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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 provide, on an emergency basis, additional protections to Districts residents and businesses during the current public health emergency.

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

# Sec. 2. Business interruption insurance.

(a)(1) Notwithstanding any provision of District law and notwithstanding the terms of any policy of insurance subject to this section (including any endorsement thereto or exclusions to coverage included therewith), every commercial policy of insurance issued by a licensed insurer and in force in the District on or as of March 25, 2020 that includes coverage for loss of business income, loss of use and occupancy, or business interruption, shall be construed to provide coverage for claims directly or indirectly resulting from a public health emergency 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 Health Emergency”).

(2) No licensed insurer may deny a claim for loss of use and occupancy, loss of business income, or business interruption due to:

(A) Losses arising from actions an insured takes in response to a Mayor’s Order issued during a Public Health Emergency, including the partial or complete suspension of the insured’s business activities; or

(B) There being no direct physical loss of or physical damage to the property of the insured, the insured’s business premises, or to any other property utilized in connection with the business.

(3) The coverage required by this section shall indemnify the insured, subject to the limits under the policy, for any covered loss of business income, loss of business, or business interruption for the duration of the Public Health Emergency.

(4) This section shall apply only to policies issued to insureds with fewer than 250 full-time employees, each of whom, as of March 25, 2020, worked 25 or more hours per week.

(b)(1) An licensed insurer that indemnifies an insured who has filed a claim subject to subsection (a) of this section may apply to the Commissioner of the District of Columbia Department of Insurance, Securities, and Banking (“Commissioner”) for reimbursement from funds collected and made available for this purpose as provided in section 3(b-3) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202(b-3)).

(2) The Commissioner shall establish procedures for the submission and qualification of claims by licensed insurers that are eligible for reimbursement pursuant to this subsection. The Commissioner shall incorporate in these procedures such standards as are necessary to protect against the submission of fraudulent claims by insureds, and appropriate safeguards for insurers to employ in the review and payment of such claims.

(c)(1) The Commissioner is authorized to make one or more assessments in each fiscal year against all domestic and foreign licensed insurers in the District that sell business-interruption insurance as may be necessary to recover the amounts paid, or estimated to be paid, to insurers pursuant to subsection (b) of this section. Any such assessment shall be made at a rate that shall be determined and certified by the Commissioner as sufficient to recover the amounts paid to insurers pursuant to subsection (b) of this section. The amount to be so assessed shall be made against all domestic and foreign licensed insurers in proportion to their net premiums written in the District as shown in the annual report each of the said insurers filed with the Department of Insurance, Securities, and Banking in the preceding year. Said assessment shall reimburse the District for funds appropriated for such reimbursement. Assessments under this section shall be charged to the normal operating cost of each company.

(2) Any assessment made pursuant to this section is not subject to the provisions of section 4(a) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Code § 31-1203(a)).

(3) The Commissioner or his or her designee is authorized to hire consultants, attorneys and other experts to assist the Commissioner in administering the assessment process, and to conduct audits of any licensed insurer that has sought reimbursement for claims paid pursuant to subsection (b)(2) of this section. The Commissioner may retain auditors, examiners or other experts to perform the audits prescribed under this paragraph, and may charge the insurers for the costs of the audits.

(d) Section 3 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202), is amended by adding a new subsection (b-3) to read as follows:

“(b-3)(1) There is established as separate account within the Insurance Regulatory Trust Fund, the Business Interruption Insurance Reimbursement Account (“Account”), which shall be administered by the Department of Insurance, Securities, and Banking in accordance with paragraph (3) of this subsection.

“(2) All assessments received by the Commissioner pursuant to section 2(c) of the Coronavirus Omnibus Emergency Amendment Act of 2020, passed on emergency basis on May 5, 2020 (Enrolled version of Bill 23-XX) (“Business Interruption Insurance Act”), shall be deposited in, and credited to, the Account.

“(3) Money in the Account shall be used for the purpose of administering section 2(b) of the Business Interruption Insurance Act.

“(4) The money deposited into the Account but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(e) For the purposes of this section, the term “licensed insurer” shall have the same meaning as provided in section 2(7) of the Business Transacted with Producer Controlled Insurer Act of 1993 (D.C. Law 10-52; D.C. Official Code § 31-401(7)).”.

# Sec. 3. Alcoholic beverage regulation.

Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-113(a)(3) is amended by adding a new subparagraph (D) to read as follows:

“(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered with the Board under subparagraph (C) of this paragraph also may register with the Board to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from one additional location other than the licensed premises. Board approval shall not be required for the additional registration under this subsection; provided, that:

“(I) The licensee separately registers with the Board and receives written authorization from ABRA prior to offering alcoholic beverages for carryout or delivery at the additional location;

“(II) The licensee, the additional location’s owner, or a prior tenant at the additional location possesses a valid certificate of occupancy for the building used as the additional location, unless the additional location is located on outdoor private space;

“(III) The licensee has been legally authorized by the owner of the building or the property utilized as the additional location to utilize the space for carryout and delivery;

“(IV) The licensee agrees to follow all applicable DCRA and DOH laws and regulations; and

“(V) The additional location from which the licensee intends to offer alcoholic beverages for carryout or delivery is located in a commercial or mixed-use zone as defined in the zoning regulations for the District.

“(ii) The on-premises retailer licensee shall not offer beer, wine, or spirits for carryout and delivery on public space; except, that an additional location under this subparagraph may include a sidewalk café that has been issued a public-space permit by DDOT.

“(iii) The on-premises retailer licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph shall do so only at the additional location.

“(iv) An on-premises retailer licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph may do so for no longer than 30 calendar days. The Board may approve a written request from an on-premises licensee to extend carryout or delivery alcohol sales from an additional location pursuant to this subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-premises consumption from the additional location for more than 60 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

“(v) The on-premises retailer licensee may sell and deliver alcoholic beverages for carryout and delivery from an additional location in accordance with this subparagraph only between the hours of 7:00 a.m. and midnight, 7 days a week.

“(vi) The Board may fine, suspend, cancel, or revoke an on-premises retailer’s license, and shall revoke its registration to offer beer, wine, or spirits for carryout or delivery at the additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this subparagraph.”.

(b) Chapter 4 is amended as follows:

(1) Section 25-401(c) is amended by striking the phrase “shall sign a notarized statement certifying” and inserting the phrase “shall sign a statement with an original signature, which may be a signature by wet ink, an electronic signature, or a signed copy thereof, certifying” in its place.

(2) Section 25-403(a) is amended by striking the phrase “verify, by affidavit,” and inserting the phrase “self-certify” in its place.

(3) Section 25-421(e) is amended by striking the phrase “by first-class mail, postmarked not more than 7 days after the date of submission” and inserting the phrase “by electronic mail on or before the first day of the 66-day public comment period” in its place.

(4) Section 25-423 is amended as follows:

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

(i) Strike the phrase “45-day protest period” and insert the phrase “66-day protest period” in its place.

(ii) Strike the phrase “45 days” and insert the phrase “66 days” in its place.

(B) Subsection (h) is amended by striking the phrase “45-day public comment period” and inserting the phrase “66-day public comment period “in its place.

(5) Section 25-431 is amended as follows:

(A) Subsection (f) is amended by striking the phrase “45-day protest period” and inserting the phrase “66-day protest period” in its place.

(B) Subsection (g) is amended by striking the phrase “45 days” and inserting the phrase “66 days” in its place.

(c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,” and inserting the phrase “21 or more calendar days, excluding each day 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),” in its place.

# Sec. 4. Corporate filing extension clarification.

Amendatory section 29-102.12(e) of the District of Columbia Official Code, within section 204 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended to read as follows:

“(e) There shall be no late fee for delivering the biennial report for 2020 required by section 29-102.11(c); provided, that the biennial report for 2020 be delivered to the Mayor for filing by June 1, 2020.”.

# Sec. 5. Cooperative association remote meetings.

Title 29 of the District of Columbia Official Code is amended as follows:

(a) Section 405.01(e) (D.C. Official Code § 29-405.01(e) is amended by striking the phrase “The articles of incorporation or bylaws may provide that an annual” and inserting the phrase “An annual” in its place.

(b) Section 901 (D.C. Official Code § 29-901) is amended by striking the phrase “If authorized by the articles or bylaws” and inserting 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), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws” in its place.

# Sec. 6. Trade name renewals and taxation of microgrants.

Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1803.02(a)(2) is amended by adding a new subparagraph (HH) to read as follows:

“(HH) Public health emergency small business grants awarded pursuant to section 202 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093).”

(b) Section 47-2855.04 is amended by adding a new subsection (c) to read as follows:

“(c) There shall be no late fee for trade name renewal applications required by rules promulgated under subsection (a) of this section to be filed by April 1, 2020; provided, that the trade name renewal application be filed by June 1, 2020.”.

# Sec. 7. Third-party food delivery commissions.

(a) Notwithstanding any provision of District law, 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), it shall be unlawful for a person to cause a third-party food delivery platform to charge a restaurant a commission fee for the use of the platform’s services for delivery or pick-up that totals more than 15% of the purchase price per online order.

(b) It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver, or garnish gratuities, in order to comply with subsection (a) of this section.

(c) At the time a final price is disclosed to a customer for the intended purchase and delivery of food from a restaurant through a third-party food delivery platform, and before that transaction is completed by the customer, the third-party food delivery platform shall disclose to the customer, in plain language and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by the third-party food delivery platform on the restaurant as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant’s use of the platform.

(d) If a restaurant informs a third-party food delivery platform that it does not wish to have the commission, fee, or any other monetary payment imposed on it by the platform disclosed to its customers, the requirement of subsection (c) of this section shall not apply with respect to that restaurant.

(e) A person who violates this section shall be subject to a fine of not less than $250 and not more than $1,000 for each such violation.

(f) For purposes of this section:

(1) “Online order” means an order placed by a customer through a platform provided by the third-party food delivery service for delivery or pickup within the District.

(2) “Purchase price” means the menu price of an online order, excluding taxes, gratuities or any other fees that may make up the total cost to the customer of an online order.

(3) “Restaurant” shall have the same meaning as provided in § 25-101(43).

(4) “Third-party food delivery platform” means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, restaurants.

# Sec. 8. Rental tenant payment plans.

(a) 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 one year thereafter or the remaining term of the lease (“covered time period”), a housing provider non-housing provider shall develop a rent-payment-plan program (“Program”) for eligible residential and commercial tenants. Under a Program, a housing provider or non-housing provider shall:

(1) Permit an eligible tenant to enter into a payment plan for rent that comes due during the covered time period (“payment plan”);

(2) Waive any fee or penalty arising out of the entering into of a payment plan; and

(3) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

(b)(1) A payment plan shall be offered and made available for a covered time period, and shall provide for payments to be made in monthly installments; except, that the term of a payment plan may be shorter than one year at the request of the tenant.

(2) A housing provider or non-housing provider shall permit a tenant with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

(3) A housing provider or non-housing provider shall not require or request a tenant to provide a lump-sum payment in excess of the amount required under a payment plan.

(4) A housing provider or non-housing provider shall agree in writing to the terms of the payment plan.

(5) A housing provider or non-housing provider may use any security deposit, last month’s rent, or other amount held by the housing provider or non-housing provider on behalf of the tenant to satisfy amounts owed under a payment plan; provided, that the tenant agrees in writing to such use.

(c) A housing provider or non-housing provider shall establish procedures governing how tenants are to apply for its Program, including requiring a tenant to submit supporting documentation. An application shall be made available online and by telephone.

(d) A provider shall approve each application in which a tenant:

(1) Demonstrates to the provider evidence of a financial hardship resulting directly or indirectly from the cause of the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established prior to the start of the public health emergency, that establishes the tenant would not otherwise qualify for renting the unit under application of the original application criteria to the tenant’s gross income; and

(2) Agrees in writing to make payments in accordance with the payment plan.

(e)(1) A housing provider or non-housing provider who receives an application for a payment plan pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

(2) Upon request, a provider shall make an application for a payment plan available to:

(A) For residential tenants, the Rent Administrator and Office of the Tenant Advocate; and

(B) For commercial tenants, the Department of Consumer and Regulatory Affairs.

(f)(1) A residential tenant whose application for a payment plan is denied may file a written complaint with the Rent Administrator.

(2) A commercial tenant whose application for a payment plan is denied may file a written complaint with the Department of Consumer and Regulatory Affairs.

(g) For the purposes of this section, the term:

(1) “Eligible tenant” means a tenant of a residential or commercial retail property that

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

(B) Is not receiving a rent reduction pursuant to Section 202 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093).

(2) “Housing provider” means a person who is:

(A) A residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or their agent or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District; and

(B) Has 5 or more residential units for rent.

(3) “Non-housing provider” means a person who is a non-residential landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial unit.

# Sec. 9. DC Water payment plans.

Amendatory section 103(c) of the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01(c)), within section 307 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended by adding a new paragraph (3) to read as follows:

“(3)(A) During a period of time for which the Mayor has declared a public health emergency, and for one year thereafter (“covered time period”), the District of Columbia Water and Sewer Authority (“Authority”) shall develop a payment plan program (“Program”) for eligible customers. Under the Program, the Authority shall:

“(i) Permit an eligible customer to enter into a payment plan for any amount that comes due during the covered time period (“payment plan”);

“(ii) Waive any fee or penalty arising out of the entering into of a payment plan; and

“(iii) Not report to a credit bureau any delinquency or other derogatory information that occurs as a result of entering into a payment plan.

“(B)(i) A payment plan shall be offered and made available for a minimum length of one year, and shall provide for payments to be made in monthly installments; except, that the term of a payment plan may be shorter than one year at the request of the customer.

“(ii) The Authority shall permit a customer with a payment plan to pay an amount greater than the monthly amount provided for in the payment plan.

“(iii) The Authority shall not require or request that a customer provide a lump-sum payment in excess of the amount required under a payment plan.

“(C) The Authority shall not disconnect water service for non-payment of a bill or fees during the period of a public health emergency or for 15 days thereafter when a customer has entered into a payment plan and has made payments in accordance with the terms of the payment plan.

“(D) The Authority shall establish procedures governing how customers are to apply for the Program, including requiring a customer to submit supporting documentation. An application shall be made available online and by telephone.

“(E) The Authority shall approve each application in which a customer:

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

“(ii) Agrees in writing to make payments in accordance with the payment plan.

“(F)(i) The Authority shall retain an application for a payment plan pursuant to this section, whether approved or denied, for at least 3 years.

“(ii) Upon request, the Authority shall make an application for a payment plan available to the Office of the People’s Counsel.

“(G) A customer whose application for a payment plan is denied may file a written complaint with the Office of Administrative Hearings.”.

# Sec. 10. Commercial tenant rent increase clarification.

Amendatory section 203(e) of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 66 DCR 4178) within section 2(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, passed on emergency basis on April 21, 2020 (Enrolled version of Bill 23-735), is amended as by striking the phrase “commercial property” and inserting the phrase “commercial retail property” in its place.

# Sec. 11. Eviction clarification

Section 16-1501 of the District of Columbia Official Code is amended as follows:

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

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

“(b) 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 30 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section.”.

# Sec. 12. Amenity fees.

Section 211 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.11), is amended as follows:

(a) The existing text is redesignated as subsection (a)

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

“(b) If, during a public health emergency that 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 consistent with applicable law or an Order issued 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), a housing provider temporarily stops providing:

“(1) An amenity that a tenant pays for in addition to the rent charged, then the housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity during the public health emergency; or

“(2) A service or facility that is lawfully included in the rent charged, then the housing provider shall not be required to reduce the rent charged pursuant to section 211 of the Rental Housing Act of 1985 (D.C. Code sec. 42-3502.11).”.

# Sec. 13. Residential accommodation cleaning requirements.

(a) 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), the owner or representative of the owner of a housing accommodation shall clean common areas of the housing accommodation on a regular basis, including surfaces that are regularly touched, such as doors, railings, seating, and the exterior of mailboxes.

(b) For the purposes of this section “housing accommodation” means any structure or building in the District containing one or more residential units that are not occupied by the owner of the housing accommodation, including any apartment, efficiency apartment, room, accessory dwelling unit, cooperative, homeowner association, condominium, multifamily apartment building, nursing home, assisted living facility, and group home.

(c) The Mayor may, 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 rules to implement this section.

# Sec. 14. Out of school time report waiver.

Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is amended by adding a new subsection (c) to read as follows:

“(c) 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 Office of Out of School Time Grants and Youth Outcomes (OST Office) may waive the requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

# Sec. 15. UDC Board of Trustees terms.

Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-1202.01(d)-(f)) is amended as follows:

(a) Subsection (d) is amended to read as follows:

“(d) All terms on the Board of Trustees shall begin on May 15th and shall end one or 5 years thereafter on May 14th. The student member elected pursuant to (c)(2) of this section shall serve for a term of one year. All other members shall serve for a term of 5 years. Depending on the date of his or her election or appointment, a member of the Board of Trustees may not actually serve a full term.

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

“(e) A member of the Board of Trustees who is elected as an alumnus or alumna pursuant to (c)(3) of this section may be re-elected to serve one additional term, after which the individual may not again be elected pursuant to (c)(3) of this section until at least 5 years have passed following his or her last day of service on the Board.

(c) Subsection (f) is amended to read as follows:

“(f) A member of the Board of Trustees who is appointed pursuant to (c)(1) of this section may serve 3 full or partial terms consecutively. No member shall serve for more than 15 consecutive years regardless of whether elected or appointed and shall not serve thereafter until at least 5 years have passed following his or her last day of service on the Board.”.

# Sec. 16. Notice of modified staffing levels.

Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-504(h-1)(1)(B)), is amended as follows:

(a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(c) A new sub-subparagraph (iii) is added to read as follows:

“(iii) Provide a written report of the staffing level to the Department of Health for each day that the facility is below the prescribed staffing level as a result of the circumstances giving rise to a public health emergency 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).”.

# Sec. 17. Shared Work Program Clarification

(a) Section 2(5) of the Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171(5), is amended to read as follows: “(5) “Normal weekly hours of work” means the usual hours of work for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.”.

(b) Section 102 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended as follows:

(1) Subsection (a) is repealed.

(2) Amendatory section 5(c) of the Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-174(c)), within subsection (b)(2), is amended to read as follows:

“(c) A shared work plan shall not be implemented:

“(1) To provide payments to an individual if the individual is employed by the participating employer on a seasonal, temporary, or intermittent basis; or”

“(2) For employees who are receiving or who will receive supplemental unemployment benefits during any period a shared work plan is in effect.”.

(3) Subsection (b)(3) is amended by striking the number “7th” and inserting the number “15th” in its place.

# Sec. 18. Paid sick leave enforcement clarification.

Amendatory section 1152(b-1) of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), within section 104 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended to read as follows:

“(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency or any declared public health emergency, no more than $500,000 of the money in the Fund may be used for activities related to enforcement of the declared emergency leave requirement contained in Section 3a of the Accrued Sick and Safe Leave Act of 2008, effective April 10, 2020 (D.C. Act 23-286; D.C. Official Code § 32-531.02a).”.

# Sec. 19. COVID-19 public benefits clarification.

The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 4-201.01) is amended as follows:

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

“(2A-1) “COVID-19 relief” means any benefit in cash or in kind, including pandemic unemployment benefits, pandemic Supplemental Nutrition Assistance Program benefits, Emergency Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are of a gain or benefit to a household and were received pursuant to federal or District relief provided in response to the COVID-19 Public Health Emergency of 2020.”.

(b) Section 505(4) (D.C. Official Code § 4-205.05(4) is amended by striking the phrase “medical assistance” and inserting the phrase “medical assistance; COVID-19 relief;” in its place.

(c) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a new paragraph (4) to read as follows:

“(4) COVID-19 relief shall not be considered in determining eligibility for TANF and shall not be treated as a lump-sum payment or settlement under this act.”.

# Sec. 20. Voluntary care agreements.

Section 304(c) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 et seq.), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (4) is added to read as follows:

“(4) To provide a voluntary care placement and supervision of the child without the consent of the parent, guardian, or other person acting in loco parentis due to COVID-19 health issues of the parent, guardian, or other person acting in loco parentis and has exhausted all efforts to identify a kin, fictive kin, or willing caregiver for the child. This provision does not require Family Court involvement pursuant to the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 et seq.) and Section 2301 of Title 16 of the District of Columbia Code, absent a separate determination of abuse or neglect.”.

# Sec. 21. Composting virtual training.

Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended by adding a new paragraph (1A) to read as follows:

“(1A) Notwithstanding paragraph (1) of this subsection, 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 Mayor, or a contractor selected by the Mayor, may provide the training required by paragraph (1) of this subsection remotely through videoconference.”.

# Sec. 22. Ballot access reform.

The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

“(3A) For the November 3, 2020, General Election:

“(A) Petition sheets circulated in support of a candidate for elected office pursuant to this subchapter may be electronically:

“(i) Made available by the candidate to qualified petition circulators;

“(ii) Obtained from the candidate by qualified petition circulators; and

“(iii) Returned by qualified petition circulators to the candidate; and

“(B) Signatures on such petition sheets shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

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

(A) Paragraph (1) is amended by striking the phrase “A duly” and inserting the phrase “Except as provided in paragraph (4) of this subsection, a duly” in its place.

(B) A new paragraph (4) is added to read as follows:

“(4) Duly qualified candidates for the following offices for the November 3, 2020, General Election may be nominated directly for election to such office by petition, filed with the Board not fewer than 90 days before the date of such General Election, by the number of voters duly registered under section 7 as follows:

“(A) For Delegate or at-large member of the Council, 250 voters; and

“(B) For member of the Council elected from a ward, 150 voters in the ward from which the candidate seeks election.”.

(3) Subsection (n) is amended as follows:

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

(B) The redesignated paragraph (1) is amended by striking the phrase “Each candidate” and inserting the phrase “Except as provided in paragraph (2) of this subsection, each candidate” in its place.

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

“(2) Duly qualified candidates for the following offices for the November 3, 2020, General Election may be nominated directly for election to such office by petition, filed with the Board not fewer than 90 days before the date of such General Election, by the number of voters duly registered under section 7 as follows:

“(A) For member of the State Board of Education elected at-large, 150 voters; and

“(B) For member of the State Board of Education elected from a ward, 50 voters in the ward from which the candidate seeks election.”.

(b) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

(1) Subsection (g) is amended by striking the phrase “white paper of good writing quality of the same size as the original or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed” and inserting the phrase “on paper of good writing quality or shall utilize the mobile application made available under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines for printed” in its place.

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

“(g-1) In calendar year 2020:

“(1) Petition sheets of proposers may be electronically:

“(A) Made available by the proposers to qualified petition circulators;

“(B) Obtained from the proposers by qualified petition circulators; and

“(C) Returned by qualified petition circulators to the proposers; and

“(2) Signatures on petition sheets of proposers shall not be invalidated because the signer was also the circulator of the same petition sheet on which the signature appears.”.

# Sec. 23. ANC petitioning and grantmaking.

The Advisory Neighborhood Commissions Act of 1976, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*) is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

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

“(3) For the November 3, 2020, General Election, candidates for member of an Advisory Neighborhood Commission shall not be nominated by petition.”.

(b) Section 16(m)(1) (D.C. Official Code § 1-309.13(m)(1)) is amended by striking the phrase “District government” and inserting the phrase “District government; except, that notwithstanding any provision of District law, during a period 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), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government” in its place.

# Sec. 24. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-471; D.C. Official Code § 1-1231.01 et seq.), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1231.01) is amended to add a new paragraph (1A) to read as follows:

“(1A) “Audio-video communication” means an electronic device or process that:

“(A) Enables a notary public to view, in real time, an individual and to compare for consistency the information and photos on that individual’s government-issued identification; and

“(B) Is specifically designed to facilitate remote notarizations.”.

(b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

(1) The existing text is designated as subsection (a).

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

“(b) Notwithstanding any provision of District law, 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 Mayor may authorize, without the personal appearance of the individual making the statement or executing the signature, notarial acts required or permitted under District law if:

“(1) The notary public and the individual communicate with each other simultaneously by sight and sound using audio-video communication; and

“(2) The notary public:

“(A) Has notified the Mayor of the intention to perform notarial acts using audio-video communication and the identity of the audio-video communication the notary public intends to use;

“(B) Has satisfactory evidence of the identity of the individual by personal knowledge or by the individual’s presentation of a current government-issued identification that contains the signature and photograph of the individual to the notary public during the video conference;

“(C) Confirms that the individual made a statement or executed a signature on a document;

“(D) Receives by electronic means a legible copy of the signed document directly from the individual immediately after it was signed;

“(E) Upon receiving the signed document, immediately completes the notarization;

“(F) Upon completing the notarization, immediately transmits by electronic means the notarized document to the individual;

“(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act for 3 years from the date of the notarial act; and

“(H) Indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and that the notarial act was performed using audio-visual communication.”.

(c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection (d) to read as follows:

“(d) Notwithstanding any provision of District law, 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), a notarial act shall be deemed to be performed in the District regardless of the notary public’s physical location at the time of the notarial act so long as the requirements of section 6(b) are met.”.

# Sec. 25. Electronic witnessing.

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

(1) Section 4802 (D.C. Official Code § 16-4802) is amended by adding new subsections (9A), (9B), (11A), and (11B) to read as follows:

“(9A) “Electronic” means relating to technology having electrical, digital,

magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(9B) “Electronic presence” means when one or more witnesses are in a different physical location than the designator but can observe and communicate with the designator and one another to the same extent as if the witnesses and designator were physically present with one another.

“(11A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(11B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

(2) Section 4803(c) (D.C. Official Code § 16-4803(c)) is amended by striking the phrase “the adult signs the designation in the presence of the designator” and inserting the phrase “the adult signs the designation in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

(3) Section 4803(d) (D.C. Official Code § 16-4803(d)) is amended by striking the phrase “in the presence of 2 witnesses” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of 2 witnesses” in its place.

(b) Title 21 of the District of Columbia Code is amended as follows:

(1) Section 2011 (D.C. Official Code § 21-2011) is amending by adding new subsections to (5B-1), (5B-2), (23a), and (23B) to read as follows:

“(5B-1) “Electronic” means relating to technology having electrical, digital,

magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(5B-2) “Electronic presence” means when one or more witnesses are in a

different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.

“(23A) “Record” means information that is inscribed on a tangible medium

or that is stored in an electronic medium and is retrievable in perceivable form.

“(23B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

(2) Section 2043(c) (D.C. Official Code § 21-2043(c)) is amended by adding a

new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”

(3) Section 2202 (D.C. Official Code § 21-2202) is amended by adding new subsections (3A), (3B), (6B), and (8) to read as follows:

“(3A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(3B) “Electronic presence” means when one or more witnesses are in a different physical location than the principal but can observe and communicate with the principal and one another to the same extent as if the witnesses and principal were physically present with one another.

“(6B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

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

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

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

(4) Section 2205 (D.C. Official Code § 21-2205) is amended by striking the phrase “2 adult witnesses who affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the principal was of sound mind” in its place.

(5) Section 2210 (D.C. Official Code § 21-2210(c)) is amended is amended by striking the phrase “There shall be at least 1 witness present” and inserting the phrase “There shall be at least 1 witness present or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, electronically present” in its place.

(c) Title 7 of the District of Columbia Code is amended as follows:

(1) Section 2131 (D.C. Official Code § 7-2131) is amending by adding new subsections (6A), (6B), (9A), and (9B) to read as follows:

“(6A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(6B) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.

“(9A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(9B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

(2) Section 2132(c) (D.C. Official Code § 7-2132(c)) is amended by adding a

new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”

# Sec. 26. Contractor reporting of positive cases.

(a) A District government contractor shall immediately report to the District government’s contract administrator and contracting officer if the contractor learns, or has reason to believe, that a covered employee has come into contact with, had a high likelihood of coming into contact with, or has worked in close physical proximity to a covered individual. The report shall contain the following information:

(1) The name, telephone number, and email address of the covered employee;

(2) The date on, and location at, which the exposed person was exposed, or suspected to have been exposed, to the novel 2019 coronavirus (SARS-CoV-2), if known;

(3) All of the covered employee’s tour-of-duty locations or jobsite addresses and the dates on which the employee was at such locations and addresses;

(4) The names of all covered individuals whom the covered employee is known to have come into contact with or had a high likelihood of coming in contact with, or with whom the covered employee was in close physical proximity, while the covered employee performed any duty under the contract with the District; and

(5) Any other information related to the exposed person that will enable the District to protect the health or safety of District residents, employees, or the general public.

(b) A District government contractor shall immediately cease the on-site performance of a covered employee until such time as the covered employee no longer poses a health risk as determined in writing by a licensed health care provider. The District government contractor shall provide a written copy of the determination to the contract administrator and the contracting officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

(c) The District shall securely maintain the name, telephone number, and email address of exposed persons and shall not disclose such information to a third party except as authorized or required by law.

(d) For purposes of this section, the term:

(1) “Covered employee” means an the employee, volunteer, subcontractor, agent of a District government contractor that has provided any service under a District contract, and has

(A) tested positive for COVID-19,

(B) is in quarantine or isolation due to exposure or suspected exposure to the novel 2019 coronavirus (SARS-CoV-2), or

(C) is exhibiting symptoms of COVID-19 .

(2) “Covered individual” means:

(A) A District government employee, volunteer, or agent;

(B) An individual in the care of the District or the contractor; and

(C) A member of the public who interacted with, or was in close proximity to, an exposed person while the exposed person carried out performance under a District government contract while the exposed person was at a District government facility or a facility maintained or served by the contractor under a District government contract.

(3) “District government facility” means a building or any part of a building that is owned, leased, or otherwise controlled by the District government.

# Sec. 27. Liability clarification.

Amendatory section 5a(d)(3A)(B) 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(d)(3A)(B)), within section 3(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, passed on emergency basis on April 21, 2020 (Enrolled version of Bill 23-735), is amended as follows:

(a) Strike the phrase “volunteer, or District government contractor” and insert the phrase “volunteer, donor, or District government contractor” in its place.

(b) Strike the phrase “purpose, contractual or voluntary service” and insert the phrase “purpose, contractual or voluntary service, or donation” in its place.

# Sec. 28. Jail reporting.

Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191(c)), is amended as follows:

(a) Paragraph (5)(B) is amended by striking the word “and” at the end.

(b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (7) is added to read as follows:

“(7) 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), provide to the Council Committee with jurisdiction over the Office a weekly written update containing the following information:

“(A) Unless otherwise distributed to the Committee Chairperson by the Criminal Justice Coordinating Council, a daily census for that week of individuals detained in the Central Detention Facility and Correctional Treatment Facility, categorized by legal status;

“(B) Any District of Columbia Government response to either the United States District Court for the District of Columbia or the Court-appointed inspectors regarding the implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of *Banks v. Booth* (Civil Action No. 20-849); and

“(C) A description of:

“(i) All actions taken by the District Government to improve conditions of confinement in the Central Detention Facility and Correctional Treatment Facility, including by the Director of the Department of Youth and Rehabilitation Services, or his or her designee; and

“(ii) COVID-19 testing of individuals detained in the Central Detention Facility and Correctional Treatment Facility, including whether and under what conditions the District is testing asymptomatic individuals.”.

# Sec. 29. 8th and O disposition extension.

Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b-3) is amended by adding a new paragraph (8) to read as follows:

“(8) Notwithstanding paragraph (2) of this subsection, for the disposition of the District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall be for housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs, whether or not the units to be constructed are rental units or ownership units. The Land Disposition and Development Agreement in the form approved by Council pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498), remains in full force and effect, including, without limitation, the Affordable Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at closing.

(b) Subsection (d-7) is amended by striking the phrase “February 2, 2020” and inserting the phrase “December 31, 2020” in its place.

# Sec. 30. Applicability.

This act shall apply as of March 11, 2020.

# Sec. 31. 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. 32. 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)).