Loan contemplated thereby, and includes agreements, certificates, letters,  
4371   opinions, forms, receipts, and other similar instruments.

4372                   (7) “District” means the District of Columbia.

4373                   (8) “Financing Documents” means the documents other than Closing Documents  
4374   that relate to the financing or refinancing of transactions to be effected through the issuance, sale,  
4375   and delivery of the Bonds and the making of the Loan, including any offering document, and any  
4376   required supplements to any such documents.

4377                   (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
4378   December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4379                   (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or  
4380   incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery  
4381   of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,  
4382   accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection



with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Financing the acquisition of a leasehold interest in an existing school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the "Facility"), which Facility will be operated by the Borrower;

(B) Refinancing the outstanding amount of existing taxable loans and related expenses, the proceeds of which were used to finance improvements to the Facility;

(C) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(D) Paying capitalized interest with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(E) Paying allowable Issuance Costs.

4405           Sec. 1123. Findings.

4406           The Council finds that:

4407                   (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
4408   that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
4409   obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
4410   refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of  
4411   undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may  
4412   effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any  
4413   individual or legal entity, by the purchase of any mortgage, note, or other security, or by the  
4414   purchase, lease, or sale of any property.

4415                   (2) The Borrower has requested the District to issue, sell, and deliver revenue  
4416   bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000, and  
4417   to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

4418                   (3) The Project is located in the District and will contribute to the health,  
4419   education, safety, or welfare of, or the creation or preservation of jobs for, residents of the  
4420   District, or to economic development of the District.

4421                   (4) The Project is an undertaking in the area of elementary, secondary, and  
4422   college and university facilities within the meaning of section 490 of the Home Rule Act (D.C.  
4423   Official Code § 1-204.90).

4424                   (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to  
4425   the Borrower are desirable, are in the public interest, will promote the purpose and intent of  
4426   section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

4427           Sec. 1124. Bond authorization.

4428           (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
4429 financing, refinancing, or reimbursing the costs of the Project by:

4430                   (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the  
4431 aggregate principal amount not to exceed \$16,000,000; and

4432                   (2) The making of the Loan.

4433           (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
4434 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with  
4435 respect to the Bonds as required by the Financing Documents.

4436           (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,  
4437 an amount sufficient to cover costs and expenses incurred by the District in connection with the  
4438 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
4439 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
4440 with the District, and maintaining official records of each bond transaction and assisting in the  
4441 redemption, repurchase, and remarketing of the Bonds.

4442           Sec. 1125. Bond details.

4443           (a) The Mayor is authorized to take any action reasonably necessary or appropriate in  
4444 accordance with this subtitle in connection with the preparation, execution, issuance, sale,  
4445 delivery, security for, and payment of the Bonds of each series, including, but not limited to,  
4446 determinations of:

4447                   (1) The final form, content, designation, and terms of the Bonds, including a  
4448 determination that the Bonds may be issued in certificated or book-entry form;

- 4449                   (2) The principal amount of the Bonds to be issued and denominations of the  
4450 Bonds;
- 4451                   (3) The rate or rates of interest or the method for determining the rate or rates of  
4452 interest on the Bonds;
- 4453                   (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
4454 on the Bonds, and the maturity date or dates of the Bonds;
- 4455                   (5) The terms under which the Bonds may be paid, optionally or mandatorily  
4456 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
4457 their respective stated maturities;
- 4458                   (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
4459 replacement of mutilated, lost, stolen, or destroyed Bonds;
- 4460                   (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
4461 the Bonds;
- 4462                   (8) The time and place of payment of the Bonds;
- 4463                   (9) Procedures for monitoring the use of the proceeds received from the sale of  
4464 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
4465 the purposes of the Home Rule Act and this subtitle;
- 4466                   (10) Actions necessary to qualify the Bonds under blue sky laws of any  
4467 jurisdiction where the Bonds are marketed; and
- 4468                   (11) The terms and types of credit enhancement under which the Bonds may be  
4469 secured.
- 4470                   (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
4471 obligations of the District, are without recourse to the District, are not a pledge of, and do not

involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 1126. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering

4495 document on behalf of the District for purposes of compliance with federal laws and regulations  
4496 governing such matters, and may authorize the distribution of the documents in connection with  
4497 the sale of the Bonds.

4498 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
4499 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
4500 the original purchasers of the Bonds upon payment of the purchase price.

4501 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from  
4502 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is  
4503 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds  
4504 for purposes of federal income taxation.

4505 Sec. 1127. Payment and security.

4506 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
4507 from proceeds received from the sale of the Bonds, income realized from the temporary  
4508 investment of those proceeds, receipts and revenues realized by the District from the Loan,  
4509 income realized from the temporary investment of those receipts and revenues prior to payment  
4510 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made  
4511 available to the District for the payment of the Bonds, and other sources of payment (other than  
4512 from the District), all as provided for in the Financing Documents.

4513 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and  
4514 by an assignment by the District for the benefit of the Bond owners of certain of its rights under  
4515 the Financing Documents and Closing Documents, including a security interest in certain  
4516 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1128. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1129. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1130. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 727.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.



(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in, or omission from, the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1131. District officials.

(a) Except as otherwise provided in section 730(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1132. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1133. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1134. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1135. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1136. Severability.

If any particular provision of this subtitle, or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

#### **SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.**

Sec. 1141. Short title.

This subtitle may be cited as the “Washington Housing Conservancy/WHC Park Pleasant LLC Revenue Bonds Emergency Act of 2020”.

Sec. 1142. Definitions.

For the purposes of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

4628                   (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
4629 counsel from time to time by the Mayor.

4630                   (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
4631 obligations (including refunding bonds, notes, and other obligations), in one or more series,  
4632 authorized to be issued pursuant to this resolution.

4633                   (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed  
4634 with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing  
4635 Conservancy, a non-profit corporation organized under the laws of the District of Columbia,  
4636 and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole  
4637 member of which is the Washington Housing Conservancy, both of which are exempt from  
4638 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved  
4639 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section  
4640 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26  
4641 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the  
4642 repayment of the Bonds.

4643                   (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4644                   (6) “Closing Documents” means all documents and agreements, other than  
4645 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the  
4646 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,  
4647 receipts, and other similar instruments.

4648                   (7) “District” means the District of Columbia.

4649                   (8) “Financing Documents” means the documents, other than Closing Documents,  
4650 that relate to the financing, refinancing or reimbursement of transactions to be effected through

the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs of:

(A) Acquiring and renovating real property, including a parcel of land comprising approximately 2.042 acres improved with approximately 69,910 square feet of residential rental property comprising 126 rental housing units and associated parking facilities

located in Washington, D.C., commonly known as Park Pleasant Apartments with street addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively, “Facility”);

(B) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facility;

(C) Funding certain expenditures associated with the financing of the Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(D) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1143. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$28,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facility is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of housing, within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1144. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$28,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the

issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1145. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;



4742 (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
4743 the Bonds;

4744 (8) The time and place of payment of the Bonds;

4745 (9) Procedures for monitoring the use of the proceeds received from the sale of  
4746 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
4747 the purposes of the Home Rule Act and this subtitle;

4748 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
4749 jurisdiction where the Bonds are marketed; and

4750 (11) The terms and types of credit enhancement under which the Bonds may be  
4751 secured.

4752 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
4753 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
4754 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
4755 District, and do not constitute lending of the public credit for private undertakings as prohibited  
4756 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4757 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
4758 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of  
4759 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The  
4760 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
4761 approval, on behalf of the District, of the final form and content of the Bonds.

4762 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
4763 otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1146. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

4787           Sec. 1147. Payment and security.

4788           (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
4789 from proceeds received from the sale of the Bonds, income realized from the temporary  
4790 investment of those proceeds, receipts and revenues realized by the District from the Loan,  
4791 income realized from the temporary investment of those receipts and revenues prior to payment  
4792 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made  
4793 available to the District for the payment of the Bonds, and other sources of payment (other than  
4794 from the District), all as provided for in the Financing Documents.

4795           (b) Payment of the Bonds shall be secured as provided in the Financing Documents and  
4796 by an assignment by the District for the benefit of the Bond owners of certain of its rights under  
4797 the Financing Documents and Closing Documents, including a security interest in certain  
4798 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4799           (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from  
4800 the sale of the Bonds pursuant to the Financing Documents.

4801           Sec. 1148. Financing and Closing Documents.

4802           (a) The Mayor is authorized to prescribe the final form and content of all Financing  
4803 Documents and all Closing Documents to which the District is a party that may be necessary or  
4804 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of  
4805 the Financing Documents and each of the Closing Documents to which the District is not a party  
4806 shall be approved, as to form and content, by the Mayor.

4807           (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the  
4808 Financing Documents and any Closing Documents to which the District is a party by the  
4809 Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1149. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1150. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 747.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to either perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1151. District officials.

(a) Except as otherwise provided in section 750(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the

4856 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the  
4857 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing  
4858 Documents.

4859 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
4860 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall  
4861 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory  
4862 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
4863 Documents.

4864 Sec. 1152. Maintenance of documents.

4865 Copies of the specimen Bonds and of the final Financing Documents and Closing  
4866 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4867 Sec. 1153. Information reporting.

4868 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
4869 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
4870 Council.

4871 Sec. 1154. Disclaimer.

4872 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this  
4873 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as  
4874 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or  
4875 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the  
4876 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief  
4877 against the District, its elected or appointed officials, officers, employees, or agents as a  
4878 consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1155. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1156. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

4900           **SUBTITLE D. NATIONAL PUBLIC RADIO, INC.**

4901           Sec. 1161. Short title.

4902           This subtitle may be cited as the “National Public Radio, Inc., Refunding Revenue Bonds  
4903 Emergency Act of 2020”.

4904           Sec. 1162. Definitions.

4905           For the purpose of this subtitle, the term:

4906                   (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning  
4907 and Economic Development, or any officer or employee of the Executive Office of the Mayor to  
4908 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of  
4909 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act  
4910 (D.C. Official Code § 1-204.22(6)).

4911                   (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
4912 counsel from time to time by the Mayor.

4913                   (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
4914 obligations (including refunding bonds, notes, and other obligations), in one or more series,  
4915 authorized to be issued pursuant to this resolution.

4916                   (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed  
4917 with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit  
4918 corporation organized and existing under the laws of the District of Columbia, and exempt from  
4919 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved  
4920 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section  
4921 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26  
4922 U.S.C. § 501(c)(3)).



(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements other than

Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document and any required supplements to any such documents.

(9) “Home Rule Act” means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, letter of credit fees (if any), compensation to financial advisors and other

persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of which were used to advance refund a portion of the District of Columbia Revenue Bonds (National Public Radio, Inc. Issue) Series 2010 (the “Series 2010 Bonds”) and to pay Issuance Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office, production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

(B) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance Costs.

Sec. 1163. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other

obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of education and contributes to the health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1164. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000; and

4991 (2) The making of the Loan.

4992 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
4993 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with  
4994 respect to the Bonds as required by the Financing Documents.

4995 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,  
4996 an amount sufficient to cover costs and expenses incurred by the District in connection with the  
4997 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
4998 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
4999 with the District, and maintaining official records of each bond transaction and assisting in the  
5000 redemption, repurchase, and remarketing of the Bonds.

5001 Sec. 1165. Bond details.

5002 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably  
5003 necessary or appropriate in accordance with this subtitle in connection with the preparation,  
5004 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,  
5005 including, but not limited to, determinations of:

5006 (1) The final form, content, designation, and terms of the Bonds, including a  
5007 determination that the Bonds may be issued in certificated or book-entry form;

5008 (2) The principal amount of the Bonds to be issued and denominations of the  
5009 Bonds;

5010 (3) The rate or rates of interest or the method for determining the rate or rates of  
5011 interest on the Bonds;

5012 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
5013 on the Bonds, and the maturity date or dates of the Bonds;

5014 (5) The terms under which the Bonds may be paid, optionally or mandatorily  
5015 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
5016 their respective stated maturities;

5017 (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
5018 replacement of mutilated, lost, stolen, or destroyed Bonds;

5019 (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
5020 the Bonds;

5021 (8) The time and place of payment of the Bonds;

5022 (9) Procedures for monitoring the use of the proceeds received from the sale of  
5023 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
5024 the purposes of the Home Rule Act and this subtitle;

5025 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
5026 jurisdiction where the Bonds are marketed; and

5027 (11) The terms and types of credit enhancement under which the Bonds may be  
5028 secured.

5029 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
5030 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
5031 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
5032 District, and do not constitute lending of the public credit for private undertakings as prohibited  
5033 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5034 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
5035 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of  
5036 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 1166. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1167. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1168. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1169. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1170. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a



pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 767.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing

5127 Documents or the Closing Documents, unless the District or its elected or appointed officials,  
5128 officers, employees, or agents have acted in a willful and fraudulent manner.

5129       Sec. 1171. District officials.

5130       (a) Except as otherwise provided in section 770(f), the elected or appointed officials,  
5131 officers, employees, or agents of the District shall not be liable personally for the payment of the  
5132 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the  
5133 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the  
5134 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing  
5135 Documents.

5136       (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
5137 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall  
5138 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory  
5139 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
5140 Documents.

5141       Sec. 1172. Maintenance of documents.

5142       Copies of the specimen Bonds and of the final Financing Documents and Closing  
5143 Documents shall be filed in the Office of the Secretary of the District of Columbia.

5144       Sec. 1173. Information reporting.

5145       Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
5146 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
5147 Council.

5148           Sec. 1174. Disclaimer.

5149           (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this  
5150 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as  
5151 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or  
5152 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the  
5153 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief  
5154 against the District, its elected or appointed officials, officers, employees, or agents as a  
5155 consequence of any failure to issue any Bonds for the benefit of the Borrower.

5156           (b) The District reserves the right to issue the Bonds in the order or priority it determines  
5157 in its sole and absolute discretion. The District gives no assurance and makes no representations  
5158 that any portion of any limited amount of bonds or other obligations, the interest on which is  
5159 excludable from gross income for federal income tax purposes, will be reserved or will be  
5160 available at the time of the proposed issuance of the Bonds.

5161           (c) The District, by enacting this subtitle or by taking any other action in connection with  
5162 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that  
5163 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on  
5164 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the  
5165 Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1175. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1176. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

**SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.**

Sec. 1181. Short title.

This subtitle may be cited as the “Public Welfare Foundation, Inc., Revenue Bonds Emergency Act of 2020”.

Sec. 1182. Definitions.

For the purpose of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

5189                   (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
5190 counsel from time to time by the Mayor.

5191                   (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
5192 obligations (including refunding bonds, notes, and other obligations), in one or more series,  
5193 authorized to be issued pursuant to this resolution.

5194                   (4) “Borrower” means the owner of the assets financed or refinanced with  
5195 proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit  
5196 corporation organized and existing under the laws of the State of Delaware, duly authorized to  
5197 transact business as a foreign corporation in the District of Columbia, and exempt from federal  
5198 income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of  
5199 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

5200                   (5) “Chairman” means the Chairman of the Council of the District of Columbia.

5201                   (6) “Closing Documents” means all documents and agreements, other than  
5202 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds  
5203 and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts,  
5204 and other similar instruments.

5205                   (7) “District” means the District of Columbia.

5206                   (8) “Financing Documents” means, the documents, other than Closing  
5207 Documents, that relate to the financing, refinancing or reimbursement of transactions to be  
5208 effected through the issuance, sale, and delivery of the Bonds and the making of the Loan,  
5209 including any offering document and any required supplements to any such documents.

5210                   (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
5211 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending to the Borrower of the proceeds from the sale, in one or more series, of the Bonds.

(12) “Project” means the financing, refinancing or reimbursing of the Borrower, on a tax exempt or taxable basis, for all or a portion of the Borrower’s costs incurred in connection with the renovation of certain facilities of the Borrower located at 1200 U Street, N.W., Washington, D.C. (the “Building”) in one or more phases and comprised of the following:

(A) Replacement of nearly all exterior windows of the Building and the repair of certain sheet metal and masonry;

(B) Soft costs, including architectural, engineering, and permitting fees, in connection therewith;

(C) Purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(D) Refinancing, in whole or in part, of existing indebtedness; and

(E) Certain expenditures associated therewith to the extent financeable, including, without limitation, Issuance Costs, credit costs, and working capital.

Sec. 1183. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue and refunding bonds, in one or more series, in an aggregate principal amount not to exceed \$13,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the study, development, application, or production of social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1184. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$13,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.



5278           Sec. 1185. Bond details.

5279           (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably  
5280 necessary or appropriate in accordance with this subtitle in connection with the preparation,  
5281 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,  
5282 including, but not limited to, determinations of:

5283                   (1) The final form, content, designation, and terms of the Bonds, including a  
5284 determination that the Bonds may be issued in certificated or book-entry form;

5285                   (2) The principal amount of the Bonds to be issued and denominations of the  
5286 Bonds;

5287                   (3) The rate or rates of interest or the method for determining the rate or rates of  
5288 interest on the Bonds;

5289                   (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
5290 on the Bonds, and the maturity date or dates of the Bonds;

5291                   (5) The terms under which the Bonds may be paid, optionally or mandatorily  
5292 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
5293 their respective stated maturities;

5294                   (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
5295 replacement of mutilated, lost, stolen, or destroyed Bonds;

5296                   (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
5297 the Bonds;

5298                   (8) The time and place of payment of the Bonds;

5299 (9) Procedures for monitoring the use of the proceeds received from the sale of  
5300 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
5301 the purposes of the Home Rule Act and this subtitle;

5302 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
5303 jurisdiction where the Bonds are marketed; and

5304 (11) The terms and types of credit enhancement under which the Bonds may be  
5305 secured.

5306 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
5307 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
5308 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
5309 District, and do not constitute lending of the public credit for private undertakings as prohibited  
5310 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5311 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
5312 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of  
5313 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The  
5314 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
5315 approval, on behalf of the District, of the final form and content of the Bonds.

5316 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
5317 otherwise reproduced on the Bonds.

5318 (e) The Bonds of any series may be issued in accordance with the terms of a trust  
5319 instrument to be entered into by the District and a trustee to be selected by the Borrower subject  
5320 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered

5321 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-  
5322 204.90(a)(4)).

5323 (f) The Bonds may be issued at any time or from time to time in one or more issues and  
5324 in one or more series.

5325 Sec. 1186. Sale of the Bonds.

5326 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
5327 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in  
5328 the best interest of the District.

5329 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of  
5330 the Bonds, offering documents on behalf of the District, may deem final any such offering  
5331 document on behalf of the District for purposes of compliance with federal laws and regulations  
5332 governing such matters and may authorize the distribution of the documents in connection with  
5333 the sale of the Bonds.

5334 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
5335 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
5336 the original purchasers of the Bonds upon payment of the purchase price.

5337 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from  
5338 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is  
5339 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds  
5340 for purposes of federal income taxation.

5341 Sec. 1187. Payment and security.

5342 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
5343 from proceeds received from the sale of the Bonds, income realized from the temporary

investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1188. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1189. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1190. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 787.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1191. District officials.

(a) Except as otherwise provided in section 790(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1192. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1193. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1194. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is

excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1195. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1196. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

**TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT;  
EFFECTIVE DATE**

Sec. 1201. Repeals.

(a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.



(b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178) is repealed.

(c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR XXXX) is repealed.

(d) The Coronavirus Omnibus Emergency Amendment Act of 2020, passed on emergency basis on May 5, 2020 (D.C. Act 23-XXX, DCR XXXX) is repealed.

(e) The Foreclosure Moratorium Emergency Amendment Act of 2020, passed on emergency basis on May 5, 2020 (D.C. Act 23-XXX, DCR XXXX) is repealed.

(f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted May X, 2020 (D.C. Act 23-XXX; 67 DCR XXXX) is repealed.

Sec. 1202. Applicability.

(a) Titles I through XI of this act shall apply as of March 11, 2020.

Sec. 1203. 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. 1204. 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 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.