

## ENGROSSED ORIGINAL

## A BILL

23-719

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an temporary basis, authority to the Executive and to address critical needs of District residents and businesses during the current public health emergency including wage replacement, business relief, and additional authorities and exemptions regarding health, public safety, and consumer protection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

16 act may be cited as the “COVID-19 Response Temporary Amendment Act of 2020”.

## TITLE I. LABOR AND WORKFORCE PROTECTIONS

### Sec. 101. Wage replacement.

19 (a) Notwithstanding any provision of District law, but subject to applicable federal laws  
20 and regulations, during a period of time for which the Mayor has declared a public health  
21 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
22 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected  
23 employee shall be eligible for unemployment insurance in accordance with subsection (b) of this  
24 section.

25 (b)(1) Upon application, an affected employee shall receive unemployment insurance  
26 compensation (“UI”), which the Director of the Department of Employment Services shall  
27 administer under the Unemployment Compensation Program established pursuant to the District

**ENGROSSED ORIGINAL**

28 of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C.  
29 Official Code § 51-101 *et seq.*). For an affected employee, there shall be no work-search  
30 requirement.

31 (2) An affected employee shall be eligible for UI regardless of whether the:

32 (A) Employer has provided a date certain for the employee's return to  
33 work; or

34 (B) Employee has a reasonable expectation of continued employment with  
35 the current employer.

36 (c) Benefits paid pursuant to this section shall not be charged to the experience rating  
37 accounts of employers.

38 (d) For the purposes of this section, the term "affected employee" means an employee  
39 otherwise eligible for UI pursuant to section 9 of the District of Columbia Unemployment  
40 Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Code § 51-109), who is  
41 determined by the Mayor to have become unemployed or partially unemployed as a result of the  
42 circumstances giving rise to the public health emergency. It includes an employee who has been  
43 quarantined or isolated by the Department of Health or any other applicable District or federal  
44 agency; an employee who has self-quarantined or self-isolated in a manner consistent with the  
45 recommendations or guidance of the Department of Health, any other applicable District or  
46 federal agency, or a medical professional; or an employee of an employer that ceased or reduced  
47 operations due to an order or guidance from the Mayor or the Department of Health or a

**ENGROSSED ORIGINAL**

48 reduction in business revenue resulting from the circumstances giving rise to the public health  
49 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation  
50 required by the Mayor or the Mayor's designee..

51 (e) For the purposes of a public health emergency, "good cause" as set forth in section 10  
52 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49  
53 Stat. 950; D.C. Code § 51-110), shall include:

54 (1) An employer's failure to timely comply with a written directive from the  
55 Mayor or the Department of Health in relation to public safety measures necessary to protect its  
56 employees or the public during the public health emergency; or  
57 (2) An employer's requirements that an employee be physically present in the  
58 workplace despite the employee having:

59 (1) Been quarantined or isolated by the Department of Health or any other  
60 applicable District or federal agency, or  
61 (2) Self-quarantined or self-isolated in a manner consistent with the  
62 recommendations or guidance of the Department of Health, any other applicable District or  
63 federal agency, or a medical professional.

64 (f) If the Mayor determines that the payment of UI under this section may not be made  
65 from the District Unemployment Fund or from the unemployment fund of another jurisdiction  
66 due to federal law or regulation, payment may be made by the Mayor from any other source of  
67 funds that is available.

68           Sec. 102. Employment protections.

69           The District of Columbia Family and Medical Leave Act of 1990, effective October 3,  
70           1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

71           (a) Section 2(1) (D.C. Official Code § 32-501(1)) is amended by striking the phrase  
72           “medical leave” and inserting the phrase “medical leave, except that during a period of time for  
73           which a public health emergency has been declared by the Mayor pursuant to section 5a of the  
74           District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 3-  
75           149; D.C. Official Code § 7-2304.01), the one-year employment requirement and 1,000-hour  
76           work requirement shall not apply to an employee who has been ordered or recommended to  
77           quarantine or isolate, by the Department of Health, any other District or federal agency, or a  
78           medical professional.

79           (b) A new section 3a (to be codified at D.C. Official Code §32-502.01) is added to read  
80           as follows:

81           “Sec. 3a. Declaration-of-emergency leave.

82           “(a) An employee who is unable to work as a result of the circumstances giving rise to  
83           the public health emergency during a period of time for which the Mayor has declared a public  
84           health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of  
85           1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), shall be  
86           entitled to declaration-of-emergency (“DOE”) leave during such period.

87           “(b) For DOE leave, a recommendation from the Mayor, Department of Health, any other  
88           District or federal agency, or a medical professional that the employee self-quarantine or self-  
89           isolate shall serve as certification of the need for such leave, and, in the case of a government-  
90           mandated quarantine or isolation, the declaration of public health emergency shall serve as  
91           certification of the need for such leave.”.

92           (c) Section 17 (D.C. Official Code § 32-516) is amended by adding a new paragraph (3)  
93           to read as follows:

94           “(3) For an employee who is on leave pursuant to section 3a, to any employer  
95           regardless of the number of persons in the District that the employer employs.”.

96           **TITLE II. BUSINESS RELIEF.**

97           Sec. 201. Delayed hotel property and general sales tax remittances.

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

99           (a) Section 811(b) (D.C. Official Code § 47-811(b)) is amended by striking the phrase  
100           “tax year beginning July 1, 1989, and ending June 30, 1990, the amount of the first and second  
101           installments shall reflect and be consistent with the tax rates applicable to that tax year, as  
102           provided in § 47-812(b) and (c)” and inserting the phrase “tax year 2020 first installment owing  
103           for a real property that is commercially improved and occupied and is a hotel or motel, provided  
104           that the Chief Financial Officer, through the Office of Tax and Revenue, shall issue  
105           administrative guidance on the definition of a hotel or motel, the Chief Financial Officer may

**ENGROSSED ORIGINAL**

106 waive any penalties and abate interest if the owner pays such installment by June 30, 2020” in its  
107 place.

108 (b) Section 4221 (D.C. Official Code § 47-4221) is amended by adding a new subsection  
109 (d) to read as follows:

110 “(d)(1) Except as provided in paragraph (2) and notwithstanding any other provision of  
111 this title, the Chief Financial Officer may waive any penalties and abate interest that may be  
112 imposed for failure to timely pay any taxes due pursuant to Chapters 20 and 22 of this title for  
113 periods ending on February 29, 2020 or March 31, 2020; provided, that all taxes for such periods  
114 are paid in full on or before July 20, 2020.

115 “(2) This subsection shall not apply to hotels or motels permitted to defer real  
116 property tax under D.C. Official Code § 47-811(b).”.

117 Sec. 202. Public health emergency small business grant program.

118 The Small and Certified Business Enterprise Development and Assistance Act of 2005,  
119 effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended  
120 as follows:

121 (a) The table of contents is amended by adding a new section designation to read as  
122 follows:

123 “Sec. 2316. Public health emergency grant program.”.

124 (b) A new section 2316 is added to read as follows:

125 “Sec. 2316. Public health emergency grant program.

ENGROSSED ORIGINAL

126               “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a  
127 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
128 Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant  
129 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code  
130 § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant or loan to an eligible small  
131 business; provided, that the eligible small business:

132                       “(A) Submits a grant application in the form and with the information  
133 required by the Mayor; and

134                       “(B) Demonstrates, to the satisfaction of the Mayor, financial distress  
135 caused by a reduction in business revenue due to the circumstances giving rise to or resulting  
136 from the public health emergency.

137               “(2) A grant issued pursuant to this section may be expended by the eligible small  
138 business for any of the following:

139                       “(A) Employee wages and benefits. For the purposes of this subparagraph,  
140 “benefits” means fringe benefits associated with employment, including health insurance;

141                       “(B) Operating costs of the eligible small business including taxes and  
142 debt service; and

143                       “(C) Repayment of loans obtained through the United States Small  
144 Business Administration.

145           “(b) For the purposes of this section, the term “eligible small business” means a business  
146        enterprise eligible for certification under section 2332, a non-profit entity, or an independent  
147        contractor or self-employed individual determined ineligible for Unemployment Insurance by the  
148        Director of the Department of Employment Services.

149           “(c) The Mayor may issue one or more grants to a third-party grant-managing entity for  
150        the purpose of administering the grant program and making subgrants on behalf of the Mayor in  
151        accordance with the requirements of this section.

152           “(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative  
153        Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505), may  
154        issue emergency rules to implement the provisions of this section.

155           “(e) The Mayor, and any third-party entity chosen pursuant to subsection (c), shall  
156        maintain a list of all grants awarded pursuant to this section, identifying for each award the grant  
157        recipient, the date of award, intended use of the award, and the award amount. The Mayor shall  
158        publish the list online no later than June 1, 2020, or 5 days following the end of the COVID-19  
159        emergency, whichever is earlier.”.

160           Sec. 203. Restaurant delivery.

161           Section 25-113(a)(3) of the District of Columbia Official Code is amended as follows:

162           (a) Subparagraph (A) is amended by striking the phrase “guests; and” and inserting the  
163        phrase “guests;” in its place.

**ENGROSSED ORIGINAL**

164 (b) Subparagraph (B) is amended by striking the phrase "guests." and inserting the phrase  
165 "guests; and" in its place.

166 (c) A new subparagraph (C) is added to read as follows:

167                     “(C) A restaurant or tavern that registers with the Board may sell beer or wine in  
168                     closed containers to individuals for carry out to their home, or deliver beer or wine in closed  
169                     containers to the homes of District residents; provided, that each such carry out or delivery order  
170                     be accompanied by one or more prepared food items. Board approval shall not be required for a  
171                     registration under this subparagraph; however, a restaurant or tavern shall receive written  
172                     authorization from ABRA prior to beginning take-out or delivery of beer or wine pursuant to this  
173                     subparagraph.”.

174 Sec. 204. Corporate filing extension.

175 Section 29-102.12 of the District of Columbia Official Code is amended by adding a new  
176 subsection (e) to read as follows:

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

180 TITLE III. PUBLIC HEALTH, SAFETY, AND CONSUMER PROTECTION.

181 Sec. 301. The District of Columbia Public Emergency Act of 1980, effective March 5,  
182 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

183 (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

**ENGROSSED ORIGINAL**

184 (1) Paragraph (2) is amended by striking the phrase “District of Columbia  
185 government;” and inserting the phrase “District of Columbia government; provided further, that  
186 a summary of each emergency procurement entered into during a period for which a public  
187 health emergency is declared shall be provided to the Council no later than 7 days after the  
188 contract is awarded. Such summary shall include a description of the goods or services procured;  
189 the source selection method; the award amount; and the name of the awardee.”.

190 (2) Paragraph (13) is amended by striking the phrase “; or” and inserting a  
191 semicolon in its place.

192 (3) Paragraph (14) is amended by striking the period at the end and inserting a  
193 semicolon in its place.

194 (4) New paragraphs (15) and (16) are added to read as follows:

195                             “(15) Waive application of any law administered by the Department of Insurance,  
196     Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or  
197     welfare of District residents: and

198                             “(16) Notwithstanding any provision of the District of Columbia Government  
199                             Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139, D.C. Official Code § 1-601.01 *et*  
200                             *seq.*) (CMPA) or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents  
201                             Amendment Act of 2007 (D.C. Law 17-108, D.C. Official Code § 1-515.01 *et seq.*), or any other  
202                             personnel law or rules, the Mayor may take the following personnel actions regarding executive

203 branch subordinate agencies that the Mayor determines necessary and appropriate to address the  
204 emergency:

205                 “(A) Redeploying employees within or between agencies;  
206                 “(B) Modifying employees’ tours of duty;  
207                 “(C) Modifying employees’ places of duty;  
208                 “(D) Mandating telework;  
209                 “(E) Extending shifts and assigning additional shifts;  
210                 “(F) Providing appropriate meals to employees required to work overtime  
211 or work without meal breaks;  
212                 “(G) Assigning additional duties to employees;  
213                 “(H) Extending existing terms of employees;  
214                 “(I) Hiring new employees into the Career, Education, and Management  
215 Supervisory Services without competition;  
216                 “(J) Eliminating any annuity offsets established by any law;  
217                 “(K) Denying leave or rescinding approval of previously approved leave.”.

218                 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:  
219                         (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the  
220 public health emergency; and” and inserting the phrase “solely for actions taken during the  
221 public health emergency;” in its place.

**ENGROSSED ORIGINAL**

222 (2) Paragraph (4) is amended by striking the period at the end and inserting a  
223 semicolon in its place.

224 (3) New paragraphs (5), (6), and (7) are added to read as follows:

225                             “(5) Waive application in the District of any law administered by the Department  
226                             of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health,  
227                             safety, and welfare of District residents;

228                   “(6) Authorize the use of crisis standards of care or modified means of delivery of  
229                   health care services in scarce-resource situations; and

230                   “(7) Authorize the Department of Health to coordinate health-care delivery for  
231                   first aid within the limits of individual licensure in shelters or facilities as provided in plans and  
232                   protocols published by the Department of Health.”.

233 (b) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1)  
234 to read as follows:

235       “(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the  
236       Mayor to extend the 15-day March 11, 2020 emergency executive order and public health  
237       emergency executive order (“emergency orders”) issued in response to the coronavirus (COVID-  
238       19) for an additional 30-day period. After the additional 30-day extension authorized by this  
239       subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant  
240       to subsection (b) or (c) of this subsection.”

241 (c) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

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

243 (2) New paragraphs (2) and (3) are added to read as follows:

244 “(2) The Mayor may revoke, suspend, or limit the license, permit, or certificate of

245 occupancy of a person or entity that violates an emergency executive order.

246 “(3) For the purposes of this section a violation of a rule, order, or other issuance

247 issued under the authority of an emergency executive order shall constitute a violation of the

248 emergency executive order.”.

249 Sec. 302. The Department of Insurance and Securities Regulation Establishment Act of

250 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is

251 amended by adding a new section 5a to read as follows:

252 “Sec. 5a. Emergency authority of the Commissioner during a declared public health

253 emergency.

254 “(a) Scope of authority during a declared public health emergency.

255 “For the duration of a public health emergency declared by the Mayor pursuant to section

256 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.

257 Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise to

258 that emergency, the Commissioner may issue emergency rulemakings, orders, or bulletins that:

259 “(1) Apply to any person or entity regulated by the Commissioner; and

260 “(2) Address:

261 “(A) Submission of claims or proof of loss;

**ENGROSSED ORIGINAL**

262                         “(B) Grace periods for payment of premiums and performance of other  
263                         duties by insureds;

264                         “(C) Temporary postponement of:

265                             “(i) Cancellations;

266                             “(ii) Nonrenewals; or

267                             “(iii) Premium increases;

268                         “(D) Modifications to insurance policies;

269                         “(E) Insurer operations;

270                         “(F) Filing requirements;

271                         “(G) Procedures for obtaining nonelective health care services;

272                         “(H) Time restrictions for filling or refilling prescription drugs;

273                         “(I) Time frames applicable to an action by the Commissioner under this  
274                         section;

275                         “(J) Temporarily waiving application of laws, rulemakings, or  
276                         requirements to ensure that depository services, non-depository services, and securities  
277                         transactions can continue to be provided, including allowing for the opening of a temporary  
278                         service location, which may be a mobile branch, temporary office space, or other facility; and

279                         “(K) Any other activity related to insurance, securities, and banking and  
280                         under the purview of the Commissioner reasonably calculated to protect the health, safety, and  
281                         welfare of District residents during the public health emergency.

282           “(c) The Commissioner may require licensees to answer questions related to, and submit  
283 documentation of, the licensee’s continuity of operations plan.

284           “(d) Emergency rulemakings, orders, and bulletins.

285           “(1)(A) To accomplish the purposes of this section, the Commissioner may issue  
286 an emergency rulemaking, order, or bulletin pursuant to this section specifying:

287           “(i) That the rulemaking, order, or bulletin is effective  
288 immediately;

289           “(ii) The line or lines of business, or the class or classes of  
290 licenses, to which the regulation, order, or bulletin applies;

291           “(iii) The geographic areas to which the regulation, order, or  
292 bulletin applies; and

293           “(iv) The period of time for which the regulation, order, or bulletin  
294 applies.

295           “(B) A regulation issued under paragraph (1)(A) of this section may not  
296 apply for longer than the duration of the effects of a declared public health emergency.”.

297           Sec. 303. Public benefits extension and continued access.

298           Notwithstanding any provision of District law, the Mayor may extend the eligibility  
299 period for individuals receiving benefits, extend the timeframe for determinations for new  
300 applicants, and take such other actions as the Mayor determines appropriate to support continuity  
301 of, and access to, any public benefit program, including the DC Healthcare Alliance and

302 Immigrant Children's program, Temporary Assistance for Needy Families, and Supplemental  
303 Nutritional Assistance Program, until 60 days after the end of a public health emergency  
304 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act  
305 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as  
306 allowable under federal law.

307 Sec. 304. Price gouging and stockpiling.

308 Title 28 of the District of Columbia Code is amended as follows:

309 (a) The table of contents is amended by adding a new section designation to read as  
310 follows:

311 "28-4102.01. Stockpiling."

312 (b) Section 28-4102(a) is amended to read as follows:

313 "(a) It shall be unlawful for any person to charge more than the normal average retail  
314 price for any merchandise or service sold during a public health emergency declared pursuant to  
315 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
316 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), or during an emergency resulting from a  
317 natural disaster declared pursuant to subsection (b) of this section."

318 (c) A new section 28-4102.01 is added to read as follows:

319 "Sec. 28-4102.01. Stockpiling.

320 "It shall be unlawful for any person to purchase, in quantities greater than those specified  
321 by the Mayor, the Department of Health ("DOH"), the Homeland Security and Emergency

322 Management Agency (“HSEMA”), or the federal government, goods that the Mayor, DOH,  
323 HSEMA, or the federal government have declared:

324       “(a) Necessary for first responders or others following a natural disaster or a declaration  
325 of a public health emergency pursuant to section 5a of the District of Columbia Public  
326 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
327 2304.01) (“public health emergency”);

328       “(b) Necessary to maintain supply chains of commerce during a natural disaster or a  
329 public health emergency; or

330       “(c) Subject to rationing.”.

331       (d) Section 28-4103 is amended as follows:

332           (1) By striking the phrase “§ 28-4102(a)” each time it appears and inserting the  
333 phrase “§ 28-4102(a) or § 28-4102.01” in its place.

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

335       “(c) When the Office of the Attorney General brings a civil action for any violation of §§  
336 28-4102(a) or 28-4102.01 under the authority granted in § 28-3909, the maximum penalty  
337 authorized by § 28-3909 shall be assessed for each such violation.”.

338       Sec. 305. Disconnection of electric service.

339       The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9,  
340 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new  
341 section 106b to read as follows:

**ENGROSSED ORIGINAL**

342        “Sec. 106b. Disconnection of service during a public health emergency prohibited.

343        “(a) For the purposes of this section, the term “public health emergency” means a period

344        of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

345        District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-

346        194; D.C. Official Code § 7-2304.01).

347        “(b) An electric company shall not disconnect electric service for non-payment of a bill

348        or fees during a public health emergency or for 15 calendar days thereafter.”.

349        Sec. 306. Disconnection of gas service.

350        The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004,

351        effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is

352        amended by adding a new section 7b to read as follows:

353        “Sec. 7b. Disconnection of service during a public health emergency prohibited.

354        “(a) For the purposes of this section, the term “public health emergency” means a period

355        of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

356        District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-

357        194; D.C. Official Code § 7-2304.01).

358        “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees

359        during a public health emergency or for 15 calendar days thereafter.”.

360        Sec. 307. Disconnection of water service.

**ENGROSSED ORIGINAL**

361                   Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,  
362                   1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new paragraph (c) to read  
363                   as follows:

364                   “(c)(1) For the purposes of this subsection, the term “public health emergency” means a  
365                   period of time for which the Mayor has declared a public health emergency pursuant to section  
366                   5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
367                   Law 14-194; D.C. Official Code § 7-2304.01).

368                   “(2) During a public health emergency, or for 15 calendar days thereafter,  
369                   notwithstanding any other provision of this act, the water supply to any property shall not be shut  
370                   off for non-payment of a bill or fees.”.

371                   Sec. 308. Eviction prohibition.

372                   (a) D.C. Official Code § 16-1502 is amended by striking the phrase “exclusive of  
373                   Sundays and legal holidays” and inserting the phrase “exclusive of Sundays, legal holidays, and  
374                   the period of time for which the Mayor has declared a public health emergency pursuant to  
375                   section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
376                   (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

377                   (b) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law  
378                   6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

379                   (1) Paragraph (1) is amended by striking the phrase “; or” and inserting a  
380                   semicolon in its place.

## ENGROSSED ORIGINAL

381 (2) Paragraph (2) is amended by striking the period and inserting the phrase “; or”  
382 in its place.

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

384                             “(3) During a period of time for which the Mayor has declared a public health  
385                             emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
386                             effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

387 Sec. 309. Prescription drugs.

388       Section 208 of the District of Columbia Health Occupations Revision Act of 1985,  
389       effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by  
390       adding a new subsection (g-2) to read as follows:

391       “(g-2) An individual licensed to practice pharmacy pursuant to this act may authorize and  
392       dispense a refill of patient prescription medications prior to the expiration of the waiting period  
393       between refills to allow District residents to maintain an adequate supply of necessary  
394       medication during a period of time for which the Mayor has declared a public health emergency  
395       pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
396       October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01). This subsection shall not  
397       apply to any patient prescription for which a refill otherwise would be prohibited under District  
398       law.”.

399 Sec. 310. Extension of licenses and registrations; waiver of deadlines.

400           Notwithstanding any provision of law during, or within 45 days after the end of, a period  
401          time for which the Mayor has declared a public health emergency pursuant to section 5a of the  
402          District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
403          194; D.C. Official Code § 7-2304.01), the Mayor, may:

404           (1) Prospectively or retroactively extend the validity of a license, registration,  
405          permit, or authorization, including drivers licenses, vehicle registrations, professional licenses,  
406          registrations, and certifications;

407           (2) Waive the deadlines for filings; waive fees, fines, and penalties associated  
408          with the failure to timely renew a license, registration, permit, or other authorization or to timely  
409          submit a filing; or

410           (3) Extend or waive the deadline by which action is required to be taken by the  
411          executive branch of the District government or by which an approval or disapproval is deemed to  
412          have occurred based on inaction by the executive branch of the District government.

413           Sec. 311. Homeless services.

414           The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-  
415          35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

416           (a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

417           (1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and  
418          inserting the phrase “not to exceed 3 days; except that during a public health emergency declared  
419          pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

**ENGROSSED ORIGINAL**

420 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may place the  
421 family in an interim eligibility placement for a period not to exceed 60 days” in its place.

422 (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and  
423 inserting the phrase “and section 9(a)(20); except that the Mayor may extend an interim  
424 eligibility placement to coincide with the period of a public health emergency declared pursuant  
425 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,  
426 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

427 (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of  
428 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the  
429 interim eligibility placement; except that during a public health emergency declared pursuant to  
430 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
431 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days  
432 following the end of the public health emergency to issue the eligibility determination required  
433 by this paragraph” in its place.

434 (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility  
435 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise  
436 required by paragraph (3)” in its place.

437 (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the  
438 phrase “and other professionals” and inserting the phrase “and other professionals, except that  
439 the Mayor may waive the requirements of this provision for in-person meetings and

**ENGROSSED ORIGINAL**

440 communications during a public health emergency declared pursuant to section 5a of the District  
441 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
442 Official Code § 7-2304.01)” in its place.

443 (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase  
444 “established pursuant to section 18” and insert the phrase “established pursuant to section 18,  
445 except that the Mayor may waive this provision during a public health emergency declared  
446 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
447 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

448 (d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the  
449 phrase “served on the client.” and inserting the phrase “served on the client, except that during a  
450 public health emergency declared pursuant to section 5a of the District of Columbia Public  
451 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
452 2304.01), the Mayor may serve written notice via electronic transmission.” in its place.

453 (e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

454 (1) Paragraph (1) is amended as follows:

455 (A) Subparagraph (A) is amended by striking the phrase “to the unit; or”  
456 and inserting the phrase “to the unit;” in its place.

457 (B) Subparagraph (B) is amended by striking the phrase “at the location”  
458 and inserting the phrase “at the location; or” in its place.

459 (C) A new subparagraph (C) is added to read as follows:

460                   “(C) During a period of time for which a public health emergency has  
461    been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
462    effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or  
463    mitigate the spread of contagious disease, as determined by the Department or provider.” in its  
464    place.

465                   (2) Paragraph (2) is amended by striking the phrase “to paragraph (1)(B)” and  
466    inserting the phrase “to paragraphs (1)(B) and (1)(C)” in its place.

467                   Section 312. Tenant rights.

468                   (a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980  
469    (D.C. Law 3-86, D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section  
470    514 to read as follows:

471                   “Sec. 514. All deadlines for tenants and tenant organizations to exercise rights under this  
472    act that will occur during a period of time for which a public health emergency has been declared  
473    pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
474    October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), are extended to a date 30  
475    days following the end of that period.”.

476                   (b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.  
477    Official Code § 42-3501.01 *et seq.*), is amended as follows:

478                   (1) Section 531(c) (D.C. Official Code § 42-3505.31(c)) is amended as follows:

## ENGROSSED ORIGINAL

479 (A) Paragraph (4) is amended by striking the phrase "late fee;" and  
480 inserting the phrase "late fee; or" in its place.

481 (B) Paragraph (5) is amended by striking the period and inserting the  
482 phrase “; or” in its place.

483 (C) A new paragraph (6) is added to read as follows:

484                     “(6) Impose a late fee on a tenant during any month for which a public health  
485                     emergency has been declared pursuant to section 5a of the District of Columbia Public  
486                     Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
487                     2304.01).”

488 (2) A new section 910 is added to read as follows:

489        “Sec. 910. All deadlines for tenants and tenant organizations to exercise rights under this  
490        act that will occur during a period of time for which a public health emergency has been declared  
491        pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
492        October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), are extended to a date 30  
493        days following the end of that period.”.

494 Sec. 313. Good time credits.

495 Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May  
496 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the  
497 phrase “this section combined” and inserting the phrase “this section combined; except that  
498 during a period for which a public health emergency has been declared pursuant to section 5a of

499 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law  
500 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to  
501 award additional credits beyond the limits described in this subsection to effectuate the  
502 immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and  
503 this section, consistent with public safety.”.

504 Sec 314. Section 5115(l)(1) of the Not-For-Profit Hospital Corporation Establishment  
505 Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §  
506 44-951.04), is amended as follows:

507 (1) Subparagraph (A) is amended by striking the word “less;” and inserting the  
508 phrase “less; or” in its place.

509 (2) Strike subparagraph (B) in its entirety.

510 TITLE IV. EDUCATION

511 Sec. 401. Section 206 of the Student Promotion Act of 2013, effective February 22, 2014  
512 (D.C. Law 20-84; D.C. Official Code § 38-781.05) is amended by adding a new subsection (c) to  
513 read as follows:

514 “(c) The Chancellor shall have the authority to waive the requirements of subsection (a)  
515 of this section for any student who fails to meet the promotion criteria specified in the DCMR  
516 during a school year that includes a period of time for which the Mayor declared a public health  
517 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
518 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

519                   Sec. 402. Section 104(d)(2) of the District of Columbia Education Research Practice  
520                   Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268;  
521                   D.C. Official Code § 38-785.03(d)(2)), is amended by striking the phrase “timely manner” and  
522                   inserting the phrase “timely manner, except that upon the declaration of a public health  
523                   emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
524                   effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the meeting of  
525                   the review panel shall be postponed until 7 business days following the end of the period of time  
526                   for which the public health emergency is declared” in its place.

527                   TITLE V. PUBLIC BODY MEETINGS

528                   Sec. 501. Advisory Neighborhood Commission Meetings.

529                   Section 14(b) of the Advisory Neighborhood Commissions Act of 1975, effective March  
530                   26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.11(b)), is amended as follows:

531                   (1) Paragraph (1) is amended by striking the phrase “by the Commission.” and  
532                   inserting the phrase “by the Commission; provided, that no meetings shall be required to be held  
533                   during a period for which a public health emergency has been declared by the Mayor pursuant to  
534                   section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
535                   (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be  
536                   held in a given year shall be reduced by one for every 30 days that a public health emergency is  
537                   in effect during the year.”.

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

**ENGROSSED ORIGINAL**

539                 “(1B) Notwithstanding any other provision of law, during a period for which a  
540                 public health emergency has been declared by the Mayor pursuant to section 5a of the District of  
541                 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
542                 Official Code § 7-2304.01), Advisory Neighborhood Commissioners may call a meeting and  
543                 remotely participate in that meeting and vote on matters before the Commission, without being  
544                 physically present, through a teleconference or through digital means identified by the  
545                 Commission for this purpose. Members physically or remotely present shall be counted for  
546                 determination of a quorum.”.

547                 Sec. 502. Other boards and commissions.

548                 Notwithstanding any provision of law, during a period time for which the Mayor has  
549                 declared a public health emergency pursuant to section 5a of the District of Columbia Public  
550                 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
551                 2304.01):

552                 (a) Any requirement for a board, commission, or other public body to meet is waived,  
553                 unless the Mayor determines that it is necessary or appropriate for the board, commission, or  
554                 other public body to meet during the period of the public health emergency, in which case the  
555                 Mayor may order the board, commission, or other public body to meet;

556                 (b) Any vacancy that occurs on a board or commission shall not be considered a vacancy  
557                 for the purposes of nominating a replacement;

## **ENGROSSED ORIGINAL**

558 (c) The review period for nominations transmitted to the Council for approval or  
559 disapproval in accordance with section 2 of the Confirmation Act of 1978, effective March 3,  
560 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), shall be tolled.

561 Sec. 503. Freedom of Information Act.

562 The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; 563 D.C. Official Code § 2-531 *et seq.*), is amended as follows:

564 (a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

565 (1) Subsection (c) is amended as follows:

566 (A) Paragraph (1) is amended by striking the phrase "Sundays, and" and  
567 inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place

568 (B) Paragraph (2)(A) is amended by striking the phrase "Sundays, and"  
569 and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place

570 (2) Subsection (d)(1) is amended by striking the phrase "Sundays, and" both times  
571 it appears and inserting the phrase "Sundays, days of a COVID-19 closure, and" in its place.

572 (b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase  
573 “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its  
574 place.

575 (c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c)  
576 to read as follows:

577 (c) "COVID-19 closure" means:

578               “(1) A period of time for which the Mayor has declared a public health emergency  
579 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
580 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

581               “(2) A period of time during which a public body is closed due to the COVID-19  
582 coronavirus disease, as determined by the personnel authority of the public body.”.

583               Sec. 504. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C.  
584 Official Code § 2-571 *et seq.*), is amended as follows:

585               (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

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

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

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

591               “(4) During a period for which a public health emergency has been declared  
592 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
593 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes  
594 steps reasonably calculated to allow the public to view or hear the meeting while the meeting is  
595 taking place, or, if doing so is not technologically feasible, as soon as reasonably practicable  
596 thereafter.”.

## ENGROSSED ORIGINAL

597 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)  
598 to read as follows:

599                     “(6) The public posting requirements of paragraph (2)(A) of this section shall not  
600 apply during a period for which a public health emergency has been declared pursuant to section  
601 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
602 Law 14-194; D.C. Official Code § 7-2304.01).”.

603 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the  
604 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a  
605 meeting held during a period for which a public health emergency has been declared pursuant to  
606 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
607 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably  
608 calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if  
609 doing so is not technologically feasible, as soon as soon as reasonably practicable thereafter.”.

610 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new  
611 paragraph (3) to read as follows:

612                     “(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be  
613 tolled during a period for which a public health emergency has been declared pursuant to section  
614 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
615 Law 14-194; D.C. Official Code § 7-2304.01).”.

## 616 TITLE VI. COUNCIL AUTHORITY

617        Sec. 601. Budget submission requirements

618        The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective  
619        November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

620            (a) Section 2 is amended by striking the phrase “not later than March 19, 2020” and  
621        inserting the phrase “not later than May 6, 2020, unless another date is set by subsequent  
622        resolution of the Council” in its place.

623            (b) Section 3(2)(A) is amended by striking the phase “the proposed Fiscal Year 2021  
624        Local Budget Act of 2020,” and inserting the phrase “the proposed Fiscal Year 2021 Local  
625        Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the  
626        proposed Fiscal Year 2021 Local Budget Temporary Act of 2020,” in its place.

627        Section 602. Virtual meetings.

628        Section 367 of the Rules of Organization and Procedure for the Council of the District of  
629        Columbia, Council Period 23, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended by  
630        striking the phrase “remote voting or proxy shall” and inserting the phrase “proxy shall” in its  
631        place.

632        Section 603. Grant budget modifications.

633            (a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the  
634        federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order  
635        2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-46), both  
636        declared on March 11, 2020, submitted to the Council for approval and accompanied by a report

**ENGROSSED ORIGINAL**

637 by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section  
638 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat.  
639 2040; D.C. Official Code § 1-204.46b(b)(1)).

640 (b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act,  
641 approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the  
642 Council shall be deemed to have reviewed and approved the acceptance, obligation, and  
643 expenditure of a grant related to the Declaration of Public Emergency (Mayor's Order 2020-045)  
644 and the Declaration of Public Health Emergency (Mayor's Order 2020-46), both declared on  
645 March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of  
646 addressing a public emergency, if:

647 (1) No written notice of disapproval is filed with the Secretary of the Council  
648 within 48 hours of the receipt of the report from the Chief Financial Officer under section  
649 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120  
650 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

651 (2) Such a notice of disapproval is filed within such deadline, the Council does  
652 not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5  
653 calendar days of the initial receipt of the report from the Chief Financial Officer under section  
654 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120  
655 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

656 TITLE VII. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

**ENGROSSED ORIGINAL**

657        Sec. 701. Applicability.

658        This act shall apply as of March 11, 2020.

659        Sec. 702. Fiscal impact statement.

660        The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
661        statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
662        October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

663        Sec. 703. Effective date.

664        (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
665        the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
666        as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

667        (b) December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and  
668        publication in the District of Columbia Register.

669        (b) This act shall expire after 225 days of its having taken effect.