


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman

DATE: May 13, 2021 

RE: **Request to Place Measures on the May 18, 2021 Legislative Meeting Agenda**

The following measures are placed on the agenda for the May 18, 2021 Legislative Meeting:

- **Coronavirus Public Health Extension Emergency Declaration Resolution of 2021**
- **Coronavirus Public Health Extension Emergency Amendment Act of 2021**
- **Coronavirus Public Health Extension Temporary Amendment Act of 2021**

On March 11, 2020, the Mayor of the District of Columbia issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. Additional orders have since been issued and the most recent authority granted by the Council expires on May 20, 2021. This emergency and temporary legislation would extend the Mayor's authority through July 25, 2021.

In addition, this legislation would amend the current blanket utility shutoff moratorium to more narrowly focus those covered by a moratorium to lower income individuals on a public assistance program and those who are receiving utility assistance (such as LIHEAP) from the District. Although not required, the legislation is structured to encourage utility customers to seek financial assistance. The intent is to eliminate their debt.

Similarly, the legislation would amend the eviction moratorium to encourage enrollment in the federally funded STAY DC program. The legislation provides that a landlord could only file an eviction case at Superior Court 60 days after the landlord completed an application for STAY DC funds for a tenant with a past due balance. The tenant would have to complete that application or have a community-based organization complete it on their behalf which would provide funds sufficient to cover any past due amounts, making an eviction unnecessary. The tenant can request a 15-day extension of the 60-day requirement if they demonstrate hardship completing the application. Additionally, the tenant could use a landlord's lack of timeliness or good faith in pursuing rental assistance as an affirmative defense. I am currently working with colleagues and the Executive on possible changes or improvements to the STAY DC application process to remove as many barriers as possible so that all residents with past due rent can access this critical support.

The focus of these amendments is to protect low income utility customers and renters, but encourage utilization of federal assistance. The effect will be to increase utilization of the federal money – much of which will be taken back by the federal government if not obligated over the next four months. And, more importantly, the low income households will come out of the pandemic with little or no debt to their landlords and the utility companies.

Finally, this legislation would address the recently imposed Fiscal Management Board (Board) at the United Medical Center. First, the provision would restructure the membership of the Board to make the Board more effective and avoid potential conflicts of interest for Board members. It would also shift the mandate of the Board from turning UMC around, and instead focus the Board on winding down operations in transition to the new hospital facility.

The legislation also contains a technical clarification to a provision of the Fiscal Year 2020 Budget Support Act that should be corrected prior to the end of the public health emergency.

The draft measures are attached. Please call me or Mr. Evan Cash if you have any questions at (202) 724-7002.

cc: All Councilmembers
Council Officers