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Chairman Phil Mendelson

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To extend, on an emergency basis, the Mayor’s authority to declare a public health emergency; to amend the Coronavirus Support Amendment Act of 2021 to provide for a moratorium on utility disconnections for qualified customers, and on evictions for customers qualifying for rental assistance; to amend the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011 to change the composition and procedures of the Fiscal Management Board; and to amend the Fiscal Year 2020 Budget Support Act of 2019 with a technical correction.

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

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended 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 (SARS CoV-2) until July 15, 2021. After the extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this section.”.

Sec. 3. The Coronavirus Support Emergency Amendment Act of 2021, effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101) is amended as follows:

(a) Section 307 is amended as follows:

(1) By striking the phrase “15 calendar days” where it appears and inserting the phrase “90 calendar days” in its place.

(2) By adding new subsections (h)-(o) to read as follows:

“(h) Subsections (b) through (f) of this section shall sunset on July 31, 2021.

“(i)(1) After July 31, 2021, a company shall not disconnect, suspend, or degrade service, for non-payment of a bill, any fees for service or equipment, or any other charges, if:

“(A) The company failed to provide notice to the customer as required under subsections (j)(1)(A) or (l) of this section;

“(B) The customer has paid the company in full for amounts owed;

“(C) The customer has entered into a payment plan with the company and is meeting the terms of the payment plan;

“(D) The customer requested to enter into a payment plan with the company and the terms of the payment plan are still under negotiation; provided, that 45 days have not elapsed since the customer’s initial request; or

“(E) The Mayor certified to the company that, on or after October 1, 2020, the customer applied to the Low-Income Home Energy Assistance Program (“LIHEAP”), Utility Discount Program (“UDP”), DC Water Emergency Relief Program (“CAP”), and Stronger Together by Assisting You (“STAY DC”), and the Mayor certifies that the customer is eligible for utility payment relief pursuant to paragraph (2) of this subsection.

“(2) The Mayor shall certify that a customer is eligible for relief from disconnection, suspension or degradation of service where the customer furnishes the Mayor with, and Mayor accepts as true, evidence that the customer:

“(A) Received unemployment compensation or Pandemic Unemployment Assistance at any time after March 11, 2020;

“(B) Received Supplemental Nutrition Assistance Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) programs after March 11, 2020, or is a current recipient of Supplemental Security Income;

“(C) Is currently enrolled in the Emergency Rental Assistance Program, Permanent Supportive Housing Program, DHCD Rental Assistance Program, Homelessness Prevention Program, 202 Assist Program, DC Mortgage Assistance Program, or Coronavirus Housing Assistance Program;

“(D) Received a benefit under LIHEAP, UDP, CAP, or STAY DC on or after October 1, 2020; or

“(E) Is currently enrolled in Medicaid or the Alliance.

“(3) Every eight weeks, and starting on June 30, 2021, the Mayor shall provide the company with a list of customers whose service shall not be disconnected or suspended pursuant to paragraph (1)(E) of this subsection.

“(j)(1)(A) A company shall send notice of disconnection, suspension, or degradation of service to a customer at least 45 days in advance of disconnecting, suspending, or degrading service.

“(B) A company shall restore service to a customer, where the customer makes a payment to the company of at least $10. Amounts paid by a customer pursuant to this subparagraph shall be applied in full to reduce the amounts owed by the customer to the company. A customer whose service is restored pursuant to this subparagraph shall enter into a payment plan.

“(2)(A) Where a customer whose service has been disconnected, suspended, or degraded for nonpayment is later found to be eligible for relief from disconnection or suspension of service under subsection (i)(1)(E) of this section, a company shall reconnect the customer without charge.

“(B) A company shall reconnect a customer under subparagraph (A) of this paragraph within 48 hours of receiving notice from the Mayor of the customer’s eligibility for relief from disconnection or suspension of service.

“(k)(1) On or before June 30, 2021, the Mayor shall provide to companies:

(A) A list of residents, including the resident’s address, who are eligible for relief from disconnection, suspension or degradation of service pursuant to subsection (i)(2) of this section.

“(B) Information on when and how the Mayor will provide companies with a list of customers whose service may not be disconnected or suspended under subsection (i)(1)(E), and guidance on companies’ responsibilities under this section.

“(2) A company shall treat residents on the list described at paragraph (1)(A) of this subsection as certified for relief from disconnection, suspension or degradation of service for nonpayment.

“(1)(1)(A) On a monthly basis, starting on or before June 30, 2021, the Mayor shall provide notice as described in paragraph (4) of this subsection to residents certified as customers eligible for relief from disconnection, suspension or degradation of service pursuant to subsection (i)(2) of this section.

“(B) On or before June 30, 2021, a company shall provide notice as described in paragraph (4) of this subsection to customers with a bill past due. Notice under this subparagraph shall be mailed to the customer in hard copy and the phrase “PAST DUE” shall be clearly printed on the envelope.

“(C) A disconnection notice sent to a customer by a company shall include notice as described in paragraph (4) of this subsection.

“(4) Notice under this subsection shall include information on:

“(A) The availability of payment assistance programs;

“(B) Information on eligibility for payment assistance programs and the process to apply to each payment assistance program;

“(C) The need for customers to apply for payment assistance programs and to provide evidence of their eligibility under subsection (i)(2) of this section to remain eligible for relief from disconnection, suspension or degradation of service; and

“(D) A customer’s right to contact OPC for assistance with negotiating a payment plan on the customer’s behalf.

“(5) Notice under paragraph (1)(A)(i) of this subsection shall take the form of a flyer included in monthly customer bills or prominent language on the bill and be included in both hard copy and electronic form bills.

“(m)(1) Beginning June 30, 2021 each utility company that is regulated by the Public Service Commission of the District of Columbia shall report monthly to the Public Service Commission of the District of Columbia and OPC the number of customers, by zip code, that have entered into payment plans, whose service was suspended or disconnected for non-payment, or that are in arrears.

“(2) Beginning June 30, 2021 DC Water shall report monthly to the DC Water Board of Directors, established pursuant to D.C. Official Code § 34–2202.04, and Office of the People’s Counsel the number of customers, by zip code and customer class, that have entered payment plans, whose service was suspended or disconnected for non-payment, or that are in arrears.

“(n) A telecommunications service provider, as that term is defined by The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), shall not disconnect, suspend, or degrade basic telecommunications service to a customer that is participating in the federal Lifeline program for non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance with a deferred payment agreement.

“(o) Nothing in this Act shall be read to supersede the existing moratorium on disconnections under D.C. Law 21-82; D.C. Official Code § 34-1506.1.

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

“(1) “Payment assistance programs” shall mean LIHEAP, UDP, CAP, or STAY DC.

“(2) “Company” or “companies” shall mean an electric company, gas company, DC Water, or incumbent local exchange carrier.”.

(c) Section 308(c) is amended as follows

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

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

“(2)(A)(i) Upon request by an electric company, gas company, incumbent local exchange carrier, or DC Water customer to the Office of the People’s Counsel (“OPC”), OPC shall be authorized to negotiate a payment plan on behalf of a customer.

“(ii) Within 48 hours of receiving a request under this paragraph, OPC shall provide notice to the utility provider of the customer’s request.

“(B) A disconnection notice sent to a customer shall include notice of the right of a customer to request that OPC negotiate a payment plan on the customer’s behalf, including information on how the customer may make such a request.

“(C) Where a company and customer have been unable to agree on terms of a payment plan within 24 hours of the customer’s request to enter into a payment plan, the company shall provide notice to the customer that they may contact OPC to negotiate a payment plan on their behalf.”.

(b) Section 404 is amended to read as follows:

“Sec. 404. Eviction prohibition.

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

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

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

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

““(c)(1) During a period of time for which the Mayor has declared a public health emergency pursuant to D.C. Official Code § 7-2304.01, and for 180 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except:

““(A) Where the complaint alleges that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.

““(B) Where the complainant alleges non-payment of rent pursuant to this section, provided that:

“(i) The complainant has applied for rental assistance through the District on behalf of the tenant, at least 60 days have elapsed since the application date, and in no event earlier July 1, 2021, and;

(ii) The tenant has been served with a written notice to vacate which meets the requirements of this section and all other requirements under District law. Notices to vacate under this section shall include:

(I) Notify the tenant that the complainant has applied for rental assistance on behalf of the tenant and provide the website address and phone number for the tenant to contact to complete the tenant’s portion of the application;

(II) State that the tenant has the right to remain in the rental unit if the total balance of unpaid rent is paid in full, including any future months that become due before the payment is made; the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do so; and the tenant has the right to dispute the landlord’s allegations through the court process and remain in the rental unit until the court reaches a decision on the matter;

(III) Notify the tenant of the availability, terms, and application process for the tenant payment plan provided by the complainant pursuant to [DC Code 42-3281]; and

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

“(iii) If it is determined that a tenant is not eligible for rental assistance, the complainant must provide documentation of this at the time of filing.

“(iv) A tenant may request a 15-day extension of the 60-day requirement under (i) if he or she has acted upon the application in good faith but has been unable to complete the application due to issues outside of his or her control, such as notices and program materials not being translated in the tenant’s native language, difficulty locating the documents necessary to complete the application, or technical issues with the technology or websites used to transmit the application.

“(v) It shall be a dispositive affirmative defense for any tenant to show:

“(I) That the landlord did not pursue rental assistance through the District timely or in good faith;

“(II) The landlord did not grant an extension to complete the application pursuant to (iv);

“(III) The tenant can demonstrate that he or she did not receive notice of the rental assistance application; or

“(IV) The landlord did not provide a notice vacate that meets the requirements of this section and all other requirements under District law.

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

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

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

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

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

““(3) Nothing in this section shall be construed to create an obligation on the part of any person to pursue an eviction action under this subsection.

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

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

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

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

“(b) Section 501(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) Prior to October 1, 2021, except for evictions arising from those complaints filed pursuant to the exception in D.C. Official Code § 16-1501(b) on or after May 3, 2021; provided, that:

““(A) Any family facing eviction pursuant to this paragraph shall be connected to assistance and resources that support the coordination or continuation of youth education, social services, and other resources before the eviction is carried out; and

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

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

““(q-1)(1) Subsection (q) of this section shall not apply to notices related to complaints that allege that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.

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

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

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

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

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

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

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

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

““(iii) State that the tenant has the right to dispute the landlord’s allegations through the court process and remain in the rental unit until the court reaches a decision on the matter; and

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

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

(b) Section 507(d) is repealed.

Sec. 4. The Coronavirus Support Temporary Amendment Act of 2021, enacted May 3, 2021 (D.C. Act 24-62; 68 DCR 4824) is amended as follows:

(a) Section 307 is amended as follows:

(1) By striking the phrase “15 calendar days” where it appears and inserting the phrase “90 calendar days” in its place.

(2) By adding new subsections (h)-(o) to read as follows:

“(h) Subsections (b) through (f) of this section shall sunset on July 31, 2021.

“(i)(1) After July 31, 2021, a company shall not disconnect, suspend, or degrade service, for non-payment of a bill, any fees for service or equipment, or any other charges, if:

“(A) The company failed to provide notice to the customer as required under subsections (j)(1)(A) or (l) of this section;

“(B) The customer has paid the company in full for amounts owed;

“(C) The customer has entered into a payment plan with the company and is meeting the terms of the payment plan;

“(D) The customer requested to enter into a payment plan with the company and the terms of the payment plan are still under negotiation; provided, that 45 days have not elapsed since the customer’s initial request; or

“(E) The Mayor certified to the company that, on or after October 1, 2020, the customer applied to the Low-Income Home Energy Assistance Program (“LIHEAP”), Utility Discount Program (“UDP”), DC Water Emergency Relief Program (“CAP”), and Stronger Together by Assisting You (“STAY DC”), and the Mayor certifies that the customer is eligible for utility payment relief pursuant to paragraph (2) of this subsection.

“(2) The Mayor shall certify that a customer is eligible for relief from disconnection, suspension or degradation of service where the customer furnishes the Mayor with, and Mayor accepts as true, evidence that the customer:

“(A) Received unemployment compensation or Pandemic Unemployment Assistance at any time after March 11, 2020;

“(B) Received Supplemental Nutrition Assistance Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) programs after March 11, 2020, or is a current recipient of Supplemental Security Income;

“(C) Is currently enrolled in the Emergency Rental Assistance Program, Permanent Supportive Housing Program, DHCD Rental Assistance Program, Homelessness Prevention Program, 202 Assist Program, DC Mortgage Assistance Program, or Coronavirus Housing Assistance Program;

“(D) Received a benefit under LIHEAP, UDP, CAP, or STAY DC on or after October 1, 2020; or

“(E) Is currently enrolled in Medicaid or the Alliance.

“(3) Every eight weeks, and starting on June 30, 2021, the Mayor shall provide the company with a list of customers whose service shall not be disconnected or suspended pursuant to paragraph (1)(E) of this subsection.

“(j)(1)(A) A company shall send notice of disconnection, suspension, or degradation of service to a customer at least 45 days in advance of disconnecting, suspending, or degrading service.

“(B) A company shall restore service to a customer, where the customer makes a payment to the company of at least $10. Amounts paid by a customer pursuant to this subparagraph shall be applied in full to reduce the amounts owed by the customer to the company. A customer whose service is restored pursuant to this subparagraph shall enter into a payment plan.

“(2)(A) Where a customer whose service has been disconnected, suspended, or degraded for nonpayment is later found to be eligible for relief from disconnection or suspension of service under subsection (i)(1)(E) of this section, a company shall reconnect the customer without charge.

“(B) A company shall reconnect a customer under subparagraph (A) of this paragraph within 48 hours of receiving notice from the Mayor of the customer’s eligibility for relief from disconnection or suspension of service.

“(k)(1) On or before June 30, 2021, the Mayor shall provide to companies:

(A) A list of residents, including the resident’s address, who are eligible for relief from disconnection, suspension or degradation of service pursuant to subsection (i)(2) of this section.

“(B) Information on when and how the Mayor will provide companies with a list of customers whose service may not be disconnected or suspended under subsection (i)(1)(E), and guidance on companies’ responsibilities under this section.

“(2) A company shall treat residents on the list described at paragraph (1)(A) of this subsection as certified for relief from disconnection, suspension or degradation of service for nonpayment.

“(1)(1)(A) On a monthly basis, starting on or before June 30, 2021, the Mayor shall provide notice as described in paragraph (4) of this subsection to residents certified as customers eligible for relief from disconnection, suspension or degradation of service pursuant to subsection (i)(2) of this section.

“(B) On or before June 30, 2021, a company shall provide notice as described in paragraph (4) of this subsection to customers with a bill past due. Notice under this subparagraph shall be mailed to the customer in hard copy and the phrase “PAST DUE” shall be clearly printed on the envelope.

“(C) A disconnection notice sent to a customer by a company shall include notice as described in paragraph (4) of this subsection.

“(4) Notice under this subsection shall include information on:

“(A) The availability of payment assistance programs;

“(B) Information on eligibility for payment assistance programs and the process to apply to each payment assistance program;

“(C) The need for customers to apply for payment assistance programs and to provide evidence of their eligibility under subsection (i)(2) of this section to remain eligible for relief from disconnection, suspension or degradation of service; and

“(D) A customer’s right to contact OPC for assistance with negotiating a payment plan on the customer’s behalf.

“(5) Notice under paragraph (1)(A)(i) of this subsection shall take the form of a flyer included in monthly customer bills or prominent language on the bill and be included in both hard copy and electronic form bills.

“(m)(1) Beginning June 30, 2021 each utility company that is regulated by the Public Service Commission of the District of Columbia shall report monthly to the Public Service Commission of the District of Columbia and OPC the number of customers, by zip code, that have entered into payment plans, whose service was suspended or disconnected for non-payment, or that are in arrears.

“(2) Beginning June 30, 2021 DC Water shall report monthly to the DC Water Board of Directors, established pursuant to D.C. Official Code § 34–2202.04, and Office of the People’s Counsel the number of customers, by zip code and customer class, that have entered payment plans, whose service was suspended or disconnected for non-payment, or that are in arrears.

“(n) A telecommunications service provider, as that term is defined by The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), shall not disconnect, suspend, or degrade basic telecommunications service to a customer that is participating in the federal Lifeline program for non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance with a deferred payment agreement.

“(o) Nothing in this Act shall be read to supersede the existing moratorium on disconnections under D.C. Law 21-82; D.C. Official Code § 34-1506.1.

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

“(1) “Payment assistance programs” shall mean LIHEAP, UDP, CAP, or STAY DC.

“(2) “Company” or “companies” shall mean an electric company, gas company, DC Water, or incumbent local exchange carrier.”.

(c) Section 308(c) is amended as follows

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

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

“(2)(A)(i) Upon request by an electric company, gas company, incumbent local exchange carrier, or DC Water customer to the Office of the People’s Counsel (“OPC”), OPC shall be authorized to negotiate a payment plan on behalf of a customer.

“(ii) Within 48 hours of receiving a request under this paragraph, OPC shall provide notice to the utility provider of the customer’s request.

“(B) A disconnection notice sent to a customer shall include notice of the right of a customer to request that OPC negotiate a payment plan on the customer’s behalf, including information on how the customer may make such a request.

“(C) Where a company and customer have been unable to agree on terms of a payment plan within 24 hours of the customer’s request to enter into a payment plan, the company shall provide notice to the customer that they may contact OPC to negotiate a payment plan on their behalf.”.

(b) Section 404 is amended to read as follows:

“Sec. 404. Eviction prohibition.

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

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

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

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

““(c)(1) During a period of time for which the Mayor has declared a public health emergency pursuant to D.C. Official Code § 7-2304.01, and for 180 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except:

““(A) Where the complaint alleges that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.

““(B) Where the complainant alleges non-payment of rent pursuant to this section, provided that:

“(i) The complainant has applied for rental assistance through the District on behalf of the tenant, at least 60 days have elapsed since the application date, and in no event earlier July 1, 2021, and;

(ii) The tenant has been served with a written notice to vacate which meets the requirements of this section and all other requirements under District law. Notices to vacate under this section shall include:

(I) Notify the tenant that the complainant has applied for rental assistance on behalf of the tenant and provide the website address and phone number for the tenant to contact to complete the tenant’s portion of the application;

(II) State that the tenant has the right to remain in the rental unit if the total balance of unpaid rent is paid in full, including any future months that become due before the payment is made; the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do so; and the tenant has the right to dispute the landlord’s allegations through the court process and remain in the rental unit until the court reaches a decision on the matter;

(III) Notify the tenant of the availability, terms, and application process for the tenant payment plan provided by the complainant pursuant to [DC Code 42-3281]; and

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

“(iii) If it is determined that a tenant is not eligible for rental assistance, the complainant must provide documentation of this at the time of filing.

“(iv) A tenant may request a 15-day extension of the 60-day requirement under (i) if he or she has acted upon the application in good faith but has been unable to complete the application due to issues outside of his or her control, such as notices and program materials not being translated in the tenant’s native language, difficulty locating the documents necessary to complete the application, or technical issues with the technology or websites used to transmit the application.

“(v) It shall be a dispositive affirmative defense for any tenant to show:

“(I) That the landlord did not pursue rental assistance through the District timely or in good faith;

“(II) The landlord did not grant an extension to complete the application pursuant to (iv);

“(III) The tenant can demonstrate that he or she did not receive notice of the rental assistance application; or

“(IV) The landlord did not provide a notice vacate that meets the requirements of this section and all other requirements under District law.

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

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

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

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

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

““(3) Nothing in this section shall be construed to create an obligation on the part of any person to pursue an eviction action under this subsection.

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

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

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

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

“(b) Section 501(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) Prior to October 1, 2021, except for evictions arising from those complaints filed pursuant to the exception in D.C. Official Code § 16-1501(b) on or after May 3, 2021; provided, that:

““(A) Any family facing eviction pursuant to this paragraph shall be connected to assistance and resources that support the coordination or continuation of youth education, social services, and other resources before the eviction is carried out; and

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

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

““(q-1)(1) Subsection (q) of this section shall not apply to notices related to complaints that allege that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.

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

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

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

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

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

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

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

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

““(iii) State that the tenant has the right to dispute the landlord’s allegations through the court process and remain in the rental unit until the court reaches a decision on the matter; and

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

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

(b) Section 507(d) is repealed.

Sec. 5. The Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21, D.C. Official Code § 44-951.01 et seq.) is amended as follows:

(a) Section 5115 (D.C. Official Code § 44-951.04) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “9 members, 7 of whom shall be voting members” and inserting the phrase “11 members, 9 of whom shall be voting members” in its place.

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

“(2) Voting members of the Fiscal Management Board shall include:

“(A) The Chief Financial Officer of the District of Columbia, or his or her designee, who shall serve as chair of the Fiscal Management Board;

“(B) The Deputy Mayor for Health and Human Services, or his or her designee;

“(C) One citizen member from either Ward 7 or Ward 8, appointed by the Chairman of the Council, who has experience in public health or health care delivery; and

“(D) A citizen member, appointed by the Mayor, who has experience serving as the City Administrator of the District of Columbia;

“(E) An individual with expertise in hospital management or finance, appointed by the Mayor;

“(F) One representative from each of the two unions, selected by each representative union, maintaining the largest collective bargaining units at United Medical Center.”.

(C) Paragraph (4) is amended by striking the phrase “January 31, 2023.” and inserting the phrase “January 31, 2023, the operations of the hospital have been dissolved, or such time as the Board is reinstated by an act of the Council.” in its place.

(D) A new paragraph (5) is added to read:

“(5) Members of the Fiscal Management Board shall not be members of the Board of the Corporation as constituted on May 1, 2021, except for those members listed in subparagraphs (A), (B), and (E) of subsection (m)(2).”

(E) A new paragraph (6) is added to read:

“(6) In general, each voting member of the Fiscal Management Board shall:

“(A) Have experience, knowledge, and expertise in finance, management, and the organization or operation of a business or government;

“(B) Not be an individual who provides goods or services to the Corporation, or be employed by an entity that provides goods or services to the Corporation, and is not the spouse, parent, child, or sibling of an individual who provides goods and services to the Corporation; and

“(C) Maintain a primary residence or a primary place of business in the National Capital Region.”.

(b) Section 5120 (D.C. Official Code § 44-951.09) is amended as follows:

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

“(b)(1) If any of the conditions set forth in § 44-951.04(l) has been met, the Fiscal Management Board shall meet no later than 45 days thereafter and approve an operating budget that requires a subsidy from the District no greater than $40 million in Fiscal Year 2021, and no greater than $22 million per year thereafter, that supports the following services:

“(A) An emergency department;

“(B) Behavioral health (e.g. psychiatric) services;

“(C) The inpatient, outpatient, and support services necessary to provide services pursuant to subparagraphs (A) and (B) of this paragraph; and

“(D) Any additional critical care services meeting a community need that the Fiscal Management Board deems viable within the budget and financial plan for UMC adopted by the Council.”.

(2) Subparagraph (B) of subsection (b)(3) is amended by striking “Financial” and inserting “Fiscal” in its place.

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

“(4)(A) By July 1, 2021, the Fiscal Management Board shall develop an operational plan for the Corporation with an implementation schedule providing for reductions in services and staffing necessary to meet the requirements set forth in subsection (b)(1) through the time of dissolution of the Corporation under section 5092(c) (D.C. Official Code § 44–951.19).

“(B) The budgetary aspects of the operational plan shall be certifiable by the Chief Financial Officer, and then, no later than 15 days after the approval by the Fiscal Management Board of an operational plan pursuant to subparagraph (A), the Chief Financial Officer of the District of Columbia shall certify that the operational plan will satisfy the requirements set forth in subsection (b)(1).

“(C) Beginning October 1, 2021, the Corporation shall produce quarterly financial reports subject to audit by the Chief Financial Officer measuring progress against the operational plan.

“(D) Copies of such reports shall also be filed with the Secretary of the Council of the District of Columbia.

“(E) The Fiscal Management Board shall make adjustments to the Corporation’s budget and operations as necessary to maintain spending within the requirements of section (b)(1)”.

Sec. 6. Section 5102 of the Fiscal Year 2020 Budget Support Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

Sec. 7. 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. 8. Applicability.

This act shall apply as of May 10, 2021.

Sec. 9. Effective date.

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