Chairman Phil Mendelson

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

A BILL

To extend, on a temporary basis, the Mayor's authority to declare a public emergency; to amend the Coronavirus Support Amendment Act of 2021 to remove the public health emergency as the trigger for provisions of the act; to provide for a moratorium on utility disconnections for qualified customers and repeal accelerated review of grant budget modifications by the Council; to require certain improvements to the Stronger Together by Assisting You program; to amend DC Code 16-1501 to allow housing providers to file eviction cases in Superior Court where the tenant continuing presence is a threat to health and safety, where the tenant has willingly and wantonly caused significant damage to the property, and where the housing provider owns five or fewer rental units, the tenant is not eligible for rental assistance, and the housing provider is in severe financial distress: to amend DC Code 16-1501 to allow housing providers to file eviction cases in Superior Court for non-payment of rent on October 12, 2021 if 60 days have elapsed since the initiation or submission of an emergency rental assistance program application or the tenant is not is eligible, provided that an application is not pending or under appeal; to amend DC 16-1501 to allow housing providers to file other eviction cases in Superior Court beginning January 1, 2022; to amend DC Code 16-1502 to require summons be served 30 days in advance of an initial court hearing and a readable time stamp if the summons was served by posting; and to amend Section 501 of the Rental Housing Act of 1985 to provide for specific notice requirements for eviction cases involving nonpayment of rent and cases with evictions authorized prior to March 11, 2020; and to repeal outdated provisions of other laws.

- BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA. That this
- act may be cited as the "Public Emergency Extension and Eviction and Utility Moratorium
- Phasing Temporary Amendment Act of 2021".

44	Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980,			
45	effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended to read			
46	as follows:			
47	"(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the			
48	Mayor to extend the 15-day March 11, 2020, emergency executive order (Mayor's Order 2020-			
49	046) issued in response to the novel 2019 coronavirus (SARS CoV-2) until October 8, 2021.			
50	After the extension authorized by this subsection, the Mayor may extend the emergency order			
51	additional 15-day periods pursuant to subsection (b) or (c) of this section.".			
52	Sec. 3. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24,			
53	2021 (D.C. Law 24-9; 68 DCR 4824), is amended as follows:			
54	(a) Section 101 is amended as follows:			
55	(1) Subsection (a) is amended by striking the phrase "during a period of time for			
56	which the Mayor has declared a public health emergency pursuant to section 5a of the District of			
57	Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.			
58	Official Code § 7-2304.01), an affected employee shall be eligible" and inserting the phrase "an			
59	affected employee shall be eligible" in its place.			
60	(2) Subsection (g) is amended by striking the phrase "during a period of time for			
61	which the Mayor has declared a public health emergency pursuant to section 5a of the District of			
62	Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.			
63	Official Code § 7-2304.01), the requirements of" and inserting the phrase "the requirements of" in its			
64	place.			
65	(b) Section 102 is amended as follows:			
66	(1) Amendatory section 1(2)(A-i) of the District of Columbia Unemployment			
67	Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)(A-i)), in			

68	subsection (a) is amended by striking the phrase "During a period of time for which the Mayor has
69	declared a public health emergency pursuant to section 5a of the District of Columbia Public
70	Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
71	2304.01), and in conformity" and inserting the phrase "In conformity" in its place.

- (2) Amendatory section 8(b) of the District of Columbia Unemployment

 Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-108(b)), in

 subsection (c) is amended by striking the phrase "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" and inserting the phrase "Subject to" in its place.
- (3) Amendatory section 9(b) of the District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-109(b)), in subsection (d) is amended by striking the phrase "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" and inserting the phrase "The Director" in its place.
- (c) Amendatory section 3a of the District of Columbia Family and Medical Leave Act of 1990, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 32-502.01), in section 104(b) is amended as follows:
- (1) Subsection (a) is amended by striking the phrase "During the COVID-19 public health emergency," and inserting the phrase "From March 11, 2020, until November 5, 2021," in its place.
 - (2) Subsection (b) is amended as follows:

91 (A) Paragraph (1) is amended by striking the phrase "during the COVID-19 92 public health emergency" and inserting the phrase "from March 11, 2020, until November 5, 2021" 93 in its place. 94 (B) Paragraph (2) is repealed. 95 (3) Subsection (i) is repealed. 96 (d) Amendatory section 3a(e) of the Accrued Sick and Safe Leave Act of 2008, effective June 97 24, 2021 (D.C. Law 24-9; D.C. Official Code § 32-531.02a(e)), in section 105(a)(2) is amended to 98 read as follows: 99 "(e) For the purposes of this section, the term "COVID-19 emergency" means the period of 100 time from March 11, 2020, through November 5, 2021.". 101 (e) Amendatory section 2316(a)(1) of the Small and Certified Business Enterprise 102 Development and Assistance Act of 2005, effective June 24, 2021 (D.C. Law 24-9; D.C. Official 103 Code § 2-218.16(a)(1)), in section 201(b) is amended by striking the phrase "Upon the Mayor's 104 declaration of a public health emergency pursuant to section 5a of the District of Columbia Public 105 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-106 2304.01), the Mayor may" and inserting the phrase "Through November 5, 2021, the Mayor may" in 107 its place. 108 (f) Amendatory section 2349(a-1) of the Small and Certified Business Enterprise 109 Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. 110 Official Code § 2-218.49(a-1)), in section 202 is amended by striking the phrase "During a period of 111 time for which the Mayor has declared a public health emergency ("PHE") pursuant to section 5a of 112 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-113 194; D.C. Official Code § 7-2304.01)" and inserting the phrase "Through November 5, 2021" in its 114 place.

115 (g) Section 203(a) is amended by striking the phrase "of the COVID-19 emergency" and 116 inserting the phrase "from March 11, 2020, until November 5, 2021" in its place. 117 (h) Section 205 is amended as follows: 118 (1) Subsection (a) is amended by striking the phrase "a period of time for which the 119 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia 120 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 121 7-2304.01) ("public health emergency")" and inserting the phrase "the period of time from March 11, 122 2020, until November 5, 2021" in its place. 123 (2) Subsection (b) is amended by striking the phrase "during a public health 124 emergency, it shall be" and inserting the phrase "it shall be" in its place. 125 (i) Amendatory section 4a of the District of Columbia Funeral Services Regulatory Act of 126 1984, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 3-403.01), in section 302(a) is 127 amended by striking the phrase "for which the Mayor has declared a public health emergency 128 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 129 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" and inserting the phrase "from March 130 11, 2020 until November 5, 2021" in its place. 131 (j) Section 303 is repealed. 132 (k) Section 307 is amended by adding new subsections (h) through (p) to read as follows: 133 "(h) Subsections (c), (d), and (e) of this section shall expire on October 12, 2021. 134 "(i) Subsections (b) and (f) of this section shall expire the later of October 12, 2021, or 60 135 days after the Mayor begins allowing home internet assistance through STAY DC or a similar 136 District-funded program.

137	"(j)(1) After October 12, 2021, and except as otherwise prohibited by subsections (b) and			
138	(f) of this section, a company shall not disconnect, suspend, or degrade service, for non-payment			
139	of a bill, any fees for service or equipment, or any other charges, if:			
140	"(A) The company has failed to engage the customer as required under			
141	subsection (k) of this section;			
142	"(B) The customer owes less than \$600;			
143	"(C) The customer has entered into a payment plan with the company and			
144	either is meeting the terms of the payment plan or is less than 2 months' behind the terms of the			
145	payment plan;			
146	"(D) Prior to October 12, 2021, the customer has requested to enter into a			
147	payment plan with the company and fewer than 45 days have elapsed following the customer's			
148	initial request; or			
149	"(E) The Mayor has certified or the customer has provided documentary			
150	evidence that the customer qualifies for utility disconnection relief and not more than 90 days			
151	have elapsed since October 12, 2021.			
152	"(2) For purposes of paragraph (1)(E) of this subsection, the Mayor shall certify			
153	that an individual is qualified for utility disconnection relief if the individual:			
154	"(A) Has an application pending approval or under appeal, for any form of			
155	financial assistance from the Stronger Together by Assisting You ("STAY DC") Program or			
156	other utility assistance program;			
157	"(B) Within the prior 6 months, received or was approved for a benefit			
158	under the Low-Income Home Energy Assistance Program ("LIHEAP"), Utility Discount			
159	Program ("UDP"), DC Water Emergency Relief Program ("CAP"), or STAY DC Program;			

160	"(C) Is receiving a benefit under the Supplemental Nutrition Assistance			
161	Program ("SNAP") or Temporary Assistance for Needy Families ("TANF") program; or			
162	"(D) Is 21 years of age or older and receiving a benefit under Medicaid or			
163	the D.C. Healthcare Alliance.			
164	"(3)(A) By September 13, 2021, the Mayor shall provide notice to each individual			
165	certified as qualified for utility disconnection relief pursuant to paragraph (2) of this subsection.			
166	"(B) By September 27, 2021, and every 4 weeks thereafter until January 1			
167	2022, the Mayor shall provide companies with a list of each individual certified as qualified for			
168	utility disconnection relief, including the individual's home address. Such list shall be property			
169	of the District and shall only be used to determine that an individual on the list is qualified for			
170	relief from utility disconnection and communicate that to affected households and companies as			
171	needed.			
172	"(4) By August 9, 2021, the Mayor shall, pursuant to Title I of the District of			
173	Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.			
174	Official Code § 2-501 et seq.), promulgate emergency rules to implement this subsection,			
175	including guidance on the District's and the companies' responsibilities under this subsection.			
176	"(k)(1) A company shall provide notice, as described in paragraph (4) of this subsection			
177	to a customer regarding their account at least 60 days in advance of disconnecting, suspending,			
178	or degrading service, inclusive of disconnection procedures in section 311 of Title 15 of the DC			
179	Municipal Regulations (15 DCMR § 311).			
180	"(2)(A) On or before October 12, 2021, a company shall provide notice as			
181	described in paragraph (4) of this subsection to customers with a bill past due. Notice under this			

182	subparagraph shall be mailed to the customer in hard copy and the phrase "PAST DUE" shall be			
183	clearly printed on the bill or envelope.			
184	"(B) Notice under this paragraph shall take the form of a flyer included in			
185	monthly customer bills or prominent language on the bill and be included in both hard copy and			
186	electronic form bills.			
187	"(3) A past due or disconnection notice sent to a customer by a company shall			
188	include notice as described in paragraph (4) of this subsection.			
189	"(4) Notice under this paragraph shall be issued in at least English and Spanish.			
190	The notice shall include information on:			
191	"(A) The availability of payment assistance programs;			
192	"(B) Information on eligibility for payment assistance programs and the			
193	process to apply to each payment assistance program;			
194	"(C) The right of customers to remain eligible for relief from			
195	disconnection, suspension or degradation of service, provided that they are eligible for relief			
196	under subsection (j)(1)(E) of this section; and			
197	"(D) A customer's right to contact Office of People's Counsel ("OPC")			
198	for assistance with negotiating a payment plan on the customer's behalf.			
199	"(5) The Public Service Commission and DC Water Board may issue regulations			
200	regarding customer engagement criteria and customer notice requirements consistent with this			
201	subsection.			
202	"(1)(1) For a period of 90 days beginning on October 12, 2021, a company shall restore			
203	service to a customer when the customer makes a payment to the company of at least \$10,			
204	provided that the customer enters into a payment plan pursuant to section 308 of the Coronavirus			
204	provided that the customer enters into a payment plan pursuant to section 308			

Support Emergency Amendment Act of 2021, effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101), section 308 of the Coronavirus Support Congressional Review Emergency Amendment Act of 2021, effective June 7, 2021 (D.C. Act 24-96; 68 DCR 6025), or section 308 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824); or makes a showing that the utility was disconnected improperly pursuant to this act. Amounts paid by a customer pursuant to this paragraph shall be applied in full to reduce the amounts owed by the customer to the company.

"(2)(A) When a customer whose service has been disconnected, suspended, or degraded for nonpayment is certified by the Mayor or documented by the customer to be eligible for utility disconnection relief under subsection (j)(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 24 hours of receiving notice that the customer is qualified for utility disconnection relief under subsection (j)(1)(E) of this section.

"(m)(1) Beginning on November 1, 2021, and ending on February 1, 2022, 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 to the Office of People's Counsel the number of customers, by zip code, that have entered into payment plans, that have had service suspended or disconnected for non-payment, or that are in arrears.

"(2) Beginning on November 1, 2021, and ending on February 1, 2022, DC
Water shall report monthly to the DC Water Board of Directors, established pursuant to section
204 of the Water and Sewer Authority Establishment and Department of Public Works
Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code §

34–2202.04), and to the Office of the People's Counsel the number of customers, by zip code			
and customer class, that have entered payment plans, that have had service 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 section 106a of the Retail Electric Competition and Consumer Protection			
Act of 1999, effective March 9, 2016 (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.".			
(1) Section 308 is amended as follows:			
(1) Subsection (c) is amended as follows:			
(A) The existing text is redesignated as paragraph (1).			
(B) A new paragraph (2) is added to read as follows:			

249 "(2)(A)(i) Upon request by a customer of an electric company, gas company, 250 incumbent local exchange carrier, or DC Water to the Office of the People's Counsel ("OPC"), 251 OPC shall be authorized to negotiate a payment plan on behalf of a customer. 252 "(ii) Within 48 hours of receiving a request under this 253 subparagraph, OPC shall provide notice to the utility provider of the customer's request. 254 "(B) A disconnection notice sent to a customer shall include notice of the 255 right of a customer to request that OPC negotiate a payment plan on the customer's behalf, 256 including information on how the customer may make such a request. 257 "(C) When 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 258 259 company shall provide notice to the customer that the customer may contact OPC to negotiate a 260 payment plan on the customer's behalf.". 261 (2) Subsection (i)(6) is amended by striking the phrase "a period of time for which 262 the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia 263 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 264 7-2304.01)" and inserting the phrase "the period of time from March 11, 2020, until November 5, 265 2021" in its place 266 (m) Amendatory section 112a(f)(1A) of the Sustainable Solid Waste Management 267 Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-268 1031.12a(f)(1A)), in section 309 is amended by striking the phrase "a period of time for which the 269 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia 270 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 271 7-2304.01)" and inserting the phrase "the period of time from March 11, 2020, until November 5, 272 2021" in its place.

(n) Amendatory section 5a(a) of the Department of Insurance and Securities Regulation

Establishment Act of 1996, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 31104.01), in section 310 in amended by striking the phrase "For the duration 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 § 72304.01) ("public health emergency"), and to address the circumstances giving rise to that
emergency" and inserting the phrase "From March 11, 2020 until November 5, 2021" in its place

(o) Amendatory section 6(b)(10) 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)(10)), in section 311(c) is amended
to read as follows:

"(10) A commercial property that houses a business that closed between March 11,
2020, and November 5, 2021."

- (p) The lead-in language of section 312 is amended by striking the phrase "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)" and inserting the phrase "provision of law, during the period from March 11, 2020, until November 5, 2021" in its place.
- (q) Section 401(a) is amended by striking the phrase "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 Emergency Act"), and for 60 days thereafter" and inserting the phrase "during the period of time from March 11, 2020, until November 5, 2021" in its place.

297 (r) Section 402 is amended by adding a new subsection (f-1) to read as follows: 298 "(f-1) Tenant payment plans may not contain any waiver of the tenant's rights under their 299 lease or District of Columbia law. A tenant entering into a tenant payment plan retains the right to 300 contest the amount of rent due unless this is agreed to in writing by both parties.". 301 (s) Section 403 is repealed. 302 (t) Section 404 is repealed. 303 (u) Section 405 is amended as follows: 304 (1) Paragraph (3) is repealed. 305 (2) Amendatory section 904(c) of the Rental Housing Act of 1985, effective July 17, 306 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), in paragraph (7) is amended by striking 307 the phrase "during a period for which a public health emergency has been declared pursuant to 308 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 309 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) ("Public Emergency Act")" and inserting the 310 phrase "prior to December 31, 2021" in its place. 311 (v) Section 406 is amended as follows: 312 (1) Subsection (a) is amended by striking the phrase "during a period for which a 313 public health emergency has been declared pursuant to section 5a of the District of Columbia Public 314 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-315 2304.01), and for 30 days thereafter" and inserting the phrase "prior to December 31, 2021" in its 316 place. 317 (2) Subsection (b)(1) is amended by striking the phrase "during a period for which a 318 public health emergency has been declared pursuant to section 5a of the District of Columbia Public 319 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-1875 320 2304.01), and for 30 days thereafter" and inserting the phrase "prior to December 31, 2021" in its 321

place.

(w) Section 408(a)(1) is amended by striking the phrase "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" and inserting the phrase "during the period of time from March 11, 2020, until November 5, 2021" in its place.

- (x) Amendatory section 208(g-2)(1) 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(g-2)(1)), in section 501 is amended by striking the phrase "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 inserting the phrase "during the period from March 11, 2020, until November 5, 2021" in its place.
- (y) Amendatory section 5b(a) of the District of Columbia Public Emergency Act of 1980, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 7-2304.02(a)), in section 507(c) is amended by striking the phrase ""(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 a program, organization, business, or entity to assist the District in responding to the public health emergency, including a grant or loan for the purpose of" and inserting the phrase "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.), from March 11, 2020 until November 5, 2021, the Mayor may issue a grant or loan to a program, organization, business, or entity, including a grant or loan for the purpose of" in its place.

(z) Section 508(b) is amended by striking the phrase "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)," and inserting the phrase "November 5, 2021" in its place.

- (aa) Section 509 is repealed.
- 351 (bb) Section 512 is repealed.

(cc) The lead-in language in amendatory section 316a of the Human Rights Act of 1977, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 2-1403.16a), in section 702 is amended by striking the phrase "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" and inserting the phrase "the period of time from March 11, 2020, until November 5, 2021, for violations of this act, or a civil action arising in connection with the public health emergency declared by the Mayor on March 11, 2020 (Mayor's Order 2020-046)" in its place.

(dd) Section 807 is amended as follows:

(1) Amendatory section 6(b) of the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.05(b)), in subsection (b) is amended by striking the phrase "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 inserting the phrase "during the period of time from March 11, 2020, until November 5, 2021" in its place.

(2) Amendatory section 10(d) of the Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.09(d)), in subsection (c) is amended by striking the phrase "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 inserting the phrase "during the period of time from March 11, 2020, until November 5, 2021" in its place.

(ee) Section 809 is amended as follows:

- (1) Amendatory section 405(a)(4) of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-575(a)(4)) in subsection (a)(3) is amended by striking the phrase "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 inserting the phrase "the period of time from March 11, 2020, until November 5, 2021" in its place.
- (2) Amendatory section 406(6) of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576(6)), in subsection (b) is amended by striking the phrase "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 inserting the phrase "the period from March 11, 2020, through November 5, 2021" in its place.
- (3) Subsection (c) is amended by striking the phrase "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 inserting the phrase "the period from March 11, 2020 until November 5, 2021" in its place.

395	(ff) Section 814 is repealed.				
396	(gg) Section 902 is repealed.				
397	(hh) Section 905 is amended as follows:				
398	(1) Amendatory section 13(q) of the Advisory Neighborhood Commissions Act of				
399	1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(q)), in subsection (c)				
400	is amended by striking the phrase "a period of time for which a public health emergency has been				
401	declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of				
402	1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)" and inserting				
403	the phrase "the period of time from March 11, 2020, until November 5, 2021" in its place.				
404	(2) Subsection (d) is amended as follows:				
405	(A) A new paragraph (1A) is added to read as follows				
406	"(1A) Paragraph (1A) is repealed.".				
407	(B) Paragraph (2) is amended to read as follows:				
408	"(2) A new paragraph (1B) is added to read as follows:				
409	"(1B) Notwithstanding any other provision of law, during the period from March 11,				
410	2020, until November 5, 2021, an Advisory Neighborhood Commissioner may call a meeting and				
411	remotely participate in that meeting and vote on matters before the Commission without being				
412	physically present through a teleconference or through digital means identified by the Commission				
413	for this purpose. Members physically or remotely present shall be counted for determination of a				
414	quorum.".				
415	Sec. 4. Other conforming changes.				
416	(a) Chapter 48 of Title 16 of the District of Columbia Official Code is amended by striking				
417	the phrase "for which the Mayor has declared a public health emergency pursuant to § 7-2304.01,"				
418	and inserting the phrase "from March 11, 2020 until November 5, 2021" in each place it appears.				

419	(b) Chapter 1 of Title 18 of the District of Columbia Official Code is amended by striking the				
420	phrase "for which the Mayor has declared a public health emergency pursuant to § 7-2304.01," in				
421	each place it appears.				
422	(c) Title 21 of the District of Columbia Official Code is amended by striking the phrase				
423	"during a period of time for which the Mayor has declared a public health emergency pursuant to §				
424	7-2304.01," and inserting the phrase "from March 11, 2020 until November 5, 2021" in each place it				
425	appears.				
426	(d) The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C.				
427	Official Code § 7-621 et seq.), is amended as follows:				
428	(a) Section 2 (D.C. Official Code § 7–621) is amended as follows:				
429	(1) A new paragraph (2B) is added to read as follows:				
430	"(2B) "Electronic presence" means when one or more witnesses are in a different				
431	physical location than the declarant but can observe and communicate with the declarant and one				
432	another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or				
433	similar capabilities to the same extent as if the witnesses and declarant were physically present with				
434	one another.".				
435	(2) A new paragraph (5A) is added to read as follows:				
436	"(5A) "Sign" means with present intent to authenticate or adopt a record to:				
437	"(A) Execute or adopt a tangible symbol; or				
438	"(B) Affix to or associate with the record an electronic signature.".				
439	(b) Section 3 (D.C. Official Code § 7–622) is amended as follows:				
440	(1) Subsection (a)(4) is amended by striking the phrase "Signed in the presence" and				
441	inserting the phrase "Signed in the presence, or from March 11, 2020 until November 5, 2021, the				
442	electronic presence" in its place.				
443	(2) A new subsection (d) is added to read as follows:				

444	"(d) Any signature required by this act may be an electronic signature.".
445	(c) Section 5(a)(3) (D.C. Official Code § 7-624(a)(3)) is amended by striking the phrase "in
446	the presence of a witness" and inserting the phrase "in the presence, or from March 11, 2020 until
447	November 5, 2021, the electronic presence of a witness" in its place.
448	(d) This section shall expire upon the expiration of D.C. Law 24-9.
449	Sec. 5. STAY DC Improvements.
450	(a)(1) No later than August 9, 2021, the Stronger Together by Assisting You ("STAY
451	DC") Program application portal shall allow housing providers to submit an application for
452	emergency rental assistance on behalf of tenants with an electronic signature from the tenant for
453	funding allocated to the District through Section 501 of Division N of the Consolidated
454	Appropriations Act of 2021 (Pub. L. 116-260).
455	(2) Applications submitted by housing providers under paragraph (1) shall meet
456	all the requirements of Section 501(f)(2) of Pub. L. 116-260 and applicable guidance issued by
457	the United States Department of Treasury.
458	(b) No later than August 9, 2021, the Mayor shall issue guidance outlining the
459	circumstances in which STAY DC will cover arrearages for internet services provided to the
460	rental unit and security deposits, consistent with U.S. Department of Treasury Guidance. This
461	guidance shall be posted on the STAY DC website.
462	(c) Should additional time be necessary to implement the changes in this section, the
463	Mayor shall notify the Council. For each specific improvement required by this section, the
464	notice to Council shall include the reason more time is needed, and an estimate of the additional
465	time needed.
466	Sec. 6. Phasing of the eviction moratorium and additional protections.
467	(a) Title 16 of the District of Columbia Official Code is amended as follows:

(1)	Section	16-1501	is amended	to read a	e followe:
 ,	SECTION	10-1.701	is annended	IO ICAU A	S IOHOWS

- "(a) When a person detains possession of real property without right, or after his right to possession has ceased, the Superior Court of the District of Columbia, on complaint under oath verified by the person aggrieved by the detention, or by his agent or attorney having knowledge of the facts, may issue a summons in English and Spanish to the party complained of to appear and show cause why judgment should not be given against him for the restitution of possession.
- "(b) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600. Nothing in this subsection shall prevent the person aggrieved from filing a complaint to recover the amount owed.
- "(c)(1) Prior to September 26, 2021, or during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except when:
- "(A) 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, or residents of immediately adjacent properties, 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) The complaint alleges that the tenant has willfully or wantonly caused significant damage to the unit, building, premises, or property of the housing provider; order

490	"(D) The complaint alleges non-payment of rent, the complaint is filed on				
491	or after October 12, 2021, and the person aggrieved provides documentation at the time of filing				
492	demonstrating that:				
493	"(i) He or she has applied for emergency rental assistance through				
494	the STAY DC program on behalf of the tenant, or initiated the application on behalf of the tenant				
495	by completing all landlord portions of the application, the tenant has been notified in writing of				
496	the application, and the housing provider is eligible to seek possession pursuant to § 42-				
497	3505.01(b-1)(1); and				
498	"(ii) The tenant has been served with a written notice which meets				
499	the requirements of § 42-3505.01(b-1)(2) and all other requirements under District law.				
500	"(2) It shall be a dispositive affirmative defense requiring dismissal of a complaint				
501	for non-payment of rent if a tenant can demonstrate with substantial evidence provided through				
502	testimony that:				
503	"(A) The housing provider did not pursue rental assistance as required				
504	timely or in good faith;				
505	"(B) The tenant did not receive notice of the rental assistance application;				
506	"(C) The housing provider did not provide a notice that meets the				
507	requirements of 42-3505.01(b-1)(2), and all other requirements under District of Columbia law;				
508	"(D) The tenant or their authorized representative submitted an application				
509	for emergency rental assistance during the 60 days after receiving a past due rent notice, and that				
510	application is still pending, approved and awaiting payment, or under appeal;				
511	"(E) The housing provider has not met the requirements of § 42-				
512	3505.01(b-1)(1); or				

513	"(F) For complaints that involve rent arrears accrued since March 11,				
514	2020, the landlord did not offer or negotiate a payment plan in good faith pursuant to § 42-3281				
515	at any time since March 11, 2020.				
516	"(3) For complaints filed pursuant to (c)(1)(B) of this subsection, it shall be a				
517	dispositive affirmative defense requiring dismissal of a complaint if a tenant can demonstrate				
518	with substantial evidence that the housing provider willfully or negligently contributed to the				
519	significant damage of the unit, premises, building, or property that are the subject of the				
520	complaint.				
521	"(4) For purposes of this subsection, the term:				
522	"(A) "Act of violence" shall have the same meaning as "crime of				
523	violence" as provided in § 23-1331(4).				
524	"(B) "Assault" shall be construed according to § 22-404.				
525	"(C) "Significant damage" includes large holes in the walls of the				
526	unit that cannot be repaired with plaster and paint, destruction of major building systems such as				
527	electric or plumbing, destruction of appliances such as ovens, refrigerators or dish washing				
528	machines in the unit, or damage to large areas of flooring such that the housing provider will				
529	have to replace the damaged flooring.				
530	"(D) "Threat" shall be construed according to § 22-407.				
531	"(E) "Unlawful possession of a firearm" shall be construed				
532	according to § 22-4503.				
533	"(4) Nothing in this section shall be construed to create an obligation on the part				
534	of any person to pursue an eviction action under this subsection.				

"(5) No tenant shall be evicted from a rental unit based on a complaint filed under this subsection unless the court determines by a preponderance of the evidence that the alleged violation of an obligation of tenancy meets all of the requirements of this subsection.

"(d)(1) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section without a valid registration or claim or exemption issued pursuant to § 42-3502.05, and a current license for rental housing issued pursuant to § 47-2828(c)(1) presented at the time of filing.

"(2) The Court may waive the requirements in this subsection if the person aggrieved can demonstrate that the housing provider for the housing accommodation was unable to obtain or renew a current rental housing license due to extenuating circumstances.

- "(e) The person aggrieved shall not file a complaint pursuant seeking relief to this section based on consistent late payment of rent by a tenant occurring between the dates of March 11, 2020 and 60 days after the expiration of the public health emergency declared in response to the novel 2019 coronavirus (SARS CoV-2).
- "(f) Complaints seeking relief pursuant to this section that are not permitted to be filed pursuant to subsection (c) of this section shall not be filed until January 1, 2022, at the earliest.".
 - (2) Section 16-1502 is amended to read as follows:
- "(a) The summons provided for by § 16-1501 shall be served 30 days, exclusive of Sundays, legal holidays, and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, before the day fixed for the initial hearing 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 § 7-2304.01, and for 60 days thereafter, if the summons relates to a complaint that is filed pursuant to the exceptions listed in §

16-1501(c)(1). If the defendant has left the District of Columbia, or cannot be found, the
summons may be served by delivering a copy thereof to the tenant, or by leaving a copy with
some person above the age of sixteen years residing on or in possession of the premises sought to
be recovered, and if no one is in actual possession of the premises, or residing thereon, by
posting a copy of the summons on the premises where it may be conveniently read. If the
summons is posted on the premises, a copy of the summons shall be mailed first class U.S. mail,
postage prepaid, to the premises sought to be recovered, in the name of the person known to be
in possession of the premises, or if unknown, in the name of the person occupying the premises,
within 3 calendar days of the date of posting.

- "(b) If a summons is served by posting a copy on the premises, a photograph of the posted summons must be submitted to the court. The photograph must have a readable timestamp that indicates the date and time of when the summons was posted.".
- (c) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:
- (1) Section 501 (D.C. Official Code § 42-3505.01) is amended as follows:
- 573 (A) Subsection (a) is amended as follows:

- (i) The existing text is designated as paragraph (1).
- 575 (ii) Pagaraph (1) is amended by striking the phrase "written notice" to vacate" and inserting the phrase "written notice" in its place.
 - (iii) A new paragraph (2) is added to read as follows:
 - "(2) If a notice is served by posting a copy on the premises, a photograph of the posted notice must be submitted to the court. The photograph must have a readable timestamp that indicates the date and time of when the summons was posted.".

581	(iii) A new paragraph (3) is added to read as follows:
582	"(3) If the landlord knows the tenant speaks a primary language other than
583	English or Spanish that is covered under section 4 of the Language Access Act of 2004, effective
584	June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), the landlord must provide the
585	notice in that language.
586	(B) Subsection (a-1) is amended as follows
587	(i) Paragraph (1) is amended by striking the word "claim" and
588	inserting the phrase "claim, unless the claim pertains to subsection (b-1) of this section."
589	(ii) Paragraph (2)(C) is amended by striking the phrase ", including
590	evidence of the time and date of service" and inserting "with a readable timestamp that indicates
591	the date and time of when the summons was posted.".
592	(C) Subsection (b) is amended to read as follows:
593	"(b) A housing provider may recover possession of a rental unit where the tenant is
594	violating an obligation of tenancy, other than nonpayment of rent, and fails to correct the
595	violation within 30 days after receiving notice from the housing provider.".
596	(D) A new subsection (b-1) is added to read as follows:
597	"(b-1)(1) On or after October 12, 2021, a housing provider may recover possession of a
598	rental unit for nonpayment of rent where the past due rent is equal to more than \$600 and any of
599	the following applies:
600	"(A) The tenant fails to submit an emergency rental assistance application
601	within 60 days of receiving a notice of past due rent;
602	"(B) The tenant's application for emergency rental assistance was denied,
603	or the application was approved with a balance of equal to or greater than \$600 remaining

unpaid, and the tenant and housing provider have not established a rent payment plan pursuant to § 42-3281 within 14 days of the denial; or

"(C) A tenant with a rent payment plan is at least \$600 or two months behind on the terms of the payment plan, whichever is greater.

"(2) A notice of past due rent from the housing provider shall state the total amount of rent that is owed by the tenant and attach a ledger showing rent charges and payments for all periods of time in which the housing provider alleges the tenant's rental payments are delinquent, that the tenant has the right to remain in the rental unit if the total balance of unpaid rent is paid in full, provide basic information about emergency rental assistance programs in the District, including the eligibility criteria for the programs and ways for the tenant to apply, indicate if an application has been submitted on behalf of the tenant or initiated by the housing provider with need for the tenant to complete the application, notify the tenant that they have 60 days to submit their portion of an application for emergency rental assistance where an application has been initiated by the housing provider, and indicate that the housing provider may file in court for possession without further notice if any of the following occur:

"(A) The tenant fails to submit their portion of an application for emergency rental assistance within 60 days of receiving the notice of past due rent;

"(B) The tenant's application for emergency rental assistance was denied, or the application was approved with a balance of equal to or greater than \$600 remaining unpaid, and the tenant and housing provider have not established a rent payment plan within 14 days of the denial; or

"(C) A tenant defaults on a rental payment plan by being the greater of \$600 or two months behind the terms of the plan.

627	(D) Subsection (k) is amended as follows:
628	(i) Paragraph (1) is amended by striking the phrase "; or" and
629	inserting a semicolon in its place.
630	(ii) Paragraph (2) is amended by striking the period and inserting
631	the phrase "; or" in its place.
632	(iii) A new paragraph (3) is added to read as follows:
633	"(3) During a period of time for which the Mayor has declared a public health
634	emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
635	effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01), except for evictions
636	arising from those complaints filed pursuant to the exceptions in D.C. Official Code § 16-
637	1501(c)(1); provided, that:
638	"(A) Any family facing eviction pursuant to D.C. Official Code § 16-
639	1501(c)(1)(A) shall be offered assistance and resources that support the coordination or
640	continuation of youth education, social services, and other resources before the eviction is
641	carried out; and
642	"(B) Any person with behavioral, emotional, or mental health issues
643	facing eviction pursuant to § 16-1501(c)(1)(A) shall be offered behavioral health or housing
644	counseling services and shall be offered alternative housing arrangements before the eviction is
645	carried out.
646	(E) Subsection (q) is amended to read as follows:
647	"(q)(1) Beginning on October 14, 2020, for the period of time during which there exists a
	(q)(1) Degining on October 14, 2020, for the period of time during which there exists a

649	Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-
650	2304.01), and not earlier than September 26, 2021, no housing provider may:
651	"(A) Issue to a tenant a notice pursuant to this section, except notices of
652	past due rent pursuant to subsection (b-1)(2) of this section; or
653	"(B) Engage in any action that is intended to force tenants to leave their
654	housing or otherwise give up their rights under the law, including the actions described under
655	section 502(a).
656	"(2) Any person who violates paragraph (1) of this subsection shall be subject to
657	penalties under section 901."
658	(F) A new subsection (q-1) is added to read as follows:
659	"(q-1)(1) Subsection (q) shall not apply to notice for complaints filed pursuant to the
660	exceptions in D.C. Official Code § 16-1501(c)(1).
661	"(2)(A) A notice issued to a tenant pursuant to this subsection must do the
662	following:
663	"(i) State prominently and at the beginning of any such notice that
664	the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do
665	so;
666	"(ii) For cases involving alleged violations of obligations of
667	tenancy, state prominently and at the beginning of any such notice that the tenant has the right to
668	correct or cease the alleged violation of tenancy and remain in the rental unit;
669	"(iii) For cases involving non-payment of rent, meet the
670	requirements of subsection (b-1)(2) of this section, in addition to the requirements of this
671	subsection and other applicable District laws;

672	"(iv) State prominently and at the beginning of any such notice that
673	the tenant has the right to dispute the landlord's allegations through the court process and remain
674	in the rental unit until the court reaches a decision on the matter;
675	"(v) Include the phone numbers of the Office of the Tenant
676	Advocate and the Landlord Tenant Legal Assistance Network and state prominently and at the
677	beginning of any such notice that both resources may provide or may refer the tenant to free
678	legal services for tenants facing eviction; and
679	"(vi) If the landlord knows the tenant speaks a primary language
680	other than English or Spanish that is covered section 4 of the Language Access Act of 2004,
681	effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), be translated into that
682	language.
683	(G) A new subsection (s) is added to read as follows:
684	"(s) Unless a purchaser of real property has obtained the deed to the property, the
685	purchaser shall not evict a tenant.".
686	(2) Section 501a(b) (D.C. Official Code § 42-3505.01a(b)) is amended as
687	follows:
688	(A) The lead-in language of paragraph (1) is amended by striking the
689	phrase "date of eviction not fewer than 21 days before the date of eviction" and inserting the
690	phrase "date of eviction" in its place.
691	(B) A new paragraph (1-A) is added to read as follows:
692	"(1-A) For a rescheduled eviction authorized prior to March 11, 2020, a housing
693	provider shall deliver to the tenant the notice required in paragraph (1) of this subsection not
694	fewer than 30 days prior to the new date."

695	(C) A new paragraph (1-B) is added to read as follows:
696	"(1-B) For evictions other than those covered in paragraph (1-A) of this
697	subsection, a housing provider shall deliver to the tenant the notice required in paragraph (1) of
698	this subsection not fewer than 21 days prior to the new date.".
699	Sec. 7. Repealers.
700	(a) Section 2 of the Coronavirus Public Health Extension Emergency Amendment Act of
701	2021, enacted June 17, 2021 (D.C. Act 24-79; 68 DCR 5600), is repealed.
702	(b) Section 2 of the Coronavirus Public Health Extension Temporary Amendment Act of
703	2021, effective May 19, 2021 (D.C. Act 24-99; 68 DCR 6446), is repealed.
704	Sec. 8. Fiscal impact statement.
705	The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
706	statement required by section 4a of the General Legislative Procedures Act of 1975, approved
707	October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).
708	Sec. 9. Effective date.
709	(a) This act shall take effect following approval by the Mayor (or in the event of veto by
710	the Mayor, action by the Council to override the veto), a 60-day period of congressional review
711	as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
712	24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
713	Columbia Register.
714	(b) This act shall expire after 225 days of its having taken effect.
715	