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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 amend, on an emergency basis, the Coronavirus Support Temporary 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 to repeal provisions establishing accelerated review of grant budget modifications by the Council, to require certain improvements to the Stronger Together by Assisting You program; to amend Title 16 of the District of Columbia Official Code to allow housing providers to file eviction cases in Superior Court when the tenant’s continuing presence is a threat to health and safety or when the tenant has willfully or wantonly caused significant damage to the property, 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 allow housing providers to file other eviction cases in Superior Court beginning January 1, 2022, and to require a summons be served 30 days in advance of an initial court hearing and a readable time stamp if the summons was served by posting; 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cases involving nonpayment of rent and for cases with evictions authorized prior to March 11, 2020; and to repeal outdated provisions of other laws.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 Congressional Review Emergency Amendment Act of 2021”.

Sec. 2. Reserved

Sec. 3. The Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-9; 68 DCR 4824), is amended as follows:

(a) Section 101 is amended as follows:

(1) Subsection (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), an affected employee shall be eligible” and inserting the phrase “an

affected employee shall be eligible” in its place.

(2) Subsection (g) 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 requirements of” and inserting the phrase “the requirements of”

in its place.

(b) Section 102 is amended as follows:

(1) Amendatory section 1(2)(A-i) of the District of Columbia Unemployment

Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)(Ai)), in subsection (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), 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) Amendatory 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) Amendatory subsection (b) is amended as follows:

(A) Amendatory paragraph (1) 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.

(B) Amendatory paragraph (2) is repealed.

(3) Amendatory subsection (i) is repealed.

(d) Amendatory section 3a(e)(2) of the Accrued Sick and Safe Leave Act of 2008,

effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 32-531.02a(e)(2)), in section

105(a)(2) is amended to read as follows:

“(2) “COVID-19 emergency” means the period of time from March 11, 2020,

through November 5, 2021.”.

(e) Amendatory section 2316(a)(1) of the Small and Certified Business Enterprise

Development and Assistance Act of 2005, effective June 24, 2021 (D.C. Law 24-9; D.C. Official

Code § 2-218.16(a)(1)), in section 201(b) is amended by striking the phrase “Upon the Mayor’s

declaration of a public health emergency pursuant to section 5a of the District of Columbia

Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

Code § 7-2304.01), the Mayor may” and inserting the phrase “Through November 5, 2021, the

Mayor may” in its place.

(f) Amendatory section 2349(a-1) of the Small and Certified Business Enterprise

Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C.

Official Code § 2-218.49(a-1)), in section 202 is amended by striking the phrase “During a

period of time for which the Mayor has declared a public health emergency (“PHE”) pursuant to

section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002

(D.C. Law 14-194; D.C. Official Code § 7-2304.01)” and inserting the phrase “Through

November 5, 2021” in its place.

(g) Section 203(a) is amended by striking the phrase “of the COVID-19 emergency” and

inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(h) Reserved.

(i) Amendatory section 4a of the District of Columbia Funeral Services Regulatory Act of

1984, effective June 24, 2021 (D.C. Law 24-9; D.C. Official Code § 3-403.01), in section 302(a)

is amended by striking the phrase “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 “the period of time from March 11, 2020 until November 5, 2021” in its

place.

(j) Section 303 is repealed.

(k) Section 307 is amended by adding new subsections (h) through (p) to read as follows:

“(h) Subsections (c), (d), and (e) of this section shall expire on October 12, 2021.

“(i) Subsections (b) and (f) of this section shall expire the later of October 12, 2021, or 60

days after the Mayor begins allowing home internet assistance through STAY DC or a similar

District-funded program.

“(j)(1) After October 12, 2021, and except as otherwise prohibited by subsections (b) and

(f) of this section, 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 has failed to engage the customer as required under

subsection (k) of this section;

“(B) The customer owes less than $600;

“(C) The customer has entered into a payment plan with the company and

either is meeting the terms of the payment plan or is less than 2 months behind the terms of the

payment plan;

“(D) Prior to October 12, 2021, the customer has requested to enter into a

payment plan with the company and fewer than 45 days have elapsed following the customer’s

initial request; or

“(E) The Mayor has certified or the customer has provided documentary

evidence that the customer qualifies for utility disconnection relief and not more than 90 days

have elapsed since October 12, 2021.

“(2) For purposes of paragraph (1)(E) of this subsection, the Mayor shall certify

that an individual is qualified for utility disconnection relief if the individual:

“(A) Has an application pending approval or under appeal, for any form of

financial assistance from the Stronger Together by Assisting You (“STAY DC”) Program or

other utility-assistance program;

“(B) Within the prior 6 months, received or was approved for a benefit

under the Low-Income Home Energy Assistance Program (“LIHEAP”), Utility Discount

Program (“UDP”), DC Water Customer Assistance Program (“CAP”), or STAY DC Program;

“(C) Is receiving a benefit under the Supplemental Nutrition Assistance

Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) program; or

“(D) Is 21 years of age or older and receiving a benefit under Medicaid or

the DC Healthcare Alliance.

“(3)(A) By September 13, 2021, the Mayor shall provide notice to each individual

certified as qualified for utility disconnection relief pursuant to paragraph (2) of this subsection.

“(B) By September 27, 2021, and every 4 weeks thereafter until January 1,

2022, the Mayor shall provide companies and the Office of the People’s Counsel (“OPC”) with a

list of each individual certified as qualified for utility disconnection relief, including the individual’s home address. Such list shall be property of the District and shall only be used to

determine that an individual on the list is qualified for relief from utility disconnection and to

communicate that to affected households and companies as needed.

“(3A) A company shall consider a customer as certified as qualified for utility

disconnection relief under this subsection where:

“(B) The customer’s home address is included on the list provided to a

company under paragraph (3)(B) of this subsection, but the name of the individual certified does

not match the name of the customer on the account; or

“(C) The customer provides the company with a copy of the notice of

certification provided by the Mayor under paragraph (3)(A) of this subsection by mail, email,

fax, or other reasonable method.

“(4) By August 9, 2021, the Mayor shall, pursuant to Title I of the District of

Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.

Official Code § 2-501 et seq.), promulgate emergency rules to implement this subsection,

including guidance on the District’s and the companies’ responsibilities under this subsection.

“(k)(1) A company shall provide notice, as described in paragraph (4) of this subsection,

to a customer regarding the customer’s account at least 60 days in advance of disconnecting,

suspending, or degrading service, inclusive of disconnection procedures in section 311 of Title

15 of the District of Columbia Municipal Regulations (15 DCMR § 311).

“(2)(A) On or before October 12, 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 bill or envelope.

“(B) Notice under this paragraph 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.

“(3) A past due or disconnection notice sent to a customer by a company shall

include notice as described in paragraph (4) of this subsection.

“(4) Notice under this paragraph shall be issued in at least English and Spanish.

The notice 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 right of customers to remain eligible for relief from

disconnection, suspension, or degradation of service; provided, that they are eligible for relief

under subsection (j)(1)(E) of this section; and

“(D) A customer’s right to contact OPC for assistance with negotiating a

payment plan on the customer’s behalf.

“(5) The Public Service Commission and Board of Directors of the District of

Columbia Water and Sewer Authority (“DC Water Board of Directors”) may issue regulations

regarding customer engagement criteria and customer notice requirements consistent with this

subsection.

“(l)(1) For a period of 90 days beginning on October 12, 2021, a company shall restore

service to a customer when the customer makes a payment to the company of at least $10;

provided, that the customer enters into a payment plan pursuant to section 308 of the

Coronavirus 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 OPC the

number of customers, by zip code, that have entered into payment plans, including the number of payment plans that have defaulted, 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, the

District of Columbia Water and Sewer Authority (“DC Water”) shall report monthly to the DC

Water Board of Directors and to OPC the number of customers, by zip code and customer class,

that have entered payment plans, including the number of payment plans that have defaulted, that have had service suspended or disconnected for nonpayment, 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 § 34-1506.01).

“(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.”.

(l) 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:

“(2)(A)(i) Upon request by a customer of an electric company, gas company,

incumbent local exchange carrier, or DC Water 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 2 business days of receiving a request under this subparagraph, 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) When a company and a 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 the customer may contact OPC to negotiate a

payment plan on the customer’s behalf.”.

(2) Subsection (i)(6) is amended by striking the phrase “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 “the period of time from March 11, 2020,

until November 5, 2021” in its place

(m) Reserved.

(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 § 31-

104.01), 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 § 7-

2304.01) (“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.

(r) Section 402 is amended by adding a new subsection (f-1) to read as follows:

“(f-1) Tenant payment plans may not contain any waiver of the tenant’s rights under the

tenant’s lease or District of Columbia law. A tenant entering into a tenant payment plan retains

the right to contest the amount of rent due unless this is agreed to in writing by both parties.”.

(s) Section 403 is repealed.

(t) Section 404 is repealed.

(u) Section 405 is amended as follows:

(1) Paragraph (3) is repealed.

(2) Amendatory section 904(c) of the Rental Housing Act of 1985, effective July

17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), in paragraph (7) is amended by

striking the phrase “during a period for which a public health emergency has been declared

pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency

Act”)” and inserting the phrase “prior to December 31, 2021” in its place.

(v) Section 406 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “during a period for which a

public health emergency has been declared pursuant to section 5a of the District of Columbia

Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

Code § 7-2304.01), and for 30 days thereafter” and inserting the phrase “prior to December 31,

2021” in its place.

(2) Subsection (b)(1) is amended by striking the phrase “during a period for which

a public health emergency has been declared pursuant to section 5a of the District of Columbia

Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

Code § 7-1875 2304.01), and for 30 days thereafter” and inserting the phrase “prior to December

31, 2021” in its place.

(w) Reserved.

(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) Section 507 is amended as follows:

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

“(2) Paragraph (2) is amended by striking the phrase “District of Columbia

government;” and inserting the phrase “District of Columbia government; provided further, that,

with respect to the public health emergency declared in the Mayor’s order dated March 11, 2020,

and any extensions thereof, the additional authority provided pursuant to this paragraph for

entering into contracts and incurring obligations shall expire on November 5, 2021;” in its

place.”

(2) 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

subsection (c) is amended by striking the phrase “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.

(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.

(ff) Section 810 is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase “during a period

of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01”

and inserting the phrase “during the period of time from March 11, 2020, until November 5,

2021” in its place.

(B) Subparagraph (B) is amended by striking the phrase “during a period

of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01”

and inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its

place.

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

(A) Amendatory section 21-2043(c-1) of the District of Columbia Official

Code in paragraph (2) is amended by striking the phrase “during a period of time for which the

Mayor has declared a public health emergency pursuant to § 7-2304.01” and inserting the phrase

“during the period from March 11, 2020, until November 5, 2021” in its place.

(B) Paragraph (4) is amended by striking the phrase “during a period of

time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and

inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its

place.

(C) Paragraph (5) is amended by striking the phrase “during a period of

time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and

inserting the phrase “during the period from March 11, 2020, until November 5, 2021” in its

place.

(gg) Section 811 is amended as follows:

(1) 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 § 7-2304.01” and inserting

the phrase “during the period from March 11, 2020, until November 5, 2021” in its place.

(2) Amendatory section 18-113(f) of the District of Columbia Official Code 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 § 7-2304.01” and inserting the phrase

“during the period from March 11, 2020, until November 5, 2021” in its place.

(hh) Section 814 is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “during a period of

time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01” and

inserting the phrase “from March 11, 2020, until November 5, 2021” in its place.

(B) Amendatory section 3(d) of the Natural Death Act of 1981, effective

February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-622(d)), in paragraph (2) is amended

to read as follows:

“(d) Any signature required by this act may be an electronic signature.”.

(2) 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 § 7-2304.01” and inserting

the phrase “from March 11, 2020, until November 5, 2021” in its place.

(ii) Section 902 is repealed.

(jj) Section 905 is amended as follows:

(1) Amendatory section 13(q) of the Advisory Neighborhood Commissions Act of

1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.10(q)), in

subsection (c) is amended by striking the phrase “a period of time for which a public health

emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia

Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official

Code § 7-2304.01)” and inserting the phrase “the period of time from March 11, 2020, until

November 5, 2021” in its place.

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

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

“(1A) Paragraph (1A) is repealed.”.

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

“(2) A new paragraph (1B) is added to read as follows:

“(1B) Notwithstanding any other provision of law, an Advisory Neighborhood

Commissioner may call a meeting and remotely participate in that meeting and vote on matters

before the Commission without being physically present through a teleconference or through

digital means identified by the Commission for this purpose. Members physically or remotely

present shall be counted for determination of a quorum.”.

Sec. 4. STAY DC Improvements.

(a)(1) No later than August 9, 2021, the Stronger Together by Assisting You (“STAY

DC”) Program application portal shall allow housing providers to submit an application for

emergency rental assistance on behalf of tenants with an electronic signature from the tenant for

funding allocated to the District through section 501 of Division N of the Consolidated

Appropriations Act of 2021, approved December 27, 2020 (134 Stat. 2069; 15 U.S.C. § 9058a ).

(2) Applications submitted by housing providers under paragraph (1) shall meet

all the requirements of section 501(f)(2) of Division N of the Consolidated Appropriations Act,

2021, approved December 27, 2020 (134 Stat. 2069; 15 U.S.C. § 9058a(f)(2)), and applicable

guidance issued by the United States Department of Treasury.

(b) No later than August 9, 2021, the Mayor shall issue guidance outlining the

circumstances in which STAY DC will cover arrearages for internet services provided to the

rental unit and security deposits, consistent with U.S. Department of Treasury guidance. This

guidance shall be posted on the STAY DC website.

(c) Should additional time be necessary to implement the changes in this section, the

Mayor shall notify the Council. For each specific improvement required by this section, the

notice to Council shall include the reason more time is needed, and an estimate of the additional

time needed.

(d) No later than August 9, 2021, the Mayor shall provide information related to the

STAY DC program, including eligibility, instructions for application, benefits of enrolling, and

any programmatic deadlines, via e-mail or another form of communication, to all individuals

who have received benefits during the emergencies declared in the Declaration of Public

Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health

Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of

those declared emergencies, from the following programs:

(1) Unemployment insurance;

(2) Emergency rental assistance;

(3) Medicaid;

(4) Low Income Home Energy Assistance Program;

(5) Supplemental Nutrition Assistance Program;

(6) Temporary Assistance for Needy Families Program; and

(7) DC Healthcare Alliance.

Sec. 5. Phasing of the eviction moratorium and additional protections.

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

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

“§ 16-1501. Definition; summons.

“(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 January 1, 2022, 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; or

“(C) The complaint alleges non-payment of rent, the complaint is filed on

or after October 12, 2021, and the person aggrieved provides documentation at the time of filing

demonstrating that:

“(i) He or she has applied for emergency rental assistance through

the STAY DC program on behalf of the tenant, or initiated the application on behalf of the tenant

by completing all landlord portions of the application, the tenant has been notified in writing of

the application, and the housing provider is eligible to seek possession pursuant to § 42-

3505.01(b-1)(1); and

“(ii) The tenant has been served with a written notice which meets the requirements of § 42-3505.01(b-1)(2) and all other requirements under District law.

“(2) It shall be a dispositive affirmative defense requiring dismissal of a complaint

for non-payment of rent if a tenant can demonstrate with substantial evidence provided through

testimony that:

“(A) The housing provider did not pursue rental assistance as required

timely or in good faith;

“(B) The tenant did not receive notice of the rental assistance application;

“(C) The housing provider did not provide a notice that meets the

requirements of 42-3505.01(b-1)(2), and all other requirements under District of Columbia law;

“(D) The tenant or their authorized representative submitted an application

for emergency rental assistance prior to or during the 60 days after receiving a past due rent

notice, and that application is still pending, approved and awaiting payment, or under appeal;

“(E) The housing provider has not met the requirements of § 42-3505.01(b-1)(1); or

“(F) For complaints that involve rent arrears accrued since March 11,

2020, the landlord did not offer or negotiate a payment plan in good faith pursuant to § 42-3281

at any time since March 11, 2020.

“(3) For complaints filed pursuant to (c)(1)(B) of this subsection, it shall be a

dispositive affirmative defense requiring dismissal of a complaint if a tenant can demonstrate

with substantial evidence that the housing provider willfully or negligently contributed to the

significant damage of the unit, premises, building, or property that are the subject of the

complaint.

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

“(A) “Act of violence” shall have the same meaning as “crime of

violence” as provided in § 23-1331(4).

“(B) “Assault” shall be construed according to § 22-404.

“(C) “Significant damage” includes large holes in the walls of the

unit that cannot be repaired with plaster and paint, destruction of major building systems such as

electric or plumbing, destruction of appliances such as ovens, refrigerators or dish washing

machines in the unit, or damage to large areas of flooring such that the housing provider will

have to replace the damaged flooring.

“(D) “Threat” shall be construed according to § 22-407.

“(E) “Unlawful possession of a firearm” shall be construed

according to § 22-4503.

“(5) 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.

“(6) 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.

“(7) At the initial hearing for any complaint for non-payment of rent, if the

complaint does not allege sufficient facts or the person aggrieved has not produced sufficient

documentation to meet all pre-filing requirements under District law, the Court shall dismiss the

complaint.

“(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:

“§ 16-1502. Service of summons.

“(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.”.

(b) 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:

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

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

(ii) Paragraph (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.”.

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

“(3) If the landlord knows the tenant speaks a primary language other than

English or Spanish that is covered under section 4 of the Language Access Act of 2004, effective

June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), the landlord must provide the

notice in that language.

(B) Subsection (a-1) is amended as follows

(i) Paragraph (1) is amended by striking the word “claim” and

inserting the phrase “claim, unless the claim pertains to subsection (b-1) of this section” in its

place.

(ii) Paragraph (2)(C) is amended by striking the phrase “, including evidence of the time and date of service” and inserting the phrase “with a readable timestamp that indicates the date and time of when the summons was posted” in its place.

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

“(b) A housing provider may recover possession of a rental unit when the tenant is

violating an obligation of tenancy, other than nonpayment of rent, and fails to correct the

violation within 30 days after receiving notice from the housing provider.”.

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

“(b-1)(1) On or after October 12, 2021, a housing provider may recover possession of a

rental unit for nonpayment of rent when the past due rent is equal to more than $600 and any of

the following applies:

“(A) The tenant fails to submit an emergency rental assistance application

within 60 days of receiving a 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 pursuant to

section 402 of the Coronavirus Support Temporary Amendment Act, effective June 24, 2021

(D.C. Law 24-9; D.C. Official Code § 42-3192.01), within 14 days of the denial; or

“(C) A tenant with a rent payment plan is at least $600 or 2 months behind

on the terms of the payment plan, whichever is greater.

“(2) Prior to filing a complaint with the Superior Court for nonpayment of rent, a

housing provider shall send to the tenant a notice of past due rent containing the following or

substantively similar language:

“This is a notice of past due rent. The total amount of rent owed is [list specific

amount due]. A ledger showing the dates of rent charges and payments for the period of

delinquency is attached. You have the right to remain in the rental unit if the total balance of

unpaid rent is paid in full or if you are current on a rent payment plan.

“[Name of housing provider] has initiated an application to STAY DC for

emergency rental assistance on your behalf for any rent due after April 1, 2020. Only you or your

authorized representative can complete the tenant portion of the application. If the ledger shows amounts due prior to April 2020, you should also seek assistance from other District emergency

rental assistance programs, such as the Emergency Rental Assistance Program (“ERAP”).

“You have 60 days, or until [insert specific date], to submit your portion of any

application(s) for emergency rental assistance. To apply for STAY DC, go to stay.dc.gov or call

833-4STAYDC (833-478-2932). The STAY DC call center can also connect you to application

help and refer you to ERAP and other District emergency rental-assistance programs.

“ You may qualify for assistance if your household’s annual income is equal

to or less than the amounts shown below:

|  |  |  |  |
| --- | --- | --- | --- |
| People in Household | Maximum Income | People in Household | Maximum Income |
| 1 | $57,650 | 5 | $88,900 |
| 2 | $65,850 | 6 | $95,500 |
| 3 | $74,100 | 7 | $102,100 |
| 4 | $82,300 | 8 | $108,650 |

“[Name of housing provider] has the right to file a case in court seeking your

eviction, without further notice, if any of the following occur:

“(A) You fail to submit an emergency rental assistance application within 60

days;

“(B) You are denied emergency rental assistance for all or part of the past due

amount and you have not established a rent payment plan with us within 14 days of the denial; or

“(C) You miss payments under a rent payment plan totaling at least $600 or two

months of rent, whichever is greater.

“If [name of housing provider] files in court, your next notice will be a summons

to appear in court. You have the right to defend yourself in court. Only a court can order your

eviction. For further help or to seek free legal services, contact the Office of the Tenant Advocate

at 202-719-6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.”.

(E) Subsection (k) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “; or” and

inserting a semicolon in its place.

(ii) Paragraph (2) is amended by striking the period and inserting

the phrase “; or” in its place.

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

“(3) During a period of time for which the Mayor has declared a public health

emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,

effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01), except for evictions

arising from those complaints filed pursuant to the exceptions in D.C. Official Code § 16-

1501(c)(1); provided, that:

“(A) A family facing eviction pursuant to D.C. Official Code § 16-

1501(c)(1)(A) shall be offered 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) A person with behavioral, emotional, or mental health issues facing

eviction pursuant to D.C. Official Code § 16-1501(c)(1)(A) shall be offered behavioral health or

housing counseling services and shall be offered alternative housing arrangements before the

eviction is carried out.

(F) Subsection (q) is amended to read as follows:

“(q)(1) Beginning on October 14, 2020, for the period of time during which there exists a

public health emergency declared pursuant to section 5a of the District of Columbia Public

Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-

2304.01), and not earlier than September 26, 2021, no housing provider may:

“(A) Issue to a tenant a notice pursuant to this section, except notices of

past due rent pursuant to subsection (b-1)(2) of this section; or

“(B) Engage in any action that is intended to force tenants to leave their

housing or otherwise give up their rights under the law, including the actions described under

section 502(a).

“(2) A person who violates paragraph (1) of this subsection shall be subject to

penalties under section 901.”

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

“(q-1)(1) Subsection (q) shall not apply to notice for complaints filed pursuant to the

exceptions in D.C. Official Code § 16-1501(c)(1).

“(2)(A) A notice issued to a tenant pursuant to this subsection must do the

following:

“(i) State prominently and at the beginning of any such notice that

the tenant does not have to vacate the rental unit until and unless a court orders the tenant to do

so;

“(ii) For cases involving alleged violations of obligations of

tenancy, state prominently and at the beginning of any such notice that the tenant has the right to

correct or cease the alleged violation of tenancy and remain in the rental unit;

“(iii) For cases involving non-payment of rent, meet the

requirements of subsection (b-1)(2) of this section in addition to the requirements of this

subsection and other applicable District laws;

“(iv) State prominently and at the beginning of any such notice 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;

“(v) Include the phone numbers of the Office of the Tenant

Advocate and the Landlord Tenant Legal Assistance Network and state prominently and at the

beginning of any such notice that both resources may provide or may refer the tenant to free

legal services for tenants facing eviction; and

“(vi) If the landlord knows the tenant speaks a primary language other than English or Spanish that is covered section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), be translated into that language.

(H) A new subsection (s) is added to read as follows:

“(s) Unless a purchaser of real property has obtained the deed to the property, the

purchaser shall not evict a tenant.”.

(2) Section 501a(b) (D.C. Official Code § 42-3505.01a(b)) is amended as follows:

(A) The lead-in language of paragraph (1) is amended by striking the

phrase “date of eviction not fewer than 21 days before the date of eviction” and inserting the

phrase “date of eviction” in its place.

(B) A new paragraph (1-A) is added to read as follows:

“(1A) For a rescheduled eviction authorized prior to March 11, 2020, a housing

provider shall deliver to the tenant the notice required in paragraph (1) of this subsection not

fewer than 30 days prior to the new date.”

(C) A new paragraph (1-B) is added to read as follows:

“(1B) For evictions other than those covered in paragraph (1-A) of this

subsection, a housing provider shall deliver to the tenant the notice required in paragraph (1) of

this subsection not fewer than 21 days prior to the new date.”.

Sec. 6. Repealers.

(a) Section 2 of the Coronavirus Public Health Extension Emergency Amendment Act of

2021, effective May 19, 2021 (D.C. Act 24-79; 68 DCR 5600), is repealed.

(b) Section 2 of the Coronavirus Public Health Extension Temporary Amendment Act of

2021, enacted on June 17, 2021 (D.C. Act 24-99; 68 DCR 6446), 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. 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)).