

**AN AMENDMENT**

Bill 23-758, "Coronavirus Support Temporary Amendment Act of 2020"

June 9, 2020

Engrossed version

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**Amendment 1. Family medical leave clarification**

- Amendatory Sec. 3a contained in Section 104(b) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "family and medical".

(2) Subsection (b)(1) is amended by striking the phrase "family and medical".

(3) Subsection (c) is amended by striking the phrase "family and medical."

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

(A) Paragraph (1) is amended by striking the phrase "family and medical".

(B) Paragraph (2) is amended by striking the phrase "family and medical".

(C) Paragraph (3) is amended by striking the phrase "as family and medical leave".

(D) Paragraph (4) is amended by striking the phrase "policies." and inserting the phrase "policies, unless otherwise barred by District or federal law." in its place.

**Amendment 2. Small Business Microgrant Program**

- Amendatory section 2316(e)(2) contained in section 201 is amended by striking the phrase "Department of Employment Services" and inserting the phrase "Department of Employment Services, unless the independent contractor or self-employed individual is eligible for and receiving such benefits unrelated to their self-employment or independent contractor work, and is otherwise eligible for the a grant pursuant to this subsection."

**Amendment 3. Alcoholic beverage regulation (Sec. 204).**

- Lines 791-792 are amended to read as follows:

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

“(A) Paragraph (3) is amended by adding new subparagraphs (C) and (D) to read as follows:”

- Line 846 is amended to read as follows:

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

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

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

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

“(iii) Agrees to follow all applicable DCRA, DOH, and DDOT laws and regulations and Mayor’s Orders.

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

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

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

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

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

“(v) Prohibit self-service buffets;

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

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

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

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

“(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

“(xi) Not have more than 6 individuals seated at a table or a joined table during Phase One of Washington D.C.’s reopening, as that term is utilized in Mayor’s Order 2020-067, issued on May 27, 2020;

“(xii) Require patrons to wait outside at least 6 feet apart until they are ready to be seated;

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

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

“(xv) Prohibit standing or seating at an outdoor bar provided tables or counter seats that do not line up to a bar may be used for patron seating as long as there is a minimum of 6 feet between parties;

“(xvi) Prohibit the placement of alcohol advertising, excluding non-contact menus, on outdoor public space;

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

“(xviii) Request that patrons wear masks while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;

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

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

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

“(C) Registration under subparagraph (A) of this paragraph shall be valid until October 25, 2020. The Board may fine, suspend, or revoke an on-premises retailer’s licensee, class C or D, or a manufacturer’s licensee, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

“(D)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.

“(ii) The Board shall not interpret settlement-agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this paragraph.

“(iii) The Board shall not interpret settlement-agreement language that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the temporary operation of sidewalk cafés or summer gardens.

“(iv) The Board shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by the District Department of Transportation or the property owner.

“(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed 180 days.

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

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

“(3) Section 25-113a is amended by adding a new subsection (c-1) to read as follows:

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

“(b) Chapter 4 is amended as follows:”.

**Amendment 4. Third-party delivery clarification**

- Section 205(d) is amended by striking the phrase “as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant’s use of the platform”.

**Amendment 5. COVID-19 emergency credit alert**

- Section 304 is amended as follows:

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

“(b-1) No user of a credit report shall consider adverse information in a report that was the result of an action or inaction by a consumer that occurred during, and was directly or indirectly the result of, the public health emergency declared pursuant to § 7-2304.01 if the credit report includes a personal statement pursuant to subsection (a) of this section.”

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

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

**Amendment 6. Tenant payment plans**

- Section 402 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “gross rent that comes due during” and inserting the phrase “gross rent and any other amounts that come due under the lease during” in its place.

(B) Paragraph (4) is amended by striking the phrase “due to a default on the monetary amounts due during the lease period, provided that the tenant does not default on the terms of” and inserting the phrase “by entering into” in its place.

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

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

(3) Subsection (h)(1) is amended to read as follows:

“(1) “Eligible tenant” means a tenant that:

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

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

“(C) Has leased from a provider:

“(i) A residential property;

“(ii) Commercial retail space; or

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

#### **Amendment 7. Rent increase prohibition.**

Section 406(b) is amended to read as follows:

“(b)(1) Notwithstanding any other provision of law, a rent increase for a commercial property shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 2304.01), and for 30 days thereafter.

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

“(A) A commercial retail establishment; or

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

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

**Amendment 8. Public health emergency response grants.**

- Section 507 is amended as follows:

(1) Paragraph (c) and (d) are re-designated as paragraphs (d) and (e), respectively.

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

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

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

“(a) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a, and for a period not exceeding 90 days after the end of the public health emergency, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 et seq.), and in the Mayor’s sole discretion, issue a grant or loan to an program or organization to assist the District in responding to the public health emergency, including a grant or loan for the purpose of:

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

“(2) Purchasing and distributing personal protective equipment;

“(3) Promoting and facilitating social distancing measures;

“(4) Providing public health awareness outreach; or

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

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

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

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

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

**Amendment 9. Living wills declaration.**

- A new section 814 is added to read as follows:

Sec. 814. Living wills declaration.

The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 et seq.), is amended as follows:

(a) Section 2 (D.C. Official Code § 7–621) is amended by adding new paragraphs (2B) and (2C) to read as follows:

“(2B) “Electronic presence” means when one or more witnesses are in a different physical location than the declarant but can observe and communicate with the declarant and one another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, to the same extent as if the witnesses and declarant were physically present with one another.

“(2C) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

(b) Section 3 (D.C. Official Code § 7–622) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “Signed in the presence” and inserting the phrase “Signed in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence” in its place.

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

“(d) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October



17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act may be an electronic signature.”.

(c) Section 5(a)(3) (D.C. Official Code § 7-624(a)(3)) is amended by striking the phrase “in the presence of a witness” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), electronic presence, of a witness” in its place..

Sec. 8. Excluded workers contract approval.

Pursuant to section 451(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)), and section 202 of the District of Columbia Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. SO-20-002-0001986 with the Greater Washington Community Foundation for critically needed financial assistance to workers in the District of Columbia who have been excluded from federal stimulus efforts and are experiencing financial hardship due to the COVID-19 pandemic, for a contract term of execution through September 30, 2020, in the not-to-exceed amount of \$5.15 million.