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A BILL  
23-751

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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46  
 47 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
 48 act may be cited as the “Coronavirus Omnibus Temporary Amendment Act of 2020”.

49 ~~Sec. 2. Business interruption insurance.~~

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

56 ~~declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,~~  
57 ~~effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Health~~  
58 ~~Emergency”) beginning May 15, 2020.~~

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

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

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

67 ~~—————(3) The coverage required by this section shall indemnify the insured, subject to~~  
68 ~~the limits under the policy, for any covered loss of business income, loss of business, or business~~  
69 ~~interruption for the duration of the Public Health Emergency in an amount of to 50% of the~~  
70 ~~losses.~~

71 ~~—————(4) This section shall apply only to policies issued to insureds with:~~

72 ~~—————(A) Fewer than 50 full-time employees, each of whom, as of March 25,~~  
73 ~~2020, worked 25 or more hours per week; and~~

74 ~~—————(B) Less than \$2.5 million in federal gross receipts or sales according to~~  
75 ~~the most recently filed tax return.~~

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

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

87           ~~(c)(1) The Commissioner is authorized to make one or more assessments in each fiscal~~  
88           ~~year against all domestic and foreign licensed insurers in the District that sell business-~~  
89           ~~interruption insurance as may be necessary to recover the amounts paid, or estimated to be paid,~~  
90           ~~to insurers pursuant to subsection (b) of this section. Any such assessment shall be made at a~~  
91           ~~rate that shall be determined and certified by the Commissioner as sufficient to recover the~~  
92           ~~amounts paid to insurers pursuant to subsection (b) of this section. The amount to be so assessed~~  
93           ~~shall be made against all domestic and foreign licensed insurers in proportion to their net~~  
94           ~~premiums written in the District as shown in the annual report each of the said insurers filed with~~  
95           ~~the Department of Insurance, Securities, and Banking in the preceding year. Said assessment~~

96 shall reimburse the District for funds appropriated for such reimbursement. Assessments under  
97 this section shall be charged to the normal operating cost of each company.

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

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

108 (d) Section 3 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21,  
109 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202), is amended by adding a new subsection  
110 (b-3) to read as follows:

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

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115           ~~“(2) All assessments received by the Commissioner pursuant to section 2(c) of the~~  
116 ~~Coronavirus Omnibus Emergency Amendment Act of 2020, passed on emergency basis on May~~  
117 ~~5, 2020 (Enrolled version of Bill 23-XX) (“Business Interruption Insurance Act”), shall be~~  
118 ~~deposited in, and credited to, the Account.~~

119           ~~“(3) Money in the Account shall be used for the purpose of administering section~~  
120 ~~2(b) of the Business Interruption Insurance Act.~~

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

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

127           Sec. 3. Alcoholic beverage regulation.

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

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

131                   “(D)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,  
132 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered  
133 with the Board under subparagraph (C) of this paragraph also may register with the Board to sell  
134 beer, wine, or spirits in closed containers accompanied by one or more prepared food items for

**ENGROSSED ORIGINAL**

135 off-premises consumption from one additional location other than the licensed premises. Board  
136 approval shall not be required for the additional registration under this subsection; provided, that:

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

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

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

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

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

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

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

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

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

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

172                   (b) Chapter 4 is amended as follows:



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

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

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

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

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

184 (i) Strike the phrase “45-day protest period” and insert the phrase  
185 “66-day protest period” in its place.

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

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

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

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

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

195 (c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,”  
196 and inserting the phrase “21 or more calendar days, excluding each day during a period of time  
197 for which the Mayor has declared a public health emergency pursuant to section 5a of the  
198 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
199 194; D.C. Official Code § 7-2304.01),” in its place.

200 Sec. 4. Corporate filing extension clarification.

201 Amendatory section 29-102.12(e) of the District of Columbia Official Code, within  
202 section 204 of the COVID-19 Response Emergency Amendment Act of 2020, effective March  
203 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended to read as follows:

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

207 Sec. 5. Cooperative association remote meetings.

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

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

212 (b) Section 901 (D.C. Official Code § 29-901) is amended by striking the phrase “If  
213 authorized by the articles or bylaws” and inserting the phrase “During a period for which a  
214 public health emergency has been declared pursuant to section 5a of the District of Columbia  
215 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official  
216 Code § 7-2304.01), regardless of whether remote regular and special meetings of members are  
217 authorized by the articles or bylaws” in its place.

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

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

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

222 “(HH) Public health emergency small business grants awarded pursuant to  
223 section 202 of the COVID-19 Response Emergency Amendment Act of 2020, effective March  
224 17, 2020 (D.C. Act 23-247; 67 DCR 3093).”

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

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

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

230 (a) During a period of time for which the Mayor has declared a public health  
231 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,

232 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01). A person,  
233 corporation, partnership, or association operating a third-party food platform within the District  
234 shall register with the Department of Consumer and Regulatory Affairs.

235 (b) Notwithstanding any provision of District law, during a period of time for which the  
236 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
237 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
238 Code § 7-2304.01), it shall be unlawful for a person to cause a third-party food delivery platform  
239 to charge a restaurant a commission fee for the use of the platform’s services for delivery or  
240 pick-up that totals more than 15% of the purchase price per online order.

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

244 (d) During a period of time for which the Mayor has declared a public health emergency  
245 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
246 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01). At the time a final price  
247 is disclosed to a customer for the intended purchase and delivery of food from a restaurant  
248 through a third-party food delivery platform, and before that transaction is completed by the  
249 customer, the third-party food delivery platform shall disclose to the customer, in plain language  
250 and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by

251 the third-party food delivery platform on the restaurant as a term of a contract or agreement  
252 between the platform and the restaurant in connection with the restaurant’s use of the platform.

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

255 (2) A violation of this section shall be a civil infraction for purposes of the  
256 Department of Consumer and Regulatory Affairs Civil ~~Infections~~ Infractions Act of 1985,  
257 effective October 5, 1985 (D.C. Law 6-472; D.C. Official Code § 2-1801.01 *et seq.*).

258 (f) For purposes of this section:

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

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

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

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

267 (g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure  
268 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue  
269 rules to implement the provisions of this section.

270 Sec. 8. Emergency credit alerts.

271 Chapter 38 of Title 28 of the District of Columbia Official Code is amended as follows:

272 (a) A new section 28-3862.01 is added to read as follows:

273 “§ 28-3862.01. COVID-19 Emergency Credit Alert.

274 “(a) If a consumer demonstrates evidence of financial hardship resulting directly or  
275 indirectly from the cause of the public health emergency during the period of time for which the  
276 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
277 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
278 Code § 7-2304.01), and for 60 days following (“covered time period”), a consumer reporting  
279 agency that maintains a file on the consumer shall include an alert (“COVID-19 alert”) in that  
280 file indicating that the consumer has been financially impacted by the COVID-19 emergency and  
281 shall provide that alert along with or accompanying any consumer report or credit score provided  
282 by the agency, beginning on the date of such request, unless the consumer requests that such  
283 COVID-19 alert be removed.

284 “(b)(1) No user of a consumer report shall use or take into consideration any adverse  
285 information in a report that was the result of an action or inaction by a consumer that occurred  
286 during the covered time period if there is a COVID-19 alert included along with or  
287 accompanying the consumer’s report or provided with the consumer’s credit score pursuant to  
288 subsection (a) of this section.

289 ~~“(2) This subsection shall not apply to the use of a consumer report for~~  
290 ~~prescreening, to make a solicitation for marketing purposes, or to provide an unsolicited firm~~

291 ~~offer of credit or insurance, or to any use the prohibition of which is not consistent with the Fair~~  
292 ~~Credit Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. Section 1681, et~~  
293 ~~seq.)~~

294 “(c) This section shall not apply to a federal credit union, as defined by section 1752 of  
295 the Federal Credit Union Act, approved September 22, 1959 (73 Stat 628; 12 U.S.C. § 1752(1))  
296 national bank, as defined by section 25b of the National Bank Act, approved June 3, 1864 (18  
297 Stat. 123; 12 U.S.C. § 25b(a)(1)), or a federal savings association, as defined by Section 1462 of  
298 the Home Owners’ Loan Act, approved August 9, 1989 (103 Stat. 277; 12 U.S.C. § 1462(3)), but  
299 this exception shall not apply to any entity to which the savings clause at Section 25b of the  
300 National Bank Act, approved June 3, 1864 (18 Stat. 123; 12 U.S.C. § 25b(b)(2)) applies.

301 “(d) When a District resident requests a copy of a credit report pursuant to Section 1681j  
302 of the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. § 1681j),  
303 the entity providing the credit report must notify the resident of their right to request a COVID-  
304 19 alert to accompany the credit report .

305 “(e)(1) If any person or entity violates this section, the affected consumer may bring a  
306 civil action for:

307 “(A) Injunctive relief to prevent or restrain further violation of this  
308 subsection;

309 “(B) Actual damages; and

310 “(C) Reasonable attorney’s fees and costs of the action.

311                   “(2) If a credit reporting agency willfully violates this subsection, the affected  
312 consumer may obtain punitive damages, except in the case of negligence as provided in Section  
313 1681h(e) of the Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C.  
314 Section 1681h(e)).

315                   “(f)(1) The Attorney General may petition the Superior Court of the District of Columbia  
316 for temporary or permanent injunctive relief against, and for an award of restitution for property  
317 lost or damages suffered by a consumer as a consequence of, a violation of this subchapter, or  
318 fraudulent or deceptive conduct in violation of this subsection that harms a DC resident.

319                   “(2) In an action under this section, the Attorney General may recover:

320                                   “(A) A civil penalty not to exceed \$1,000 for each violation; and

321                                   “(B) Reasonable attorney’s fees and costs of the action.”

322                   “(g) The following terms shall have the same meaning as provided in § 28-3861 of this  
323 chapter:

324                   “(1) “Consumer”;

325                   “(2) “Credit report”; and

326                   “(3) “Credit reporting agency”.”

327                   “(h) This section shall not be construed in a manner inconsistent with the Fair Credit  
328 Reporting Act, approved October 26, 1970 (84 Stat. 1128; 15 U.S.C. § 1681 et seq.), or any other  
329 federal law or regulation.”.

330                   Sec. 9. Rental tenant payment plans.



331 (a) During a period of time for which the Mayor has declared a public health emergency  
332 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
333 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), ~~and for the lesser of one~~  
334 ~~year thereafter or the cessation of the tenancy, whichever occurs first (“covered time period”)~~and  
335 for one year thereafter (“covered time period”), a provider shall develop a rent-payment-plan  
336 program (“Program”) for eligible residential and commercial tenants. Under the Program, a  
337 provider shall:

338 (1) Permit an eligible tenant to enter into a payment plan for rent that comes due  
339 ~~during the covered time period~~ (during the covered time period and prior to cessation of the  
340 tenancy”) (“payment plan”);

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

342 (3) Not report to a credit bureau as delinquent the rent that is subject to the  
343 payment plan or report the payment plan as derogatory information; and

344 (4) Notify all tenants of the availability, terms, and application process for the rent  
345 payment program.

346 (b)(1) A provider shall permit a tenant with a payment plan to pay an amount greater than  
347 the monthly amount provided for in the payment plan.

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

350 (3) A provider shall agree in writing to the terms of the payment plan.

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

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

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

358 ~~(1) Demonstrates to the provider evidence of a financial hardship resulting~~  
359 ~~directly or indirectly from the public health emergency:~~

360 “(1) Demonstrates to the provider evidence of a financial hardship resulting  
361 directly or indirectly from the public health emergency, regardless of an existing delinquency or  
362 a future inability to make rental payments established prior to the start of the public health  
363 emergency; and”

364 (A) That is in addition to any delinquency or future inability to make  
365 rental payments in existence prior to the start of the public health emergency; and

366 (B) That would cause the tenant to be unable to qualify to rent the unit  
367 based on application of the same qualification criteria that were applied to the tenant at the time  
368 he or she was approved to rent the unit, provided that any tenant not currently receiving ; and

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

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

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

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

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

378 (f)(1) A residential tenant whose application for a payment plan is denied may file a  
379 written complaint with the Rent Administrator and any such complaint shall be forwarded to the  
380 Office of Administrative Hearings for adjudication.

381 (2) A commercial tenant whose application for a payment plan is denied may file  
382 a written complaint with the Department of Consumer and Regulatory Affairs and any such  
383 complaint shall be forwarded to the Office of Administrative Hearings for adjudication.

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

385 (1) "Eligible tenant" means a tenant of a residential or commercial retail property  
386 that:

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

389 (B) Is not currently receiving a rent reduction pursuant to Section 202 of  
390 the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C.  
391 Act 23-247; 67 DCR 3093), provided that any tenant not currently receiving such a rent  
392 reduction otherwise remains eligible under this section; and

393 (C) Is not a franchise, unless the franchise is owned by a District resident  
394 and operated in the District.

395 (2) "Housing provider" means a person who is:

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

400 (B) Has 5 or more residential units currently rented or available for rent.

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

405 (4) "Provider" means a housing provider or a non-housing provider.

406 ~~Sec. 10. DC Water payment plans.~~

407 ~~Amendatory section 103(e) of the District of Columbia Public Works Act of 1954,~~  
408 ~~approved May 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01(e)), within section 307 of the~~

409 ~~COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act~~  
410 ~~23-247; 67 DCR 3093), is amended by adding a new paragraph (3) to read as follows:~~

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

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

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

419 ~~—————“(iii) Not report to a credit bureau as delinquent the rent that is~~  
420 ~~subject to the payment plan or report the payment plan as derogatory information.~~

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

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

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

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

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

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

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

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

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

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

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

449 Sec. 11. Commercial tenant rent increase clarification.

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

456 Sec. 12. Eviction clarification

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

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

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

460 “(b) During a period of time for which the Mayor has declared a public health emergency  
461 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
462 October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for ~~30 days~~ 60 days  
463 thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section.”.

464 Sec. 13. Amenity fees.

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

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

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

469           “(b) If, during a public health emergency that has been declared pursuant to section 5a of  
470 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law  
471 14-194, D.C. Official Code § 7-2304.01) and consistent with applicable law or an Order issued  
472 by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
473 effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), a housing  
474 provider temporarily stops providing:

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

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

481           Sec. 14. Residential accommodation cleaning requirements.

482           (a) During a period for which a public health emergency has been declared pursuant to  
483 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
484 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the owner or representative of the owner of  
485 a housing accommodation shall clean common areas of the housing accommodation on a regular  
486 basis, including surfaces that are regularly touched, such as doors, railings, seating, and the  
487 exterior of mailboxes.



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

493 (c) The Mayor may, pursuant to Title I of the District of Columbia Administrative  
494 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),  
495 promulgate rules to implement this section.

496 Sec. 15. Out of school time report waiver.

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

500 “(c) During a period of time for which the Mayor has declared a public health emergency  
501 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
502 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01) the Office of Out of  
503 School Time Grants and Youth Outcomes (OST Office) may waive the requirement to conduct  
504 an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

505 Sec. 16. UDC Board of Trustees terms.

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

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

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

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

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

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

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

525 Sec. 17. Notice of modified staffing levels.

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

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

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

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

534 “(iii) Provide a written report of the staffing level to the Department of  
535 Health for each day that the facility is below the prescribed staffing level as a result of the  
536 circumstances giving rise to a public health emergency during a period of time for which the  
537 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
538 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
539 Code § 7-2304.01).”.

540 Sec. 18. Long-Term Care Facility Reporting of Positive Cases.

541 “Each long-term care facility located in the District shall report daily to the Department  
542 of Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and number  
543 of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the  
544 long-term care facility during the period of time for which the Mayor has declared a public  
545 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of

546 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60  
547 days thereafter.

548 Sec. 18. Contact tracing hiring requirements.

549 An Act to authorize the Commissioners of the District of Columbia to make regulations  
550 to prevent and control the spread of communicable and preventable diseases, approved August  
551 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 et seq.), is amended by adding a new section  
552 9a to read as follows

553 “Sec.9a. Contract tracing hiring requirements.

554 “Of the number of persons hired by the Department of Health for positions, whether a  
555 temporary or permanent position, under the Contact Trace Force initiative to contain the spread  
556 of the novel coronavirus 2020 in the District, the Director of the Department of Health shall  
557 establish a goal and make the best effort to hire at least 50% District residents and for the  
558 position of investigator, whether a temporary or permanent position, and establish a goal and  
559 make the best effort to hire at least 25% graduates from a workforce development or adult  
560 education program funded or administered by the District of Columbia.”.

561 Sec. 20. Shared Work Program Clarification

562 (a) Section 2(5) of the Keep D.C. Working Act of 2010, effective October 15,  
563 2010 (D.C. Law 18-238; D.C. Official Code § 51-171(5), is amended to read as follows:

564 “(5) “Normal weekly hours of work” means the usual hours of work for full-time

565 or part-time employees in the affected unit when that unit is operating on its regular basis, not to  
566 exceed 40 hours and not including hours of overtime work.”.

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

569 (1) Subsection (a) is repealed.

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

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

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

576 “(2) ~~During the public health emergency~~, for employers that have reported  
577 quarterly earnings to the Department of Employment Services for fewer than three quarters.”.

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

580 Sec. 21. Paid sick leave enforcement clarification.

581 Amendatory section 1152(b-1) of the Universal Paid Leave Implementation Fund Act of  
582 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), within  
583 section 104 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020,  
584 effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended to read as follows:

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

590 Sec. 22. Composting virtual training.

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

594 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time  
595 for which the Mayor has declared a public health emergency pursuant to section 5a of the  
596 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
597 194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may  
598 provide the training required by paragraph (1) of this subsection remotely through  
599 videoconference.”.

600 Sec. 23. Ballot access reform.

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

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

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

605 “(3A) For the November 3, 2020, General Election:

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

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

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

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

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

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

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

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

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

622 “(B) For member of the Council elected by ward, 150 voters who are  
623 registered in the ward from which the candidate seeks election.”.

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

625 (A) The existing text is designated as paragraph (1).

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

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

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

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

636 “(B) For member of the State Board of Education elected by ward, 50 voters  
637 who are registered in the ward from which the candidate seeks election.”.

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

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



644 Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines  
645 for printed” in its place.

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

647 “(g-1) In calendar year 2020:

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

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

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

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

653 Sec. 24. ANC petitioning and grantmaking.

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

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

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

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

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

661 “(A) Candidates for member of an Advisory Neighborhood Commission  
662 shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are  
663 residents of the single-member district from which the candidate seeks election;

664                   “(B) The petitions of a candidate in subparagraph (A) of this paragraph may  
665 be electronically:

666                   “(i) Made available by the candidate to a qualified petition  
667 circulator; and

668                   “(ii) Returned by a qualified petition circulator to the candidate; and

669                   “(C) Signatures on a candidate’s petitions shall not be invalidated because  
670 the signer was also the circulator of the same petition on which the signature appears.”.

671           (b) Section 16(m)(1) (D.C. Official Code § 1-309.13(m)(1)) is amended by striking the  
672 phrase “District government” and inserting the phrase “District government; except, that  
673 notwithstanding any provision of District law, during a period for which a public health  
674 emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia  
675 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
676 Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of  
677 providing humanitarian relief, including food or supplies, during the public health emergency, or  
678 otherwise assisting in the response to the public health emergency anywhere in the District, even  
679 if those services are duplicative of services also performed by the District government” in its  
680 place.

681           Sec. 25. Remote notarizations.

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

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

686 “(1A) “Audio-video communication” means an electronic device or process that:

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

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

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

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

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

694 “(b) Notwithstanding any provision of District law, during a period of time for which the  
695 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
696 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
697 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual  
698 making the statement or executing the signature, notarial acts required or permitted under  
699 District law if:

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

702 “(2) The notary public:

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

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

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

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

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

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

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

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

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

726           “(d) Notwithstanding any provision of District law, during a period of time for which the  
727 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia  
728 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
729 Code § 7-2304.01), a notarial act shall be deemed to be performed in the District regardless of  
730 the notary public’s physical location at the time of the notarial act so long as the requirements of  
731 section 6(b) are met.”.

732           Sec. 26. Electronic witnessing.

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

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

736           “(9A) “Electronic” means relating to technology having electrical, digital,  
737 magnetic, wireless, optical, electromagnetic, or similar capabilities.

738           “(9B) “Electronic presence” means when one or more witnesses are in a different  
739 physical location than the designator but can observe and communicate with the designator and

740 one another to the same extent as if the witnesses and designator were physically present with  
741 one another.

742 “(11A) “Record” means information that is inscribed on a tangible medium or that  
743 is stored in an electronic medium and is retrievable in perceivable form.

744 “(11B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

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

752 (3) Section 4803(d) (D.C. Official Code § 16-4803(d)) is amended by  
753 striking the phrase “in the presence of 2 witnesses” and inserting the phrase “in the presence or,  
754 during a period of time for which the Mayor has declared a public health emergency pursuant to  
755 § 7-2304.01, the electronic presence of 2 witnesses” in its place.

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

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

759 “(5B-1) “Electronic” means relating to technology having electrical, digital,

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

761 “(5B-2) “Electronic presence” means when one or more witnesses are in a  
762 different physical location than the signatory but can observe and communicate with the  
763 signatory and one another to the same extent as if the witnesses and signatory were physically  
764 present with one another.

765 “(23A) “Record” means information that is inscribed on a tangible medium  
766 or that is stored in an electronic medium and is retrievable in perceivable form.

767 “(23B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

770 (2) Section 2043(c) (D.C. Official Code § 21-2043(c)) is amended by adding a  
771 new subsection (c-1) to read as follows:

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

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

777 “(3A) “Electronic” means relating to technology having electrical, digital,  
778 magnetic, wireless, optical, electromagnetic, or similar capabilities.

779                   “(3B) “Electronic presence” means when one or more witnesses are in a different  
780 physical location than the principal but can observe and communicate with the principal and one  
781 another to the same extent as if the witnesses and principal were physically present with one  
782 another.

783                   “(6B) “Record” means information that is inscribed on a tangible medium or that  
784 is stored in an electronic medium and is retrievable in perceivable form.

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

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

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

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

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

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



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

800 “(6A) “Electronic” means relating to technology having electrical, digital,  
801 magnetic, wireless, optical, electromagnetic, or similar capabilities.

802 “(6B) “Electronic presence” means when one or more witnesses are in a different  
803 physical location than the signatory but can observe and communicate with the signatory and one  
804 another to the same extent as if the witnesses and signatory were physically present with one  
805 another.

806 “(9A) “Record” means information that is inscribed on a tangible medium or that  
807 is stored in an electronic medium and is retrievable in perceivable form.

808 “(9B) “Sign” means with present intent to authenticate or adopt a record, to:

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

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

811 (2) Section 2132(c) (D.C. Official Code § 7-2132(c)) is amended by adding a  
812 new subsection (c-1) to read as follows:

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

816 Sec. 27. Contractor reporting of positive cases.

817 (a) A District government contractor shall immediately report to the District  
818 government's contract administrator and contracting officer if the contractor learns, or has reason  
819 to believe, that a covered employee has come into contact with, had a high likelihood of coming  
820 into contact with, or has worked in close physical proximity to a covered individual when either  
821 individual was exposed, or suspected to have been exposed, to the novel 2019 coronavirus  
822 (SARS-CoV-2). The report shall contain the following information:

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

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

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

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

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

834 (b) A District government contractor shall immediately cease the on-site performance of  
835 a covered employee until such time as the covered employee no longer poses a health risk as  
836 determined in writing by a licensed health care provider. The District government contractor

837 shall provide a written copy of the determination to the contract administrator and the contracting  
838 officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

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

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

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

846 (A) tested positive for COVID-19,

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

849 (C) is exhibiting symptoms of COVID-19.

850 (2) "Covered individual" means:

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

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

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

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

859 Sec. 28. Liability clarification.

860 Amendatory section 5a(d)(3A)(B) of the District of Columbia Public Emergency Act of  
861 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01(d)(3A)(B)),  
862 within section 3(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of  
863 2020, passed on emergency basis on April 21, 2020 (Enrolled version of Bill 23-735), is  
864 amended as follows:

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

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

869

870 Sec. 29. Jail reporting.

871 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice  
872 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §  
873 1-301.191(c)), is amended as follows:

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

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

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

878 “(7) During a period of time for which the Mayor has declared a public health  
879 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
880 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the  
881 Council Committee with jurisdiction over the Office a weekly written update containing the  
882 following information:

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

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

891 “(C) A description of:

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

896                                   “(ii) Without reference to personally identifiable information,  
897 COVID-19 testing of individuals detained in the Central Detention Facility and Correctional  
898 Treatment Facility, including whether and under what conditions the District is testing  
899 asymptomatic individuals.”.

900                   Sec. 30. 8th and O disposition extension.

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

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

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

**ENGROSSED ORIGINAL**

916 (b) Subsection (d-7) is amended by striking the phrase “February 2, 2020” and inserting  
917 the phrase “~~December 31, 2020~~” “September 15, 2020” in its place.

918 Sec. 31. Applicability.

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

920 Sec. 32. Fiscal impact statement.

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

924 Sec. 33. Effective date.

925 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
926 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
927 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
928 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
929 Columbia Register.

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