

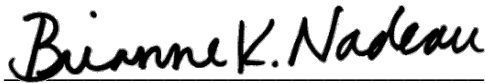
Councilmember Kenyan McDuffie



Councilmember Anita Bonds



Councilmember Elissa Silverman



Councilmember Brianne K. Nadeau

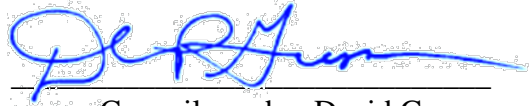


Councilmember Brandon Todd



Councilmember Vincent C. Gray

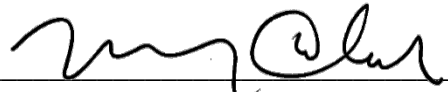

Chairman Phil Mendelson



Councilmember David Grosso



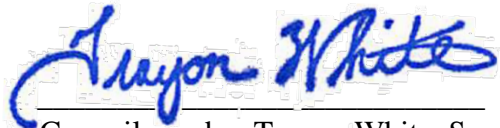
Councilmember Robert C. White, Jr.



Councilmember Mary M. Cheh



Councilmember Charles Allen



Councilmember Trayon White, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on a temporary basis, for the health, safety, and welfare of District residents and for support to businesses during the current public health emergency; and for other purposes

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148

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

150 act may be cited as the “Coronavirus Support Temporary Amendment Act of 2020”.

151

152 **TITLE I. LABOR AND WORKFORCE DEVELOPMENT**

153 Sec. 101. Wage replacement.

154 (a) Notwithstanding any provision of District law, but subject to applicable federal laws

155 and regulations, during a period of time for which the Mayor has declared a public health

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

157 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an affected

158 employee shall be eligible for unemployment insurance in accordance with subsection (b) of this

159 section.

160 (b)(1) Upon application, an affected employee shall receive unemployment insurance
161 compensation (“UI”), which the Director of the Department of Employment Services shall
162 administer under the Unemployment Compensation Program established pursuant to the District
163 of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C.
164 Official Code § 51-101 *et seq.*).

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

166 (A) Employer has provided a date certain for the employee’s return to
167 work; or

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

170 (3) For an affected employee, the term “most recent work” shall mean the
171 employer for whom the individual last performed at least one day of employment as that term is
172 defined by section 1(2)(B) of the District of Columbia Unemployment Compensation Act,
173 approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)).

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

176 (d) For the purposes of this section, the term “affected employee” means an employee
177 who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to
178 section 9 of the District of Columbia Unemployment Compensation Act, approved August 28,
179 1935 (49 Stat. 950; D.C. Official Code § 51-109), and who is determined by the Mayor to have
180 become unemployed or partially unemployed as a result of the circumstances giving rise to the
181 public health emergency. The term “affected employee” includes an employee who has been
182 quarantined or isolated by the Department of Health or any other applicable District or federal

183 agency, an employee who has self-quarantined or self-isolated in a manner consistent with the
184 recommendations or guidance of the Department of Health, any other applicable District or
185 federal agency, or a medical professional, or an employee of an employer that ceased or reduced
186 operations due to an order or guidance from the Mayor or the Department of Health or a
187 reduction in business revenue resulting from the circumstances giving rise to the public health
188 emergency, as determined by the Mayor, all as demonstrated by reasonable documentation
189 required by the Mayor or the Mayor's designee.

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

193 (1) An employer's failure to timely comply with a written directive from the
194 Mayor or the Department of Health in relation to public safety measures necessary to protect its
195 employees or the public during the public health emergency; or

196 (2) An employer's requirements that an employee be physically present in the
197 workplace despite the employee having:

198 (A) Been quarantined or isolated by the Department of Health or any other
199 applicable District or federal agency; or

200 (B) Self-quarantined or self-isolated in a manner consistent with the
201 recommendations or guidance of the Department of Health, any other applicable District or
202 federal agency, or a medical professional.

203 (f) If the Mayor determines that the payment of UI under this section may not be made
204 from the District Unemployment Fund or from the unemployment fund of another jurisdiction

205 due to federal law or regulation, payment may be made by the Mayor from any other source of
206 funds that is available.

207 (g) Notwithstanding any provision of District law, but subject to applicable federal laws
208 and regulations, during a period of time for which the Mayor has declared a public health
209 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
210 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the
211 requirements of section 9(4)(B) and 9(5) of the District of Columbia Unemployment
212 Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Official Code § 51-109(4)(B)
213 and (5)), shall not apply.

214 Sec. 102. Unemployment insurance clarification.

215 The District of Columbia Unemployment Compensation Act, effective August 28, 1935
216 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

217 (a) Section 1(2) (D.C. Official Code § 51-101(2)) is amended by adding a new
218 subparagraph (A-i) to read as follows:

219 “(A-i) During a period of time for which the Mayor has declared a public
220 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
221 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and in
222 conformity with federal law, the Director may determine that the term “employment” as defined
223 in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-
224 time employment, do not have sufficient work history, or otherwise would not qualify for regular
225 unemployment or extended benefits under District or Federal law or pandemic emergency
226 unemployment compensation.”.

227 (b) Section 3(c)(2) (D.C. Official Code § 51-103(c)(2)) is amended by adding a new
228 subparagraph (G) to read as follows:

229 “(G) “Federal Pandemic Unemployment Compensation (“FPUC”) benefits
230 paid to an individual filing during a period of national emergency shall not be charged to the
231 experience rating of the eligible claimant’s base period employer’s accounts. Employers electing
232 to become liable for payments in lieu of contributions shall be charged 50% of reimbursements
233 due as a result of FPUC benefits paid to an individual filing during a period of national
234 emergency.”.

235 (c) Section 8 (D.C. Official Code § 51-108) is amended as follows:

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

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

238 “(b) During a period of time for which the Mayor has declared a public health emergency
239 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
240 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), and subject to the
241 availability of additional moneys provided by local or federal law, the Director shall have the
242 authority to pay such benefits as are authorized by law.”.

243 (d) Section 9 (D.C. Official Code § 51-109) is amended as follows:

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

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

246 “(b) During a period of time for which the Mayor has declared a public health emergency
247 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
248 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have
249 broad discretion to waive any eligibility requirements set forth in this act, other than the physical

250 ability and availability requirement, when the Director deems such waiver to be in the public
251 interest.”.

252 Sec. 103. Shared work compensation program clarification.

253 The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238;
254 D.C. Official Code § 51-171 *et seq.*), is amended as follows:

255 (a) Section 2 (D.C. Official Code § 51-171) is amended as follows:

256 (1) Paragraph (4) is repealed.

257 (2) New paragraphs (4A) and (4B) are added to read as follows:

258 “(4A) “Health and retirement benefits” means employer-provided health benefits,
259 and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal
260 Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or
261 contributions under a defined contribution plan, as defined in the Internal Revenue Code of 1986,
262 approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which are incidents of
263 employment in addition to the cash remuneration earned.”.

264 “(4B) “Participating employee” means an employee who voluntarily agrees to
265 participate in an employer’s shared work plan.”.

266 (3) Paragraph (5) is amended to read as follows:

267 “(5) “Usual weekly hours of work” means the usual hours of work per week for
268 full-time or part-time employees in the affected unit when that unit is operating on its regular
269 basis, not to exceed 40 hours and not including hours of overtime work.”.

270 (4) Paragraph (7) is amended to read as follows:

271 “(7) “Shared work benefits” means the unemployment benefits payable to a
272 participating employee in an affected unit under a shared work plan, as distinguished from the
273 unemployment benefits otherwise payable under the employment security law.”.

274 (5) Paragraph (8) is amended to read as follows:

275 “(8) “Shared work plan” means a written plan to participate in the shared work
276 unemployment compensation program approved by the Director, under which the employer
277 requests the payment of shared work benefits to participating employees in an affected unit of
278 the employer to avert temporary or permanent layoffs, or both.”.

279 (b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

280 “Sec. 4. Employer participation in the shared work unemployment compensation
281 program.

282 “(a) Employer participation in the shared work unemployment compensation program
283 shall be voluntary.

284 “(b) An employer that wishes to participate in the shared work unemployment
285 compensation program shall submit a signed application and proposed shared work plan to the
286 Director for approval.

287 “(c) The Director shall develop an application form consistent with the requirements of
288 this section. The application and shared work plan shall require the employer to:

289 “(1) Identify the affected unit (or units) to be covered by the shared work plan,
290 including:

291 “(A) The number of full-time or part-time employees in such unit;

292 “(B) The percentage of employees in the affected unit covered by the plan;

293 “(C) Identification of each individual employee in the affected unit by
294 name, and social security number;

295 “(D) The employer’s unemployment tax account number, and

296 “(E) Any other information required by the Director to identify
297 participating employees;

298 “(2) Provide a description of how employees in the affected unit will be notified
299 of the employer’s participation in the shared work unemployment compensation program if such
300 application is approved, including how the employer will notify those employees in a collective
301 bargaining unit as well as any employees in the affected unit who are not in a collective
302 bargaining unit. If the employer will not provide advance notice of the shared work plan to
303 employees in the affected unit, the employer shall explain in a statement in the application why it
304 is not feasible to provide such notice.

305 “(3) Identify the usual weekly hours of work for employees in the affected unit
306 and the specific percentage by which hours will be reduced during all weeks covered by the plan.
307 A shared work plan may not reduce participating employees’ usual weekly hours of work by less
308 than 10% or more than 60%. If the plan includes any week for which the employer regularly
309 provides no work (due to a holiday or other plant closing), then such week shall be identified in
310 the application;

311 “(4) If the employer provides health and retirement benefits to any participating
312 employee whose usual weekly hours of work are reduced under the plan, certify that such
313 benefits will continue to be provided to participating employees under the same terms and
314 conditions as though the usual weekly hours of work of such participating employee had not
315 been reduced or to the same extent as employees not participating in the shared work plan. For

316 defined benefit retirement plans, the hours that are reduced under the shared work plan shall be
317 credited for purposes of participation, vesting, and accrual of benefits as though the participating
318 employee’s usual weekly hours of work had not been reduced. The dollar amount of employer
319 contributions to a defined contribution plan that are based on a percentage of compensation may
320 be reduced due to the reduction in the participating employee’s compensation. A reduction in
321 health and retirement benefits scheduled to occur during the duration of a shared work plan, that
322 is equally applicable to employees who are not participating in the plan and to participating
323 employees, does not violate a certification made pursuant to this paragraph;

324 “(5) Certify that the aggregate reduction in work hours under the shared work
325 plan is in lieu of temporary or permanent layoffs, or both, and provide a good faith estimate of
326 the number of employees who would be laid off in the absence of the proposed shared work
327 plan;

328 “(6) Agree to:

329 “(A) Furnish reports to the Director relating to the proper conduct of the
330 shared work plan;

331 “(B) Allow the Director or the Director’s authorized representatives access
332 to all records necessary to approve or disapprove the application for a shared work plan;

333 “(C) Allow the Director to monitor and evaluate the shared work plan; and

334 “(D) Follow any other directives the Director deems necessary for the
335 agency to implement the shared work plan consistent with the requirements for shared work plan
336 applications;

337 “(7) Certify that participation in the shared work unemployment compensation
338 program and implementation of the shared work plan will be consistent with the employer’s
339 obligations under applicable federal and state laws;

340 “(8) State the duration of the proposed shared work plan, which shall not exceed
341 365 days from the effective date established pursuant to section 6;

342 “(9) Provide any additional information or certifications that the Director
343 determines to be appropriate for purposes of the shared work unemployment compensation
344 program, consistent with requirements issued by the United States Secretary of Labor.

345 “(10) Provide written approval of the proposed shared work plan by the collective
346 bargaining representative for any employees, covered by a collective bargaining agreement, who
347 will participate in the plan.”.

348 (c) Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

349 “Sec. 5. Approval and disapproval of a shared work plan.

350 “(a)(1) The Director shall approve or disapprove an application for a shared work plan in
351 writing within 15 calendar days of its receipt and promptly issue a notice of approval or
352 disapproval to the employer.

353 “(2) A decision disapproving the shared work plan shall clearly identify the
354 reasons for the disapproval.

355 “(3) A decision to disapprove a shared work plan shall be final, but the employer
356 may submit another application for a shared work plan not earlier than 10 calendar days from the
357 date of the disapproval.

358 “(b) Except as provided in subsections (c) and (d) of this section, the Director shall
359 approve a shared work plan if the employer:

360 “(1) Complies with the requirements of section 4; and
361 “(2) Has filed all reports required to be filed under the employment security law
362 for all past and current periods and:
363 “(A) Has paid all contributions and benefit cost payments; or
364 “(B) If the employer is a reimbursing employer, has made all payments in
365 lieu of contributions due for all past and current periods.
366 “(c) Except as provided in subsection (d) of this section, the Director may not approve a
367 shared work plan:
368 “(1) To provide payments to an employee if the employee is employed by the
369 participating employer on a seasonal, temporary, or intermittent basis;
370 “(2) If the employer's unemployment insurance account has a negative
371 unemployment experience rating;
372 “(3) If the employer's unemployment insurance account is taxed at the maximum
373 tax rate in effect for the calendar year;
374 “(4) For employers who have not qualified to have a tax rate assigned based on
375 actual experience; or
376 “(5) For employees who are receiving or who will receive supplemental
377 unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue
378 Code of 1986, approved August 16, 2954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during
379 any period a shared work plan is in effect.
380 “(d) During the effective period of a shared work plan entered into during a public health
381 emergency, subsection (c) of this section shall not apply. During a public health emergency, the
382 Director may not approve a shared work plan:

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

385 “(2) For employees who are receiving or who will receive supplemental
386 unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue
387 Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during
388 any period a shared work plan is in effect; or

389 “(3) For employers that have reported quarterly earnings to the Director for fewer
390 than 3 quarters at the time of the application for the shared work unemployment compensation
391 program.”.

392 “(e) For the purposes of this section, “public health emergency” means the public health
393 emergency declared in the Mayor’s order dated March 11, 2020, and any extensions thereof.”.

394 (d) Section 6 (D.C. Official Code § 51-175) is amended to read as follows:

395 “Sec. 6. Effective date and expiration, termination or revocation of a shared work plan.

396 “(a) A shared work plan shall be effective on the date that is mutually agreed upon by the
397 employer and the Director, which shall be specified in the notice of approval to the employer.

398 “(b) The duration of the plan shall be 365 days from the effective date, unless a shorter
399 duration is requested by employer or the plan is terminated or revoked in accordance with this
400 section.

401 “(c) An employer may terminate a shared work plan at any time upon written notice to
402 the Director, participating employees, and a collective bargaining representative for the
403 participating employees. After receipt of such notice from the employer, the Director shall issue,
404 to the employer, the appropriate collective bargaining representative, and participating

405 employees, an Acknowledgment of Voluntary Termination, which shall state the date the shared
406 work plan terminated.

407 “(d) The Director may revoke a shared work plan at any time for good cause, including:

408 “(1) Failure to comply with the certifications and terms of the shared work plan;

409 “(2) Failure to comply with federal or state law;

410 “(3) Failure to report or request proposed modifications to the shared work plan in
411 accordance with section 7;

412 “(4) Unreasonable revision of productivity standards for the affected unit;

413 “(5) Conduct or occurrences tending to defeat the purpose and effective operation
414 of the shared work plan;

415 “(6) Change in conditions on which approval of the plan was based;

416 “(7) Violation of any criteria on which approval of the plan was based; or

417 “(8) Upon the request of an employee in the affected unit.

418 “(e) Upon a decision to revoke a shared work plan, the Director shall issue a written
419 revocation order to the employer that specifies the reasons for the revocation and the date the
420 revocation is effective. The Director shall provide a copy of the revocation order to all
421 participating employees and their collective bargaining representative.

422 “(f) The Director may periodically review the operation of an employer’s shared work
423 plan to ensure compliance with its terms and applicable federal and state laws.

424 “(g) An employer may submit a new application for a shared work plan at any time after
425 the expiration or termination of a shared work plan.”.

426 (e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

427 “Sec. 7. Modification of a shared work plan.

428 “(a) An employer may not implement a substantial modification to a shared work plan
429 without first obtaining the written approval of the Director.

430 “(b)(1) An employer must report, in writing, every proposed modification of the shared
431 work plan to the Director a least 5 calendar days before implementing the proposed modification.
432 The Director shall review the proposed modification to determine if the modification is
433 substantial. If the Director determines that the proposed modification is substantial, the Director
434 shall notify the employer of the need to request a substantial modification.

435 “(2) An employer may request a substantial modification to a shared work plan by
436 filing a written request with the Director. The request shall identify the specific provisions of the
437 shared work plan to be modified and provide an explanation of why the proposed modification is
438 consistent with and supports the purposes of the shared work plan. A modification may not
439 extend the expiration date of the shared work plan.

440 “(c)(1) At the Director’s discretion, an employer’s request for a substantial modification
441 of a shared work plan may be approved if:

442 “(A) Conditions have changed since the plan was approved; and

443 “(B) The Director determines that the proposed modification is consistent
444 with and supports the purposes of the approved plan.

445 “(2) The Director shall approve or disapprove a request for substantial
446 modification, in writing, within 15 calendar days of receiving the request and promptly
447 communicate the decision to the employer. If the request is approved, the notice of approval
448 shall contain the effective date of the modification.”.

449 (f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

450 “Sec. 8. Employee eligibility for shared work benefits.

451 “(a) A participating employee is eligible to receive shared work benefits with respect to
452 any week only if the individual is monetarily eligible for unemployment compensation, not
453 otherwise disqualified for unemployment compensation, and:

454 “(1) With respect to the week for which shared work benefits are claimed, the
455 participating employee was covered by a shared work plan that was approved prior to that week;

456 “(2) Notwithstanding any other provisions of the employment security law
457 relating to availability for work and actively seeking work, the participating employee was
458 available for the individual’s usual hours of work with the shared-work employer, which may
459 include availability to participate in training to enhance job skills approved by the Director, such
460 as employer-sponsored training or training funded under the Workforce Innovation and
461 Opportunities Act (Workforce Innovation and Opportunity Act (29 U.S.C. 3101 *et seq.*); and

462 “(3) Notwithstanding any other provision of law, a participating employee is
463 deemed unemployed for the purposes of determining eligibility to receive unemployment
464 compensation benefits in any week during the duration of such plan if the individual’s
465 remuneration as an employee in an affected unit is reduced under the terms of the plan.

466 “(b) A participating employee may be eligible for shared work benefits or unemployment
467 compensation, as appropriate, except that no participating employee may be eligible for
468 combined benefits in any benefit year in an amount more than the maximum entitlement
469 established for regular unemployment compensation, nor shall a participating employee be paid
470 shared work benefits for more than 52 weeks under a shared work plan or in an amount more
471 than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

472 “(c) The shared work benefit paid to a participating employee shall be deducted from the
473 maximum entitlement amount of regular unemployment compensation established for that
474 individual's benefit year.

475 “(d) Provisions applicable to unemployment compensation claimants under the
476 employment security law shall apply to participating employees to the extent that they are not
477 inconsistent with this act. A participating employee who files an initial claim for shared work
478 benefits shall receive a monetary determination whether the individual is eligible to receive
479 benefits.

480 “(e) A participating employee who has received all of the shared work benefits or
481 combined unemployment compensation and shared work benefits available in a benefit year shall
482 be considered an exhaustee for purposes of extended benefits pursuant to section § 51–
483 107(g)(1)(H), and if otherwise eligible under those provisions, shall be eligible to receive
484 extended benefits.

485 “(f) Shared work benefits shall be charged to employers' experience rating accounts in the
486 same manner as unemployment compensation is charged under the employment security law,
487 unless waived by federal or District law. Employers liable for payments in lieu of contributions
488 shall have shared work benefits attributed to service in their employ in the same manner as
489 unemployment compensation is attributed, unless waived by federal or District law.”.

490 (g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

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

492 “(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit
493 for a participating employee shall be the product of the regular weekly unemployment

494 compensation amount for a week of total unemployment multiplied by the percentage of
495 reduction in the participating employee’s usual weekly hours of work.

496 “(2) The shared work benefit for a participating employee who performs work for
497 another employer during weeks covered by a shared work plan shall be calculated as follows:

498 “(A) If the combined hours of work in a week for both employers results
499 in a reduction of less than 10% of the usual weekly hours of work the participating employee
500 works for the shared-work employer, the participating employee is not eligible for shared work
501 benefits;

502 “(B) If the combined hours of work for both employers results in a
503 reduction equal to or greater than 10% of the usual weekly hours worked for the shared-work
504 employer, the shared work benefit payable to the participating employee is determined by
505 multiplying the weekly unemployment benefit amount for a week of total unemployment by the
506 percentage by which the combined hours of work have been reduced. A week for which benefits
507 are paid under this subparagraph shall be reported as a week of shared work benefits.”.

508 “(C) If an individual worked the reduced percentage of the usual weekly hours of work
509 for the shared-work employer and is available for all the participating employee’s usual hours of
510 work with the shared-work employer, and the participating employee did not work any hours for
511 the other employer, either because of the lack of work with that employer or because the
512 participating employee is excused from work with the other employer, the participating
513 employee shall be eligible for the full value of the shared work benefit for that week.”.

514 (2) New subsections (c) and (d) are added to read as follows:

515 “(c) A participating employee who is not provided any work during a week by the
516 shared-work employer or any other employer, and who is otherwise eligible for unemployment

517 compensation shall be eligible for the amount of regular unemployment compensation to which
518 the individual would otherwise be eligible.

519 “(d) A participating employee who is not provided any work by the shared-work
520 employer during a week, but who works for another employer and is otherwise eligible for
521 unemployment compensation may be paid unemployment compensation for that week subject to
522 the disqualifying income provision and other provisions applicable to claims for regular
523 unemployment compensation.”.

524 Sec. 104. Family and medical leave.

525 The District of Columbia Family and Medical Leave Act of 1990, effective October 3,
526 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*), is amended as follows:

527 (a) Section 2(1) (D.C. Official Code § 32-501(1)) is amended to read as follows:

528 “(1) “Employee” means:

529 “(A) For leave provided under sections 3 or 4, any individual who has
530 been employed by the same employer for one year without a break in service except for regular
531 holiday, sick, or personal leave granted by the employer and has worked at least 1000 hours
532 during the 12-month period immediately preceding the request for family or medical leave; or

533 “(B) For leave provided under section 3a, an individual employed by an
534 employer for at least 30 days prior to the request for leave.”.

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

537 “Sec. 3a. COVID-19 leave.

538 “(a) During the COVID-19 public health emergency, an employee shall be entitled to
539 family and medical leave if the employee is unable to work due to:

540 “(1) A recommendation from a health care provider that the employee isolate or
541 quarantine, including because the employee or an individual with whom the employee shares a
542 household is at high risk for serious illness from COVID-19;

543 “(2) A need to care for a family member or an individual with whom the
544 employee shares a household who is under a government or health care provider’s order to
545 quarantine or isolate; or

546 “(3) A need to care for a child whose school or place of care is closed or whose
547 childcare provider is unavailable to the employee.

548 “(b)(1) An employee may use no more than 16 weeks of family and medical leave
549 pursuant to this section during the COVID-19 public health emergency.

550 (2) The right to leave pursuant to this section expires on the date the COVID-19
551 public health emergency expires”.

552 “(c) An employer may require reasonable certification of the need for COVID-19 family
553 and medical leave as follows:

554 “(1) If the leave is necessitated by the recommendation of a health care provider
555 to the employee, a written, dated statement from a health care provider stating that the employee
556 has such need and the probable duration of the need for leave;

557 “(2) If the leave is necessitated by the recommendation of a health care provider
558 to an employee’s family member or individual with whom the employee shares a household, a
559 written, dated statement from a health care provider stating that the individual has such need and
560 the probable duration of the condition.

561 “(3) If the leave is needed because a school, place of care, or childcare provider is
562 unavailable, a statement by the head of the agency, company, or childcare provider stating such

563 closure or unavailability, which may include a printed statement obtained from the institution's
564 website.

565 “(d) Notwithstanding section 17, this section shall apply to any employer regardless of
566 the number of persons in the District that the employer employs.

567 “(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, family and
568 medical leave under this section may consist of unpaid leave.

569 “(2) Any paid leave provided by an employer that the employee elects to use for
570 family and medical leave under this section shall count against the 16 workweeks of allowable
571 leave provided in this section.

572 “(3) If an employer has a program that allows an employee to use the paid leave
573 of another employee under certain conditions, and the conditions have been met, the employee
574 may use the paid leave as family and medical leave and the leave shall count against the 16
575 workweeks of leave provided in this section.

576 “(4) An employee shall not be required, but may elect, to use leave provided
577 under this section before other leave to which the employee is entitled under federal or District
578 law or an employer's policies.

579 “(f) The provisions of section 6 shall apply to an employee who takes leave pursuant to
580 this section.

581 “(g) Any employer who willfully violates subsections (a) through (e) of this section shall
582 be assessed a civil penalty of \$1,000 for each offense.

583 “(h) The rights provided to an employee under this section may not be diminished by any
584 collective bargaining agreement or any employment benefit program or plan; except, that this
585 section shall not supersede any clause on family or medical leave in a collective bargaining

586 agreement in force on the applicability date of this section for the time that the collective
587 bargaining agreement is in effect.

588 “(i) For the purposes of this section, the term “COVID-19 public health emergency”
589 means the emergencies declared in the Declaration of Public Emergency (Mayor’s Order 2020-
590 045) together with the Declaration of Public Health Emergency (Mayor’s Order 2020-046),
591 declared on March 11, 2020, including any extension of those declared emergencies.

592 Sec. 105. Paid public health emergency leave.

593 (a) The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-
594 152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

595 (1) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking
596 the phrase “Paid leave under” and inserting the phrase “Except as provided in section 3a, paid
597 leave under” in its place.

598 (2) A new section 3a is added to read as follows:

599 “Sec. 3a. Paid public health emergency leave requirement.

600 “(a)(1) Beginning April 10, 2020, and for the duration of the COVID-19 emergency, an
601 employer with between 50 and 499 employees, that is not a health care provider, shall provide
602 paid leave to an employee pursuant to this section for an absence from work due to covered
603 reasons.

604 “(2) An employer shall provide paid leave to an employee in an amount sufficient
605 to ensure that an employee who must be absent from work for covered reasons be able to remain
606 away from work for 2 full weeks of work up to 80 hours, or, for a part-time employee, the usual
607 number of hours the employee works in a 2-week period.

608 “(3)(A) Subject to subparagraph (B) of this paragraph, an employer shall
609 compensate an employee for leave provided pursuant to this section at the employee’s regular
610 rate of pay. In the case of an employee who does not have a regular rate of pay, the employee’s
611 rate of pay shall be determined by dividing the employee’s total gross earnings, including all
612 tips, commission, piecework, or other earnings earned on an irregular basis for the most recent 2-
613 week period that the employee worked for the employer, by the number of hours the employee
614 worked during that 2-week period.

615 “(B) In no case shall an employee’s rate of pay fall below the minimum
616 wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective
617 March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

618 “(4) An employer shall provide paid leave under this section to any employee
619 who commenced work for the employer at least 15 days before the request for leave.

620 “(b)(1) An employee may only use paid leave provided under this section concurrently
621 with or after exhausting any other paid leave to which the employee may be entitled for covered
622 reasons under federal or District law or an employer’s policies.

623 “(2) If an employee elects to use paid leave provided under this section
624 concurrently with other paid leave, the employer may reduce the monetary benefit of the paid
625 leave provided under this section by the amount of the monetary benefit the employee will
626 receive for paid leave taken under federal or District law or the employer’s policies.

627 “(3) If an employee elects to use paid leave provided under this section after
628 exhausting other paid leave, the employer may reduce the number of hours of paid leave an

629 employee may use under this section by the number of hours of paid leave taken under federal or
630 District law or the employer’s policies.

631 “(c) Nothing in this section shall be construed to require an employer to provide an
632 employee with paid leave pursuant to this section for more than 2 full weeks of work up to 80
633 hours. If an employee uses all of the leave available under this section and subsequently informs
634 the employer of the employee’s continued need to be absent from work, the employer shall
635 inform the employee of any paid or unpaid leave to which the employee may be entitled pursuant
636 to federal or District law or the employer’s policies.

637 “(d) Before taking any other administrative action on a complaint filed pursuant to
638 section 13, the Mayor shall promptly provide the employer with written notice of the alleged
639 violation, in a form or manner to be determined by the Mayor, and give the employer 5 business
640 days to cure the alleged violation. . The time to cure the violation shall run from the date the
641 employer receives the notice.

642 “(e) For the purposes of this section, the term:

643 “(1) “Covered reasons” means any of the reasons for which federal paid leave is
644 available pursuant to section 5102 of the Families First Coronavirus Response Act, approved
645 March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 195).

646 “(2) “COVID-19 emergency” means the emergencies declared in the Declaration
647 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
648 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
649 those declared emergencies.

650 “(3) “Health care provider” means any doctor’s office, hospital, health care
651 center, clinic, post-secondary educational institution offering health care instruction, medical

652 school, local health department or agency, nursing facility, retirement facility, nursing home,
653 home health care provider, any facility that performs laboratory or medical testing, pharmacy, or
654 any similar institution, employer, or entity. The term “health care provider” includes any
655 permanent or temporary institution, facility, location, or site where medical services are provided
656 that are similar to such institutions.”.

657 (3) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

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

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

660 “(b) An employer may not require an employee who seeks to use paid leave pursuant to
661 section 3a to:

662 “(1) For any reason, provide more than 48 hours’ notice of the need to use such
663 leave;

664 “(2) In the event of an emergency, provide more than reasonable notice of the
665 employee’s need to use such leave; and

666 “(3) Search for or identify another employee to perform the work hours or work
667 of the employee using paid leave.”.

668 (4) Section 5 (D.C. Official Code § 32-531.04) is amended by adding a new
669 subsection (a-1) to read as follows:

670 “(a-1)(1) An employer may not require an employee who uses paid leave pursuant to
671 section 3a to provide certification of the need to use such paid leave unless the employee uses 3
672 or more consecutive working days of paid leave.

673 “(2) When certification is required by an employer for the use of paid leave
674 pursuant to section 3a, the employer may not require the employee to provide it until one week
675 after the employee’s return to work.

676 “(3) An employer that does not contribute payments toward a health insurance
677 plan on behalf of the employee shall not require certification from the employee who uses paid
678 leave pursuant to section 3a.”.

679 (5) Section 6(b) (D.C. Official Code § 32-531.05(b)) is amended as follows:

680 (A) Paragraph (1) is amended by striking the phrase “; and” and inserting
681 a semicolon in its place.

682 (B) Paragraph (2) is amended by striking the period and inserting the
683 phrase “; and” in its place.

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

685 “(3) Access and use paid leave as provided in section 3a.”.

686 (b) Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective
687 October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended by adding a
688 new subsection (b-1) to read as follows:

689 “(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19
690 emergency, no more than \$500,000 of the money in the Fund may be used for activities related
691 to enforcement of the paid public health emergency leave requirement contained in section 3a of
692 the Accrued Sick and Safe Leave Act of 2008, as introduced on May 19, 2020.

693 “(2) For the purposes of this subsection, “COVID-19 emergency” means the
694 emergencies declared in the Declaration of Public Emergency (Mayor’s Order 2020-045)

695 together with the Declaration of Public Health Emergency (Mayor’s Order 2020-046), declared
696 on March 11, 2020, including any extension of those declared emergencies.”.

697

698 **TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT**

699 Sec. 201. Small business microgrants.

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

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

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

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

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

708 “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a
709 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
710 Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may, notwithstanding the Grant
711 Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code
712 § 1-328.11 *et seq.*), and in the Mayor’s sole discretion, issue a grant or loan to an eligible small
713 business; provided, that the eligible small business:

714 “(A) Submit a grant application in the form and with the information
715 required by the Mayor; and

716 “(B) Demonstrate, to the satisfaction of the Mayor, financial distress
717 caused by a reduction in business revenue due to the circumstances giving rise to or resulting
718 from the public health emergency.

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

721 “(A)(i) Employee wages and benefits.

722 “(ii) For the purposes of this subparagraph, “benefits” means fringe
723 benefits associated with employment, including health insurance;

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

726 “(C) Repayment of loans obtained through the United States Small
727 Business Administration; and

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

731 “(c) The Mayor, pursuant to section 105 of the District of Columbia Administrative
732 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
733 issue emergency rules to implement the provisions of this section.

734 “(d) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this
735 section, shall maintain a list of all grants awarded pursuant to this section, identifying for each
736 award the grant recipient, the date of award, intended use of the award, and the award amount.
737 The Mayor shall publish the list online no later than June 1, 2020, or 5 days following the end of
738 the COVID-19 emergency, whichever is earlier.

739 “(e) For the purposes of this section, the term:

740 “(1) “COVID-19 emergency” means the emergencies declared in the Declaration
741 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
742 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
743 those declared emergencies.

744 “(2) “Eligible small business” means a business enterprise eligible for
745 certification under section 2332, a nonprofit entity, or an independent contractor or self-
746 employed individual determined ineligible for Unemployment Insurance by the Director of the
747 Department of Employment Services.

748 Sec. 202. Contractor advance payment.

749 Section 2349 of the Small and Certified Business Enterprise Development and Assistance
750 Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.49), is
751 amended as follows:

752 (1) Subsection (a)(2) is amended by striking the phrase “A policy” and inserting
753 the phrase “Except as provided in subsection (a-1) of this section, a policy” in its place.

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

755 “(a-1) During a period of time for which the Mayor has declared a public health
756 emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of
757 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an agency
758 may make advance payments to a certified contractor for purchases related to the PHE when the
759 payments are necessary to achieve the purposes of this subtitle and may provide an advance of
760 more than 10% of the total value of the contract.”.

761 Sec. 203. Certified Business Enterprise assistance.

762 (a) Notwithstanding the Small and Certified Business Enterprise Development and
763 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
764 218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the
765 period of the COVID-19 emergency, any contract for a government-assisted project in excess of
766 \$250,000 that is unrelated to the District’s response to the COVID-19 emergency but entered
767 into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act,
768 shall provide that:

769 (1) At least 50% of the dollar volume of the contract be subcontracted to small
770 business enterprises; or

771 (2) If there are insufficient qualified small business enterprises to meet the
772 requirement of paragraph (1) of this subsection, the subcontracting requirement may be satisfied
773 by subcontracting 50% of the dollar volume (“CBE minimum expenditure”) to any qualified
774 certified business enterprises; provided, that best efforts shall be made to ensure that qualified
775 small business enterprises are significant participants in the overall subcontracting work.

776 (b)(1) For every dollar expended by a beneficiary with a resident-owned business, the
777 beneficiary shall receive a credit for \$1.10 against the CBE minimum expenditure.

778 (2) For every dollar expended by a beneficiary with a disadvantaged business
779 enterprise, the beneficiary shall receive a credit for \$1.25 against the CBE minimum expenditure.

780 (3) For every dollar expended by a beneficiary that uses a company designated as
781 both a disadvantaged business enterprise under section 2333 of the CBE Act and as a resident-
782 owned business under section 2302(15) of the CBE Act, the beneficiary shall receive a credit for
783 \$1.30 against the CBE minimum expenditure.

784 (c) For the purposes of this section, the term:

785 (1) “Beneficiary” has the same meaning as set forth in section 2302(1B) of the
786 CBE Act (D.C. Official Code § 2-218.02(1B)).

787 (2) “Best efforts” means that a beneficiary is obligated to make its best attempt to
788 accomplish the agreed-to goal, even when there is uncertainty or difficulty.

789 (3) “COVID-19 emergency” means the emergencies declared in the Declaration
790 of Public Emergency (Mayor’s Order 2020-045) together with the Declaration of Public Health
791 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
792 those declared emergencies.

793 (4) “Disadvantaged business enterprise” has the same meaning as set forth in
794 section 2333 of the CBE Act (D.C. Official Code § 2-218.33).

795 (5) “Government-assisted project” has the same meaning as set forth in section
796 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

797 (6) “Longtime resident business” has the same meaning as set forth in section
798 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

799 (7) “Resident-owned business” has the same meaning as set forth in section
800 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

801 (8) “Small Business Enterprises” has the same meaning as set forth in section
802 2332 of the CBE Act (D.C. Official Code § 2-218.32).

803 (d) Contracts entered into on an emergency basis or that are made in furtherance of, or that
804 are related to, the District’s response to the COVID-19 emergency shall not be subject to the
805 requirements of the Small and Certified Business Enterprise Development and Assistance Act of
806 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Code § 2-218.01 *et seq.*), or the First

807 Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official
808 Code § 2-219.01 *et seq.*).

809 Sec. 204. Alcoholic beverage regulation.

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

811 (a) Chapter 1 is amended as follows:

812 (1) Section 25-112 is amended by adding a new subsection (h) to read as follows:

813 “(h)(1) A retailer with commercial street frontage at the Walter E. Washington
814 Convention Center that sells food and is approved by the Washington Convention and Sports
815 Authority to sell alcoholic beverages for on-premises consumption (“Convention Center food
816 and alcohol business”) that registers as a Convention Center food and alcohol business with the
817 Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed
818 containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed
819 containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such
820 carry-out or delivery orders are accompanied by one or more prepared food items.

821 “(2) Board approval shall not be required for a registration under this
822 subsection.”.

823 (2) Section 25-113(a)(3) is amended by adding new subparagraphs (C) and (D) to
824 read as follows:

825 “(C)(i) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,
826 D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with
827 the Board may sell beer, wine, or spirits in closed containers to individuals for carry out to their
828 home, or deliver beer, wine, or spirits in closed containers to the homes of District residents;
829 provided, that each such carry out or delivery order is accompanied by one or more prepared
830 food items.

831 “(ii) Board approval shall not be required for a registration under
832 this subparagraph; except, that the licensee shall receive written authorization from ABRA prior
833 to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.

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

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

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

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

849 “(IV) The licensee agrees to follow all applicable
850 Department of Consumer and Regulatory Affairs and Department of Health laws and
851 regulations; and

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

855 “(ii) The on-premises retailer’s licensee shall not offer beer, wine,
856 or spirits for carryout and delivery on public space; except, that an additional location under this
857 subparagraph may include a sidewalk café that has been issued a public-space permit by the
858 District Department of Transportation.

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

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

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

873 “(vi) The Board may fine an on-premises retailer’s licensee, or
874 suspend, cancel, or revoke an on-premises retailer’s license, and shall revoke an on-premises

875 retailer’s licensee’s registration to offer beer, wine, or spirits for carryout or delivery at the
876 additional location if the licensee fails to comply with sub-subparagraphs (i)-(v) of this
877 subparagraph.”.

878 (b) Chapter 4 is amended as follows:

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

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

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

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

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

890 (i) Strike the phrase “45-day protest period” and insert the phrase
891 “66-day protest period” in its place.

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

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

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

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

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

901 (c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,”
902 and inserting the phrase “21 or more calendar days, excluding each day during a period of time
903 for which the Mayor has declared a public health emergency pursuant to section 5a of the
904 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
905 194; D.C. Official Code § 7-2304.01),” in its place.

906 Sec. 205. Third-party food delivery commissions.

907 (a) During a period of time for which the Mayor has declared a public health emergency
908 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
909 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), (“public health
910 emergency”) a person, corporation, partnership, or association operating a third-party food
911 platform within the District shall register with the Department of Consumer and Regulatory
912 Affairs.

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

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

920 (d) During a public health emergency, at the time a final price is disclosed to a customer
921 for the intended purchase and delivery of food from a restaurant through a third-party food
922 delivery platform and before that transaction is completed by the customer, the third-party food
923 delivery platform shall disclose to the customer, in plain language and in a conspicuous manner,
924 any commission, fee, or any other monetary payment charged to the customer by the third-party
925 food delivery platform as a term of a contract or agreement between the platform and the
926 restaurant in connection with the restaurant's use of the platform.

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

929 (2) A violation of this section shall be a civil infraction for purposes of the
930 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October
931 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

932 (f) For purposes of this section:

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

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

937 (3) "Restaurant" shall have the same meaning as provided in D.C. Official Code §
938 25-101(43).

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

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

945 (h) Nothing in this act limits or otherwise impacts the requirement of a third-party food
946 delivery platform to collect and remit sales tax imposed under Title 47, Chapter 20.

947 Sec. 206. Corporate filing extension.

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

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

953

954 Sec. 207. Taxes and trade name renewals.

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

956 (a) Section 47-811(b) is amended by striking the phrase “tax year beginning July 1, 1989,
957 and ending June 30, 1990, the amount of the first and second installments shall reflect and be
958 consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)” and
959 inserting the phrase “tax year 2020 first installment owing for a real property that is
960 commercially improved and occupied and is a hotel or motel; provided, that the Chief Financial
961 Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the
962 definition of a hotel or motel, the Chief Financial Officer may waive any penalties and abate
963 interest if the owner pays such installment by June 30, 2020” in its place.

964 (b) Section 47-1803.02(a)(2) is amended by adding new subparagraphs (GG), (HH), and
965 (II) to read as follows:

966 “(GG) Small business loans awarded and subsequently forgiven under
967 section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27,
968 2020 (Pub. L. No. 116-136; 134 Stat. 281).”.

969 “(HH) Public health emergency small business grants awarded pursuant to
970 section of the Coronavirus Support Emergency Amendment Act of 2020, as introduced on May
971 XX, 2020 (Bill 23-XXX).”.

972 “(II) Public health emergency grants authorized pursuant to section 16(m)(1)
973 of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law
974 1-58; D.C. Official Code § 1-309.01 *et seq.*)”

975 (c) (b) Section 47-1803.03(a)(14) is amended by adding a new subparagraph (H) to read
976 as follows:

977 “(H) For tax years beginning after December 31, 2017, corporations,
978 unincorporated businesses, or financial institutions, shall be allowed an eighty (80) percent
979 deduction for apportioned District of Columbia net operating loss carryover to be deducted from
980 the net income after apportionment.”

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

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

985 (e) Section 47-4221 is amended by adding a new subsection (d) to read as follows:

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

991 “(2) This subsection shall not apply to hotels or motels permitted to defer real
992 property tax under § 47-811(b).”.

993 Sec. 208. 8th and O disposition extension.

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

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

998 “(8) Notwithstanding paragraph (2) of this subsection, for the disposition of the
999 District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units shall
1000 be for housing for which a low-income household will pay no more than 30% of its income
1001 toward housing costs, and 50% of the units shall be housing for which a moderate-income
1002 household will pay no more than 30% of its income toward housing costs, whether or not the
1003 units to be constructed are rental units or ownership units. The Land Disposition and
1004 Development Agreement in the form approved by Council pursuant to the 8th & O Streets,
1005 N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63
1006 DCR 1498), remains in full force and effect, including, without limitation, the Affordable
1007 Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at
1008 closing.

1009 (b) Subsection (d-7) is amended by striking the date “February 2, 2020” and inserting the
1010 date “September 15, 2020” in its place.

1011 **TITLE III. CONSUMER PROTECTION AND REGULATION**

1012 Sec. 301. Opportunity accounts expanded use.

1013 The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C.
1014 Official Code § 1-307.61 *et seq.*), is amended as follows:

1015 (a) Section 2 (D.C. Official Code § 1-307.61) is amended by adding a new paragraph
1016 (2A) to read as follows:

1017 “(2A) “Commissioner” means the Commissioner of the Department of Insurance,
1018 Securities, and Banking.”.

1019 (b) Section 8 (D.C. Official Code § 1-307.67) is amended as follows:

1020 (1) Subsection (a) is amended by striking the figure “\$2” and inserting the figure
1021 “\$1” in its place.

1022 (2) Subsection (b) is amended as follows:

1023 (A) The lead-in language is amended by striking the figure “\$2” and
1024 inserting the figure “\$3” in its place.

1025 (B) Paragraph (1) is amended as follows:

1026 (i) Strike the phrase “in at least the same amount” and insert the
1027 phrase “consistent with subsection (a) of this section” in its place.

1028 (ii) Strike the phrase “; and” and insert a semicolon in its place.

1029 (C) Paragraph (2) is amended as follows:

1030 (i) Strike the phrase “than \$3,000” and insert the phrase “than
1031 \$6,000” in its place;

1032 (ii) Strike the period and insert the phrase “; and” in its place.

1033 (D) A new paragraph (3) is added to read as follows:

1034 “(3) The Commissioner may waive the requirement of subsection (a) of this
1035 section and provide to an administering organization matching funds of up to \$4 for every dollar
1036 the account holder deposits into the opportunity account when adequate federal or private
1037 matching funds are not available.”.

1038 (c) Section 9(a) (D.C. Official Code § 1-307.68(a)) is amended as follows:

1039 (1) Paragraph (6) is repealed.

1040 (2) Paragraph (8) is amended by striking the period at the end and inserting the
1041 phrase “; and” in its place.

1042 (3) A new paragraph (9) is added to read as follows:

1043 “(9) To pay for any cost, expense, or item authorized by the Commissioner by
1044 rule issued pursuant to section 14, or by order during a declared public health emergency.”.

1045 (d) Section 10 (D.C. Official Code § 1-307.69) is amended as follows:

1046 (1) Subsection (b) is amended as follows:

1047 (A) Paragraph (2) is amended by striking the phrase “; or” and inserting a
1048 semicolon in its place.

1049 (B) Paragraph (3) is amended by striking the period at the end and
1050 inserting the phrase “; and” in its place.

1051 (C) A new paragraph (4) is added to read as follows:

1052 “(4) Making payments necessary to enable the account holder to meet necessary
1053 living expenses in the event of a sudden, unexpected loss of income.”.

1054 (2) Subsection (c) is amended by striking the phrase “An account holder” and
1055 inserting the phrase “Except during a period of time for which the Mayor has declared a public
1056 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1057 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an
1058 account holder” in its place.

1059 (3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

1060 “(c-1) If an account holder makes an emergency withdrawal for the purposes set forth at
1061 subsection (b)(2) or (3) of this section, the account holder shall withdraw only funds deposited
1062 by the account holder and shall not withdraw matching funds.

1063 “(c-2) If an account holder makes an emergency withdrawal for the purposes set forth at
1064 subsection (b)(1) of this section, the account holder shall withdraw only funds deposited by the
1065 account holder and shall not withdraw matching funds, unless the withdrawal is for a medical
1066 emergency.

1067 “(c-3) If an account holder makes an emergency withdrawal for the purposes set forth at
1068 subsection (b)(4) of this section, the account holder may withdraw funds deposited by the
1069 account holder and matching funds.”.

1070 (4) The lead-in language of subsection (e) is amended to read as follows:

1071 “An account holder shall not be required to repay funds withdrawn from the opportunity
1072 account for an emergency withdrawal but shall be required to resume making deposits into the
1073 opportunity account no later than 90 days after the emergency withdrawal. If the account holder
1074 fails to make a deposit no later than 90 days after the emergency withdrawal:”.

1075 Sec. 302. Funeral services consumer protection.

1076 (a) The District of Columbia Funeral Services Regulatory Act of 1984, effective May 22,
1077 1984 (D.C. Law 5-84; D.C. Official Code § 3-401 *et seq.*), is amended by adding a new section
1078 4a to read as follows:

1079 “Sec. 4a. For a period of time for which the Mayor has declared a public health
1080 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1081 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), there shall be
1082 established a Funeral Bill of Rights designed to inform consumers of required pricing disclosures
1083 and other available consumer rights. The Department of Consumer and Regulatory Affairs, in
1084 consultation with the Board of Funeral Directors and the Attorney General for the District of
1085 Columbia (“Attorney General”), shall write the Funeral Bill of Rights, which shall be published
1086 in the District of Columbia Register no later than May 8, 2020. If the foregoing does not occur
1087 on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and shall
1088 have it published in the District of Columbia Register no later than May 15, 2020.”.

1089 (b) Section 28-3904 of the District of Columbia Official Code is amended as follows:

1090 (1) Subsection (jj) is amended by striking the phrase “; or” and inserting a
1091 semicolon in its place.

1092 (2) Subsection (kk) is amended by striking the period at the end and inserting the
1093 phrase “; or” in its place.

1094 (3) New subsections (ll) and (mm) are added to read as follows:

1095 “(ll) violate any provision of 17 DCMR § 3013; or”

1096 “(mm) violate any provision of 17 DCMR § 3117.”.

1097 (c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*)

1098 is amended as follows:

1099 (1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

1100 (A) The lead-in language of subparagraph (8) is amended by striking the
1101 phrase “customer, or failing to passing” and inserting the phrase “customer, failing to provide to
1102 the customer any receipts for amounts advanced, paid, or owed to third parties on behalf of the
1103 customer, or failing to pass” in its place.

1104 (B) Subparagraph (24) is amended by striking the phrase “; or” and
1105 inserting a semicolon in its place.

1106 (C) Subparagraph (25) is amended by striking the period at the end and
1107 inserting a semicolon in its place.

1108 (D) New subparagraphs (26), (27), (28), and (29) are added to read as
1109 follows:

1110 “(26) Failing to clearly and conspicuously post a General Price List, Casket Price
1111 List, or an Outer Burial Container Price List that meets the requirements of the Funeral Industry
1112 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*) on any website
1113 maintained by the applicant or licensee;

1114 “(27) Failing to provide to any customer a General Price List, Casket Price List,
1115 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry
1116 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*);

1117 “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as
1118 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, as

1119 introduced on May XX, 2020 (Bill 23-XXX), on any website maintained by the applicant or
1120 licensee; or

1121 “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in
1122 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, as introduced on
1123 May XX, 2020 (Bill 23-XXX), during an initial meeting to discuss or make arrangements for the
1124 purchase of funeral goods or services.”.

1125 (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection
1126 3110.9 to read as follows:

1127 “3110.9 A funeral services establishment shall keep and retain records documenting any
1128 required disclosures to consumers, including disclosure of its General Price List, Casket Price
1129 List, an Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer,
1130 as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,
1131 as introduced on May XX, 2020 (Bill 23-XXX), after the completion or termination of a funeral
1132 contract.”.

1133 Sec. 303. Debt collection.

1134 Section 28-3814 of the D.C. Official Code is amended as follows:

1135 (a) Subsection (b) is amended as follows:

1136 (1) New paragraphs (1A) and (1B) are added to read as follows:

1137 “(1A) “collection lawsuit” means any legal proceeding, including
1138 civil actions, statements of small claims, and supplementary process actions, commenced in any
1139 court for the purpose of collecting any debt or other past due balance owed or alleged to be
1140 owed.

1141 “(1B) “debt” means money or its equivalent which is, or is alleged to be, more
1142 than 30 days past due and owing, unless a different period is agreed to by the debtor, under a
1143 single account as a result of a purchase, lease, or loan of goods, services, or real or personal
1144 property for personal, family, or household purposes or as a result of a loan of money that was
1145 obtained for personal, family, or household purposes whether or not the obligation has been
1146 reduced to judgment.”.

1147 (2) A new paragraph (4) is added to read as follows:

1148 “(4) public health emergency” means a period of time for which the Mayor has
1149 declared a public health emergency pursuant to § 7-2304.01, or a state of emergency pursuant to
1150 § 28-4102.”.

1151 (b) New subsections (l), (m), and (n) are added to read as follows:

1152 “(l)(1) Notwithstanding subsection (a) of this section, subsections (l) and (m) of this
1153 section shall apply to any debt, including loans directly secured on motor vehicles or direct
1154 motor vehicle installment loans covered by Chapter 36 of Title 28.

1155 “(2) During a public health emergency and for 60 days after its conclusion, no
1156 creditor or debt collector shall, with respect to any debt:

1157 “(A) Initiate, file, or threaten to file any new collection lawsuit;

1158 “(B) Initiate, threaten to initiate, or act upon any statutory remedy for the
1159 garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the
1160 payment of a debt to a creditor;

1161 “(C) Initiate, threaten to initiate, or act upon any statutory remedy for the
1162 repossession of any vehicle; except, that creditors or debt collectors may accept collateral that is
1163 voluntarily surrendered;

1164 “(D) Visit or threaten to visit the household of a debtor at any time for the
1165 purpose of collecting a debt;

1166 “(E) Visit or threaten to visit the place of employment of a debtor at any
1167 time; or

1168 “(F) Confront or communicate in person with a debtor regarding the
1169 collection of a debt in any public place at any time, unless initiated by the debtor.

1170 “(3) This subsection shall not apply to collecting or attempting to collect a debt
1171 that is, or is alleged to be, owed on a loan secured by a mortgage on real property or owed for
1172 common expenses pursuant to § 42-1903.12.

1173 “(4) Any statutes of limitations on any collection lawsuit are tolled during the
1174 duration of the public health emergency and for 60 days thereafter.

1175 “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt
1176 collector shall initiate any communication with a debtor via any written or electronic
1177 communication, including email, text message, or telephone. A debt collector shall not be
1178 deemed to have initiated a communication with a debtor if the communication by the debt
1179 collector is in response to a request made by the debtor for the communication or is the mailing
1180 of monthly statements related to an existing payment plan or payment receipts related to an
1181 existing payment plan.

1182 “(2) This subsection shall not apply to:

1183 “(A) Communications initiated solely for the purpose of informing a
1184 debtor of a rescheduled court appearance date or discussing a mutually convenient date for a
1185 rescheduled court appearance;

1186 “(B) Original creditors collecting or attempting to collect their own debt;

1187 “(C) Collecting or attempting to collect a debt which is, or is alleged to be,
1188 owed on a loan secured by a mortgage on real property or owed for common expenses pursuant
1189 to § 42-1903.12; or

1190 “(D) Receiving and depositing payments the debtor chooses to make
1191 during a public health emergency.

1192 “(n) Subsections (l) and (m) of this section shall not be construed to:

1193 “(1) Exempt any person from complying with existing laws or rules of
1194 professional conduct with respect to debt collection practices;

1195 “(2) Supersede or in any way limit the rights and protections available to
1196 consumers under applicable local, state, or federal foreclosure laws; or

1197 “(3) Supersede any obligation under the District of Columbia Rules of
1198 Professional Conduct, to the extent of any inconsistency.”.

1199 Sec. 304. Emergency credit alerts.

1200 Title 28 of the District of Columbia Official Code is amended as follows:

1201 (a) The table of contents for Chapter 38 is amended by adding a new subchapter
1202 designation to read as follows:

1203 “Subchapter IV. COVID-19 Emergency Credit Alert.

1204 “§ 28-3871. COVID-19 Emergency credit alert.

1205 (b) A new section 28-3871 is added to read as follows:

1206 “§ 28-3871. COVID-19 Emergency credit alert.

1207 “(a) If a consumer reports in good faith that he or she has experienced financial hardship
1208 resulting directly or indirectly from the public health emergency declared pursuant to § 7-
1209 2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in

1210 that file a personal statement, if furnished by the consumer, indicating that the consumer has
1211 been financially impacted by the COVID-19 emergency and shall provide that personal
1212 statement along with or accompanying any credit report provided by the agency, beginning on
1213 the date of such request, unless the consumer requests that the personal statement be removed.

1214 “(b) This section shall not apply to a federal credit union, as defined 12 U.S.C. § 1752(1)
1215 a national bank, as defined by 12 U.S.C. § 25b(a)(1), or a federal savings association, as defined
1216 by 12 U.S.C. § 1462(3); except, that an exception granted by this subsection shall not apply to
1217 any entity to which the savings clause at 12 U.S.C. § 25b(b)(2), applies.

1218 “(c) When a District resident requests a copy of a credit report pursuant to 15 U.S.C. §
1219 1681j, the entity providing the credit report must notify the resident of his or her right to request
1220 a personal statement to accompany the credit report.

1221 “(d) If a credit reporting agency violates this section, the affected consumer may bring a
1222 civil action consistent with 15 U.S.C. § 1681n.

1223 “(e)(1) The Attorney General may petition the Superior Court of the District of Columbia
1224 for temporary or permanent injunctive relief for, and for an award of damages for property loss
1225 or harm suffered by a consumer as a consequence of, a violation of this section, or fraudulent or
1226 deceptive conduct in violation of this section that harms a District resident.

1227 “(2) In an action under this section, the Attorney General may recover:

1228 “(A) A civil penalty not to exceed \$1,000 for each violation; and

1229 “(B) Reasonable attorney’s fees and costs of the action.

1230 “(f) The following terms shall have the same meaning as defined in § 28-3861:

1231 “(1) “Consumer;”

1232 “(2) “Credit report;” and

1233 “(3) “Credit reporting agency.

1234 “(g) This section shall not be construed in a manner inconsistent with the Fair Credit

1235 Reporting Act, (15 U.S.C. § 1681 *et seq.*), or any other federal law or regulation.”.

1236 Sec. 305. Enhanced penalties for unlawful trade practices.

1237 Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking

1238 the phrase “by the Department.” and inserting the phrase “by the Department; except, that

1239 notwithstanding any other provision of District law or regulation, during a period of time for

1240 which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of

1241 this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction

1242 within the meaning of 16 DCMR § 3200.1(a).”.

1243 Sec. 306. Price gouging and stockpiling.

1244 Title 28 of the District of Columbia Official Code is amended as follows:

1245 (a) The table of contents is amended by adding a new section designation to read as

1246 follows:

1247 “28-4102.01. Stockpiling.”.

1248 (b) Section 28-4102(a) is amended to read as follows:

1249 “(a) It shall be unlawful for any person to charge more than the normal average retail

1250 price for any merchandise or service sold during a public health emergency declared pursuant to

1251 D.C. Official Code § 7-2304.01, or during an emergency resulting from a natural disaster

1252 declared pursuant to subsection (b) of this section.”.

1253 (c) A new section 28-4102.01 is added to read as follows:

1254 “§ 28-4102.01. Stockpiling.

1255 “It shall be unlawful for any person to purchase, in quantities greater than those specified
1256 by the Mayor, the Department of Health (“DOH”), the Homeland Security and Emergency
1257 Management Agency (“HSEMA”), or the federal government goods that the Mayor, DOH,
1258 HSEMA, or the federal government have declared:

1259 “(1) Necessary for first responders or others following a natural disaster or a
1260 declaration of a public health emergency pursuant to § 7-2304.01 (“public health emergency”);

1261 “(2) Necessary to maintain supply chains of commerce during a natural disaster or
1262 a public health emergency; or

1263 “(3) Subject to rationing.”.

1264 (d) Section 28-4103 is amended as follows:

1265 (1) Strike the phrase “§ 28-4102(a)” wherever it appears and insert the phrase “§
1266 28-4102(a) or § 28-4102.01” in its place.

1267 (2) A new subsection (c) is added to read as follows:

1268 “(c) When the Office of the Attorney General brings a civil action for any violation of §
1269 28-4102(a) or § 28-4102.01 under the authority granted in § 28-3909, the maximum penalty
1270 authorized by § 28-3909 shall be assessed for each such violation.”.

1271 Sec. 307. Utility shutoff.

1272 (a) Section 113a(c) of the District Department of the Environment Establishment Act of
1273 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is
1274 amended as follows:

1275 (1) The existing text is designated paragraph (1).

1276 (2) A new paragraph (2) is added to read as follows:

1277 “(2) Notwithstanding paragraph (1) of this subsection, during a period of time for
1278 which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the
1279 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1280 194; D.C. Official Code § 7-2304.01), and for 105 calendar days thereafter, money in the Fund
1281 may be used to assist low-income residential customers located in the District of Columbia with
1282 the payment of an outstanding water bill balance; except, that not less than \$1.26 million of
1283 funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit
1284 organizations located in the District with the payment of impervious area charges, pursuant to
1285 section 216b(a) of the Water and Sewer Authority Establishment and Department of Public
1286 Works Reorganization Act of 1996, effective October 30, 2018 (D.C. Law 22-168; D.C. Official
1287 Code § 34-2202.16b(a)), and not less than \$360,000 of funding allocated in the fiscal year in
1288 which the PHE occurs shall be reserved to assist residential customers with the payment of
1289 impervious area charges, pursuant to section 216b(b).”.

1290 (b)(1) A cable operator, as that term is defined by section 103(6) of the Cable Television
1291 Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code
1292 § 34-1251.03(6)), shall not disconnect, suspend, or degrade basic cable service or other basic
1293 cable operator services for non-payment of a bill, any fees for service or equipment, or any other
1294 charges, or for noncompliance with a deferred payment agreement during a period of time for
1295 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
1296 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1297 Official Code § 7-2304.01), or for 15 calendar days thereafter.

1298 “(2) For purposes of this subsection, the term “other basic cable operator
1299 services” includes only basic broadband internet service and VOIP service.”.

1300 (c) The Retail Electric Competition and Consumer Protection Act of 1999, effective May
1301 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new
1302 section 106b to read as follows:

1303 “Sec. 106b. Disconnection of service during a public health emergency prohibited.

1304 “(a) For the purposes of this section, the term “public health emergency” means a period
1305 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1306 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1307 194; D.C. Official Code § 7-2304.01).

1308 “(b) An electric company shall not disconnect electric service for non-payment of a bill
1309 or fees during a public health emergency or for 15 calendar days thereafter.”.

1310 (d) The Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004,
1311 effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.01 *et seq.*), is
1312 amended by adding a new section 7b to read as follows:

1313 “Sec. 7b. Disconnection of service during a public health emergency prohibited.

1314 “(a) For the purposes of this section, the term “public health emergency” means a period
1315 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1316 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1317 194; D.C. Official Code § 7-2304.01).

1318 “(b) A gas company shall not disconnect gas service for non-payment of a bill or fees
1319 during a public health emergency or for 15 calendar days thereafter.”.

1320 (e) Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,
1321 1954 (68 Stat. 102; D.C. Code § 34-2407.01), is amended by adding a new subsection (c) to read
1322 as follows:

1323 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a
1324 period of time for which the Mayor has declared a public health emergency pursuant to section
1325 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1326 Law 14-194; D.C. Official Code § 7-2304.01).

1327 “(2) During a public health emergency, or for 15 calendar days thereafter,
1328 notwithstanding any other provision of this act, the water supply to any property shall not be shut
1329 off for non-payment of a bill or fees.”.

1330 (f) The Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C.
1331 Law 11-154; D.C. Official Code § 34-2002.01 *et. seq.*), is amended by adding a new section 3a
1332 to read as follows:

1333 “Section 3a. Disconnection of telecommunications service during a public health
1334 emergency prohibited.

1335 “(a) For the purposes of this section, the term “public health emergency” means a period
1336 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1337 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1338 194; D.C. Official Code § 7-2304.01).

1339 “(b) A telecommunications service provider shall not disconnect, suspend, or degrade
1340 basic telecommunications service for non-payment of a bill, any fees for service or equipment,
1341 and other charges, or noncompliance with a deferred payment agreement during a public health
1342 emergency or for 15 calendar days thereafter.”.

1343 (g) Notwithstanding any District law, the Attorney General for the District of Columbia
1344 may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any
1345 merchant, including a utility provider, that violates any provision of this act.

1346 Sec. 308. Utility payment plans.

1347 (a) During a program period, a utility provider shall offer a utility-payment-plan program
1348 (“program”) for eligible customers. Under its program, a utility provider shall:

1349 (1) Make a payment plan (“payment plan”) available to an eligible customer for
1350 the payment of amounts that come due during the program period , with a minimum term length
1351 of one year, unless a shorter time period is requested by the eligible customer.

1352 (2) Waive any fee, interest or penalty that arises out of the eligible customer
1353 entering into a payment plan;

1354 (3) Not report to a credit reporting agency as delinquent the amounts subject to
1355 the payment plan; and

1356 (4) Notify all customers of the availability, terms, and application process for its
1357 utility payment program.

1358 (b)(1) Customers entering into a payment plan shall be required to make payments in
1359 equal monthly installments for the duration of the payment plan unless a shorter payment
1360 schedule is requested by the customer.

1361 (2) A utility provider shall permit a customer that has entered into a payment plan
1362 to pay an amount greater than the monthly amount provided for in the payment plan.

1363 (3) A utility provider shall not require or request a customer provide a lump-sum
1364 payment under a payment plan.

1365 (4) A utility provider shall provide confirmation in writing to the customer of the
1366 payment plan entered into, including the terms of a payment plan.

1367 (c) A utility provider shall utilize existing procedures or, if necessary, establish new
1368 procedures to provide a process by which a customer may apply for a payment plan, which may

1369 include requiring the customer to submit supporting documentation. A utility provider shall
1370 permit application for a payment plan to occur online and by telephone.

1371 (d)(1) A utility provider shall approve each application for a payment plan submitted
1372 during the covered time period made by an eligible customer.

1373 (2) If the customer is not eligible and the customer's application for a payment
1374 plan is denied, the utility provider shall inform the customer, in writing, of the denial and of the
1375 option to file a written complaint pursuant to subsection (g) of this section.

1376 (e)(1) A utility provider shall not disconnect service for non-payment of a bill or fees
1377 where a customer has entered into a payment plan under this section and has made payments in
1378 accordance with the terms of the payment plan;

1379 (2) When a customer fails to pay in full the amounts due under a payment plan
1380 and the customer, and utility provider have not mutually agreed to a modification of the terms of
1381 the payment plan, nothing under this section shall prevent a utility provider from either offering
1382 the customer a new payment plan or disconnecting service.

1383 (3) Notwithstanding any provision in this section, a utility provider is not required
1384 to offer a customer a new payment plan when a customer has defaulted on a previous payment
1385 plan offered pursuant to this section.

1386 (f)(1) A utility provider that receives an application for a payment plan pursuant to this
1387 section shall retain the application, whether approved or denied, for at least 3 years.

1388 (2) Upon request by the customer, a utility provider shall make an application for
1389 a payment plan available to:

1390 (A) For utility providers regulated by the Public Service Commission and
1391 DC Water, the Office of the People's Counsel;

1392 (B) For a cable operator, the Office of Cable Television, Film, Music and
1393 Entertainment; and

1394 (C) For all other utility providers, the Department of Consumer and
1395 Regulatory Affairs and the Office of the Attorney General.

1396 (g) A customer whose application for a payment plan is denied may file a written
1397 complaint with:

1398 (1) For utility providers regulated by the Public Service Commission, the Public
1399 Service Commission and the Office of the People’s Counsel;

1400 (2) For a cable operator, the Office of Cable Television, Film, Music and
1401 Entertainment; and

1402 (3) For all other utility providers, the Department of Consumer and Regulatory
1403 Affairs.

1404 (h) During a period of time for which the Mayor has declared a public health emergency,
1405 a utility provider regulated by the Public Service Commission shall reconnect service to
1406 occupied residential property upon customer request and not charge a fee for this reconnection.

1407 (i) For the purposes of this section, the term:

1408 (1) “Cable operator” shall have the same meaning as provided in section 103(6) of
1409 the Cable Television Communications Act of 1981, effective October 9, 2002 (D.C. Law 14-193;
1410 D.C. Official Code § 34-1251.03(6)).

1411 (2) “DC Water” means the District of Columbia Water and Sewer Authority
1412 established pursuant to Section 202(a) of the Water and Sewer Authority Establishment and
1413 Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law
1414 11-111; D.C. Official Code § 34-2202.02(a)).

1415 (3) “Electric company” shall have the same meaning as provided in section 8 of
1416 An Act Making appropriations to provide for the expenses of the government of the District of
1417 Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other
1418 purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-207).

1419 (4) “Eligible Customer” means a customer that:

1420 (A) Has notified the utility provider of an inability to pay all or a portion
1421 of the amount due as a result, directly or indirectly, of the public health emergency;

1422 (B) Agrees in writing to make payments in accordance with the payment
1423 plan.

1424 (5) “Gas company” shall have the same meaning as provided in section 3(7) of the
1425 Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March
1426 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(b)).

1427 (6) “Program period” means a period of time for which the Mayor has declared a
1428 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1429 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)
1430 and:

1431 (A) For a cable operator, or a telecommunications provider not regulated
1432 by the Public Service Commission, 60 days thereafter; or

1433 (B) For any other utility provider, six months thereafter.

1434 (7) “Telecommunications provider” means an entity that provides
1435 telecommunications services, whether through a telecommunications system or universal service,
1436 as those terms are defined, respectively, section 2(21) and (22) of the Telecommunications
1437 Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code §

1438 34-2001(4), or other telecommunication service, whether such service is regulated by the Public
1439 Service Commission of the District of Columbia or the Federal Communications Commission, or
1440 is currently not regulated by either local or federal law.

1441 (8) “Utility provider” means a cable operator, DC Water, an electric company, a
1442 gas company, or a telecommunications provider.

1443 Sec. 309. Composting virtual training.

1444 Section 112a(f) of the Sustainable Solid Waste Management Amendment Act of 2014, effective
1445 February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.12a(f)), is amended by
1446 adding a new paragraph (1A) to read as follows:

1447 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time
1448 for which the Mayor has declared a public health emergency pursuant to section 5a of the
1449 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1450 194; D.C. Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may
1451 provide the training required by paragraph (1) of this subsection remotely through
1452 videoconference.”.

1453 Sec. 310. Emergency Department of Insurance, Securities, and Banking authority.

1454 The Department of Insurance and Securities Regulation Establishment Act of 1996,
1455 effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 *et seq.*), is amended by
1456 adding a new section 5a to read as follows:

1457 “Sec. 5a. Emergency authority of the Commissioner during a declared public health
1458 emergency.

1459 “(a) For the duration of a public health emergency declared by the Mayor pursuant to
1460 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002

1461 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise
1462 to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

1463 “(1) Apply to any person or entity regulated by the Commissioner; and
1464 “(2) Address:

1465 “(A) Submission of claims or proof of loss;
1466 “(B) Grace periods for payment of premiums and performance of other
1467 duties by insureds;
1468 “(C) Temporary postponement of:

1469 “(i) Cancellations;
1470 “(ii) Nonrenewals; or
1471 “(iii) Premium increases;
1472 “(D) Modifications to insurance policies;
1473 “(E) Insurer operations;
1474 “(F) Filing requirements;
1475 “(G) Procedures for obtaining nonelective health care services;
1476 “(H) Time restrictions for filling or refilling prescription drugs;
1477 “(I) Time frames applicable to an action by the Commissioner under this
1478 section;
1479 “(J) Temporarily waiving application of laws, rulemaking, or requirements
1480 to ensure that depository services, non-depository services, and securities transactions can
1481 continue to be provided, including allowing for the opening of a temporary service location,
1482 which may be a mobile branch, temporary office space, or other facility; and

1483 “(K) Any other activity related to insurance, securities, and banking and
1484 under the purview of the Commissioner reasonably calculated to protect the health, safety, and
1485 welfare of District residents during the public health emergency.

1486 “(b) The Commissioner may require licensees to answer questions related to, and submit
1487 documentation of, the licensee’s continuity of operations plan.

1488 “(c) Emergency rulemaking, orders, and bulletins.

1489 “(1)(A) To accomplish the purposes of this section, the Commissioner may issue
1490 an emergency rulemaking, order, or bulletin pursuant to this section specifying:

1491 “(i) That the rulemaking, order, or bulletin is effective
1492 immediately;

1493 “(ii) The line or lines of business, or the class or classes of
1494 licenses, to which the regulation, order, or bulletin applies;

1495 “(iii) The geographic areas to which the regulation, order, or
1496 bulletin applies; and

1497 “(iv) The period of time for which the regulation, order, or bulletin
1498 applies.

1499 “(B) A regulation issued under paragraph (1)(A) of this section may not
1500 apply for longer than the duration of the effects of a declared public health emergency.”.

1501 Sec. 311. Vacant property designations.

1502 Section 6(b) of An Act To provide for the abatement of nuisances in the District of
1503 Columbia by the Commissioners of said District, and for other purposes, effective April 27, 2001
1504 (D.C. Law 13-281; D.C. Official Code § 42-3131.06(b)), is amended as follows:

1505 (a) Paragraph (8) is amended by striking the phrase “; or” and inserting a semicolon in its
1506 place.

1507 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; or” in its
1508 place.

1509 (c) A new paragraph (10) is added to read as follows:

1510 “(10) A commercial property that houses a business that has closed during a
1511 period of time for which the Mayor has declared a public health emergency pursuant to section
1512 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
1513 Law 14-194; D.C. Official Code § 7-2304.01), as a result of the circumstances giving rise to or
1514 resulting from the public health emergency, and for 60 days thereafter.”.

1515 Sec. 312. Extension of licenses and registrations; waiver of deadlines.

1516 Notwithstanding any provision of law during, or within 45 days after the end of, a period
1517 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1518 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1519 194; D.C. Official Code § 7-2304.01), the Mayor, may:

1520 (1) Prospectively or retroactively extend the validity of a license, registration,
1521 permit, or authorization, including driver licenses, vehicle registrations, professional licenses,
1522 registrations, and certifications;

1523 (2) Waive the deadlines for filings, and waive fees, fines, and penalties associated
1524 with the failure to timely renew a license, registration, permit, or other authorization or to timely
1525 submit a filing; or

1526 (3) Extend or waive the deadline by which action is required to be taken by the
1527 executive branch of the District government or by which an approval or disapproval is deemed to
1528 have occurred based on inaction by the executive branch of the District government.

1529 **TITLE IV. HOUSING AND TENANT PROTECTIONS**

1530 Sec. 401. Mortgage relief.

1531 (a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency
1532 Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(b)(15)),
1533 and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective
1534 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other
1535 provision of District law, during a period of time for which the Mayor has declared a public
1536 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
1537 1980, effective October 17, 2002 (D.C. Law 14- 194; D.C. Official Code § 7-2304.01), and for
1538 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or
1539 commercial mortgage loan in the District shall develop a deferment program for borrowers that,
1540 at a minimum:

1541 (1) Grants at least a 90-day deferment of the monthly payment of principal and
1542 interest on a mortgage for borrowers;

1543 (2) Waives any late fee, processing fee, or any other fee accrued during the period
1544 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1545 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1546 194; D.C. Official Code § 7-2304.01); and

1547 (3) Does not report to a credit reporting agency as delinquent the amounts subject
1548 to the deferral.

1549 (b) The mortgage lender shall establish application criteria and procedures for borrowers
1550 to apply for the deferment program. An application or summary of procedures shall be made
1551 available online or by telephone.

1552 (c) The mortgage lender shall approve each application in which a borrower:

1553 (1) Demonstrates to the mortgage lender evidence of a financial hardship resulting
1554 directly or indirectly from the public health emergency, including an existing delinquency or
1555 future inability to make payments; and

1556 (2) Agrees in writing to pay the deferred payments within:

1557 (A) A reasonable time agreed to in writing by the applicant and the
1558 mortgage lender; or

1559 (B) If no reasonable time can be agreed to pursuant to subparagraph (A) of
1560 this paragraph, 3 years from the end of the deferment period, or the end of the original term of
1561 the mortgage loan, whichever is earlier.

1562 (d)(1) A mortgage lender who receives an application for deferment pursuant to this
1563 section shall retain the application, whether approved or denied, for at least 3 years after final
1564 payment is made on the mortgage or the mortgage is sold, whichever occurs first.

1565 (2) Upon request, a mortgage lender shall make an application for deferment
1566 available to the Commissioner.

1567 (3)(A)(i) A mortgage lender who approves an application for deferment pursuant
1568 to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all
1569 approved applications on a form prescribed by the Commissioner and such notice shall include
1570 the percentage of mortgage deferment approved for and accepted by each borrower.

1571 (ii) After the initial submission prescribed in this paragraph, a
1572 mortgage lender who approves an application for deferment pursuant to this section shall provide
1573 the Commissioner with a list of all new approvals in 15-day intervals for the duration of the
1574 public health emergency and for 60 days thereafter.

1575 (iii) The Commissioner may request information on the number
1576 and nature of approvals between 15-day intervals.

1577 (B) The Commissioner shall maintain a publicly available list of approved
1578 commercial loan deferral applications. The requirement of this subparagraph may be satisfied by
1579 posting to the Department of Insurance, Securities, and Banking website.

1580 (e) A mortgage lender shall be prohibited from requesting or requiring a lump sum
1581 payment from any borrower making payments under a deferred payment program pursuant to
1582 this section, subject to investor guidelines.

1583 (f) A person or business whose application for deferment is denied may file a written
1584 complaint with the Commissioner. The Commissioner is authorized to investigate the complaint
1585 in accordance with section 13 of the Mortgage Lender and Broker Act of 1996, effective
1586 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1112).

1587 (g) A borrower receiving a mortgage deferral pursuant to this section on a property that
1588 has a tenant shall, within 5 days of the approval, provide notice to all tenants of the availability
1589 of a rent payment program pursuant to Section 402 of this act.

1590 (h) To the extent necessary to conform with the provisions of this section, the provisions
1591 in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89;
1592 D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health
1593 emergency.

1594 (i) This section shall not apply to a property for which, as of March 11, 2020, a mortgage
1595 lender initiated a foreclosure action or exercised its right to accelerate the balance and maturity
1596 date of the loan, on or before March 11, 2020.

1597 (j) This section shall not apply to a mortgage loan that is a “Federally backed mortgage
1598 loan”, as that term is defined in section 4022 of the CARES Act, codified at 15 U.S.C.
1599 90g6(a)(2), or a “Federally backed multifamily mortgage loan” under section 4023 of the
1600 CARES Act, codified at 15 U.S.C. 9057(f)(2).

1601 (k) A mortgage lender that violates the provisions of this section shall be subject to the
1602 penalties prescribed in section 19 of the Mortgage Lender and Broker Act of 1996, effective
1603 September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1118).

1604 (l) For the purposes of this section, the term:

1605 (1) “Commercial mortgage loan” means a loan for the acquisition, construction,
1606 or development of real property, or a loan secured by collateral in such real property, that is
1607 owned or used by a person, business, or entity for the purpose of generating profit, and includes
1608 real property used for single-family housing, multifamily housing, retail, office space, and
1609 commercial space that is made, owned, or serviced by a mortgage lender.

1610 (2) “Commissioner” means the Commissioner of the Department of Insurance,
1611 Securities, and Banking.

1612 (3) “Mortgage lender” means any person that makes a mortgage loan to any
1613 person or that engages in the business of servicing mortgage loans for others or collecting or
1614 otherwise receiving mortgage loan payments directly from borrowers for distribution to any
1615 other person. The term “mortgage lender” does not include the Federal Home Loan Mortgage

1616 Corporation, the Federal National Mortgage Association, or the Government National Mortgage
1617 Association.

1618 Sec. 402. Tenant payment plans.

1619 (a) During a period of time for which the Mayor has declared a public health emergency
1620 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1621 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year
1622 thereafter (“program period”), a provider shall offer a rent-payment-plan program (“program”)
1623 for eligible tenants. Under its program, a provider shall:

1624 (1) Make a payment plan available to an eligible tenant for the payment of gross
1625 rent that comes due during the program period and prior to the cessation of tenancy (“covered
1626 time period”), with a minimum term length of one year unless a shorter payment plan term
1627 length is requested by the eligible tenant.

1628 (2) Waive any fee, interest, or penalty that arises out of an eligible tenant entering
1629 into a payment plan;

1630 (3) Not report to a credit reporting agency as delinquent the rent subject to the
1631 payment plan;

1632 (4) Provide that an eligible tenant does not lose any rights under the lease due to a
1633 default on the monetary amounts due during the lease period, provided that the tenant does not
1634 default on the terms of the payment plan; and

1635 (5) Notify all tenants of the availability, terms, and application process for its
1636 program.

1637 (b)(1) Tenants entering into a payment plan shall be required to make payments in equal
1638 monthly installments for the duration of the payment plan, unless a different payment schedule is
1639 requested by the tenant.

1640 (2) A provider shall permit a tenant that has entered into a payment plan to pay an
1641 amount greater than the monthly amount provided for in the payment plan.

1642 (3) A provider shall not require or request a tenant to provide a lump-sum
1643 payment under a payment plan.

1644 (4) A provider shall agree in writing to the terms of a payment plan.

1645 (c) A provider shall utilize existing procedures or, if necessary, establish new procedures
1646 to provide a process by which an eligible tenant may apply for a payment plan, which may
1647 include requiring the tenant to submit supporting documentation. A provider shall permit
1648 application for a payment plan to occur online and by telephone.

1649 (d) A provider shall approve each application for a payment plan submitted during a
1650 covered time period in which an eligible tenant:

1651 (1) Demonstrates to the provider evidence of a financial hardship resulting
1652 directly or indirectly from the public health emergency:

1653 (A) That is in addition to any delinquency or future inability to make rental
1654 payments in existence prior to the start of the public health emergency; and

1655 (B) That would cause the tenant to be unable to qualify to rent the unit or
1656 space based on utilization of the same qualification criteria that were applied to the tenant at the
1657 time he or she was approved to rent the unit or space; and

1658 (2) Agrees in writing to make payments in accordance with the payment plan.

1659 (e)(1) A provider who receives an application for a payment plan shall retain the
1660 application, whether approved or denied, for at least 3 years.

1661 (2) Upon request of the tenant, a provider shall make an application for a payment
1662 plan available to:

1663 (A) For residential tenants, the Rent Administrator, Office of the Tenant
1664 Advocate; and

1665 (B) For commercial tenants, the Department of Consumer and Regulatory
1666 Affairs.

1667 (f)(1) A residential tenant whose application for a payment plan is denied may file a
1668 written complaint with the Rent Administrator. The Rent Administrator shall forward the
1669 complaint to the Office of Administrative Hearings for adjudication.

1670 (2) A commercial tenant whose application for a payment plan is denied may file
1671 a written complaint with the Department of Consumer and Regulatory Affairs.

1672 (g) During the program period, unless the provider has offered a rent payment plan
1673 pursuant to this section, and approved a rent payment plan pursuant to subsection 9d), that
1674 provider shall be prohibited from filing any collection lawsuit or eviction for non-payment of
1675 rent, provided that the tenant does not default on the terms of the payment plan.

1676 (h) For the purposes of this section, the term:

1677 (1) "Eligible tenant" means a tenant of a residential or commercial retail property
1678 rented from a provider that:

1679 (A) Has notified a provider of an inability to pay all or a portion of the rent
1680 due as a result of the public health emergency; and

1681 (B) Is not a franchisee unless the franchise is owned by a District resident.

1682 (2) “Housing provider” means a person or entity who is:

1683 (A) A residential landlord, residential owner, residential lessor, residential
1684 sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving
1685 or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit
1686 within a housing accommodation within the District; and

1687 (B) Has 5 or more residential units currently rented or available for rent.

1688 (3) “Non-housing provider” means a person or entity who is a non-residential
1689 landlord, non-residential owner, non-residential lessor, non-residential sublessor, non-residential
1690 assignee, a non-residential agent of a landlord, owner, lessor, sublessor, or assignee, or any other
1691 person receiving or entitled to receive rents or benefits for the use or occupancy of a commercial
1692 unit.

1693 (4) “Provider” means a housing provider or a non-housing provider.

1694 Sec. 403. Residential cleaning.

1695 (a) During a period of time for which a public health emergency has been declared
1696 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1697 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the owner or
1698 representative of the owner of a housing accommodation shall clean common areas of the
1699 housing accommodation on a regular basis, including surfaces that are regularly touched, such as
1700 doors, railings, seating, and the exterior of mailboxes.

1701 (b) For the purposes of this section “housing accommodation” means any structure or
1702 building in the District containing one or more residential units that are not occupied by the
1703 owner of the housing accommodation, including any apartment, efficiency apartment, room,

1704 accessory dwelling unit, cooperative, homeowner association, condominium, multifamily
1705 apartment building, nursing home, assisted living facility, or group home.

1706 (c) The Mayor may, pursuant to Title I of the District of Columbia Administrative
1707 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.),
1708 promulgate rules to implement this section.

1709 Sec. 404. Eviction prohibition.

1710 (a) Title 16 of the District of Columbia Official Code is amended as follows:

1711 (1) Section 1501 is amended as follows:

1712 (A) The existing text is designated as subsection (a).

1713 (B) A new subsection (b) is added to read as follows:

1714 “(b) During a period of time for which the Mayor has declared a public health emergency
1715 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1716 October 17, 2002 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 60 days thereafter,
1717 the person aggrieved shall not file a complaint seeking relief pursuant to this section.”

1718 (2) Section 1502 is amended by striking the phrase “exclusive of Sundays and
1719 legal holidays” and inserting the phrase “exclusive of Sundays, legal holidays, and a period of
1720 time for which the Mayor has declared a public health emergency pursuant to section 5a of the
1721 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1722 194; D.C. Official Code § 7-2304.01)” in its place.

1723 (b) Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law
1724 6-10; D.C. Official Code § 42-3505.01(k)), is amended as follows:

1725 (1) Paragraph (1) is amended by striking the phrase “; or” and inserting a
1726 semicolon in its place.

1727 (2) Paragraph (2) is amended by striking the period and inserting the phrase “; or”
1728 in its place.

1729 (3) A new paragraph (3) is added to read as follows:

1730 “(3) During a period of time for which the Mayor has declared a public health
1731 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1732 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

1733 Sec. 405. Residential tenant protections.

1734 (a) The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980
1735 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section
1736 510b to read as follows:

1737 “Sec. 510b. Tolling of tenant deadlines during a public health emergency.

1738 “The running of all time periods for tenants and tenant organizations to exercise rights
1739 under this act shall be tolled from the beginning of the period of a public health emergency
1740 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1741 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), until the end of
1742 the public health emergency, and for 30 days thereafter.”.

1743 (b) The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.

1744 Official Code § 42-3501.01 *et seq.*), is amended as follows:

1745 (1) Section 202(b)(2) (D.C. Official Code § 42-3502.02(b)(2)) is amended to read
1746 as follows:

1747 “(2)(A) A majority of the Rental Housing Commissioners shall constitute a
1748 quorum to do business, and a single vacancy shall not impair the right of the remaining Rental
1749 Housing Commissioners to exercise all powers of the Rental Housing Commission.

1750 “(B) In the event that a majority of the Rental Housing Commissioners (or
1751 any one Commissioner if there is a vacancy) will be unable to perform their official duties for an
1752 extended period of time due to circumstances related to a declared state of emergency in the
1753 District of Columbia, including quarantine or movement restrictions, illness, or the care of a
1754 close family member, one Commissioner shall constitute a quorum to do business.

1755 “(i) If the Chairperson will be unable to perform his or her duties,
1756 he or she shall designate an acting Chairperson or, if only one Commissioner is available, that
1757 Commissioner shall be automatically designated as acting Chairperson.

1758 “(ii) The Chairperson of the Rental Housing Commission shall
1759 notify the Mayor and the Chairperson of the Council in writing of any temporary vacancy and
1760 whether the Commission is operating under a quorum of one.

1761 “(iii) For such time as the Rental Housing Commission is operating
1762 as a quorum of one, the Commission shall only issue, amend, or rescind rules on an emergency
1763 basis in accordance with section 105(c) of the District of Columbia Administrative Procedure
1764 Act, approved October 21, 2968 (82 Stat. 1206; D.C. Official Code § 2-505(c)).

1765 “(iv) The authority to operate with a quorum of one shall terminate
1766 when at least one Rental Housing Commissioner notifies the Chairperson in writing that he or
1767 she is able to resume his or her duties. The authority may extend beyond the termination of the
1768 original declared state of emergency if Commissioners are personally affected by continuing
1769 circumstances.

1770 (2) Section 208(a)(1) (D.C. Official Code § 42-3502.08(a)(1)) is amended as
1771 follows:

1772 (A) Subparagraph (F) is amended by striking the phrase “; and” and
1773 inserting a semicolon in its place.

1774 (B) Subparagraph (G) is amended by striking the period at the end and
1775 inserting the phrase “; and” in its place.

1776 (C) A new subparagraph (H) is added to read as follows:

1777 “(H) None of the circumstances set forth in section 904(c) applies.”.

1778 (3) Section 211 (D.C. Official Code § 42-3502.11), is amended as follows:

1779 (A) The existing text is designated as subsection (a).

1780 (B) A new subsection (b) is added to read as follows:

1781 “(b) If, during a public health emergency that has been declared pursuant to section 5a of
1782 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
1783 14-194; D.C. Official Code § 7-2304.01), and consistent with applicable law or an order issued
1784 by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1785 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a housing
1786 provider temporarily stops providing:

1787 “(1) An amenity that a tenant pays for in addition to the rent charged, then the
1788 housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity
1789 during the public health emergency; or

1790 “(2) A service or facility that is lawfully included in the rent charged, then the
1791 housing provider shall not be required to reduce the rent charged pursuant to subsection (a) of
1792 this section.”.

1793 (4) Section 531(c) (D.C. Official Code § 42-3505.31(c)), is amended as follows:

1794 (A) Paragraph (4) is amended by striking the phrase “late fee;” and
1795 inserting the phrase “late fee; or” in its place.

1796 (B) Paragraph (5) is amended by striking the period and inserting the
1797 phrase “; or” in its place.

1798 (C) A new paragraph (6) is added to read as follows:

1799 “(6) Impose a late fee on a tenant during any month for which a public health
1800 emergency has been declared pursuant to section 5a of the District of Columbia Public
1801 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1802 2304.01).”.

1803 (5) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

1804 (A) The existing language is designated subsection (a).

1805 (B) A new subsection (b) is added to read as follows:

1806 “(b) Any notice of intent to vacate that a tenant provided prior to the period for which a
1807 public health emergency has been declared pursuant to section 5a of the District of Columbia
1808 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1809 Code § 7-2304.01), shall be tolled at the election of the tenant for the period of any such public
1810 health emergency such that the tenant shall have the same number of days to vacate remaining at
1811 the end of the public health emergency as the tenant had remaining upon the effective date of the
1812 public health emergency.”.

1813 (6) Section 554 (D.C. Official Code § 42-3505.54) is amended by adding a new
1814 subsection (c) to read as follows:

1815 “(c) Any notice of intent to vacate that a tenant provided prior to the period for which a
1816 public health emergency has been declared pursuant to section 5a of the District of Columbia

1817 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
1818 Code §7-2304.01), shall be tolled at the election of the tenant for the period of any such public
1819 health emergency such that the tenant shall have the same number of days to vacate remaining at
1820 the end of the public health emergency as the tenant had remaining upon the effective date of the
1821 public health emergency.”.

1822 (7) Section 904 D.C. Official Code § 42-3509.04) is amended by adding a new
1823 subsection (c) and (d) to read as follows:

1824 “(c) No housing provider may issue a rent increase notice to any residential tenant during
1825 a period for which a public health emergency has been declared pursuant to section 5a of the
1826 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1827 194; D.C. Official Code § 7-2304.01).”.

1828 “(d)(1) Any rent increase, whether under this act, the Rental Accommodations Act of
1829 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative
1830 decisions issued under these acts, shall be null and void, and shall be issued anew in accordance
1831 with subsection (b) of this section if:

1832 “(A) The effective date of the rent increase as stated on the notice of rent
1833 increase occurs during a period for which a public health emergency has been declared pursuant
1834 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
1835 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter;

1836 “(B) The notice of rent increase was provided to the tenant during a period
1837 for which a public health emergency has been declared; or

1838 “(C) The notice was provided to the tenant prior to, but the rent increase
1839 takes effect following, a public health emergency.

1840 “(2) The Rent Administrator shall review all notices to a tenant of an adjustment
1841 in the rent charged filed by a housing provider with the Rental Accommodations Division of the
1842 Department of Housing and Community Development for consistency with this subsection and
1843 shall inform the housing provider that:

1844 “(A) A rent increase is prohibited during the public health emergency plus
1845 30 days pursuant to this section;

1846 “(B) The housing provider shall withdraw the rent increase notice;

1847 “(C) The housing provider shall inform tenants in writing that any rent
1848 increase notice is null and void pursuant to the emergency COVID-19 legislation;

1849 “(D) The housing provider shall within 7 calendar days, file a certification
1850 with RAD that the notice letter required by subparagraph (C) was sent to tenants, along with a
1851 sample copy of the notice and a list of each tenant name and corresponding unit numbers; and

1852 “(E) If it is determined that the housing provider knowingly demanded or
1853 received any rent increase prohibited by this act or substantially reduced or eliminated related
1854 services previously provided for a rental unit, the housing provider may be subject to treble
1855 damages and for a rollback of the rent, pursuant to 901(a) of this act.”.

1856 (8) A new section 910 is added to read as follows:

1857 “Sec. 910. Tolling of tenant deadlines during a public health emergency.

1858 “The running of all time periods for tenants and tenant organizations to exercise rights
1859 under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal
1860 Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public
1861 health emergency has been declared pursuant to section 5a of the District of Columbia Public

1862 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1863 2304.01), and for 30 days thereafter.”.

1864 Sec. 406. Rent increase prohibition.

1865 (a) Notwithstanding any other provision of law, a rent increase for a residential property
1866 not prohibited by the provisions of section 904(c) of the Rental Housing Act of 1985, effective
1867 July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.04(c)), shall be prohibited during a
1868 period for which a public health emergency has been declared pursuant to section 5a of the
1869 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
1870 194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

1871 (b) Notwithstanding any other provision of law, a rent increase for a commercial property
1872 that is less than 6,500 square feet in size shall be prohibited during a period for which a public
1873 health emergency has been declared pursuant to section 5a of the District of Columbia Public
1874 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1875 2304.01), and for 30 days thereafter.

1876 Sec. 407. Cooperative association remote meetings.

1877 Title 29 of the District of Columbia Official Code is amended as follows:

1878 (a) Section 405.01(e) is amended by striking the phrase “The articles of incorporation or
1879 bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of
1880 incorporation or bylaws, during a period for which a public health emergency has been declared
1881 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1882 October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual” in its place.

1883 (b) Section 910 is amended by striking the phrase “If authorized by the articles or
1884 bylaws” and inserting the phrase “During a period for which a public health emergency has been

1885 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1886 effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of
1887 whether remote regular and special meetings of members are authorized by the articles or
1888 bylaws” in its place.

1889 Sec. 408. Foreclosure moratorium.

1890 (a)(1) Notwithstanding any provision of District law, during a period of time for which
1891 the Mayor has declared a public health emergency pursuant to section 5a of the District of
1892 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1893 Official Code § 7-2304.01), and for 60 days thereafter, no residential foreclosure:

1894 (A) May be initiated or conducted under Section 539 of An Act To establish
1895 a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274; D.C. Official
1896 Code § 42-815);

1897 (B) May be initiated or conducted under Section 95 of An Act To establish a
1898 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1204; D.C. Official
1899 Code § 42-816); or

1900 (C) Sale may be conducted under Section 313(c) of the Condominium Act of
1901 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)).

1902 (2) This subsection shall not apply to a residential property at which neither a
1903 record owner nor a person with an interest in the property as heir or beneficiary of a record
1904 owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of
1905 the first day of the public health emergency.

1906 (b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law
1907 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and

1908 inserting the phrase “3 years, not including any period of time for which the Mayor has declared
1909 a public health emergency pursuant to section 5a of the District of Columbia Public Emergency
1910 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) and
1911 for 60 days thereafter,” in its place.

1912 **TITLE V. HEALTH AND HUMAN SERVICES**

1913 Sec. 501. Prescription drugs.

1914 Section 208 of the District of Columbia Health Occupations Revision Act of 1985,
1915 effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), is amended by
1916 adding a new subsection (g-2) to read as follows:

1917 “(g-2) An individual licensed to practice pharmacy pursuant to this act may authorize and
1918 dispense a refill of patient prescription medications prior to the expiration of the waiting period
1919 between refills to allow District residents to maintain an adequate supply of necessary
1920 medication during a period of time for which the Mayor has declared a public health emergency
1921 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1922 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01). This subsection shall not
1923 apply to any patient prescription for which a refill otherwise would be prohibited under District
1924 law.”.

1925 Sec. 502. Homeless services.

1926 The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-
1927 35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

1928 (a) Section 8(c-1) (D.C. Official Code § 4-753.02(c-1)) is amended as follows:

1929 (1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and
1930 inserting the phrase “not to exceed 3 days; except, that during a public health emergency

1931 declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1932 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may
1933 place the family in an interim eligibility placement for a period not to exceed 60 days” in its
1934 place.

1935 (2) Paragraph (2) is amended by striking the phrase “and section 9(a)(20)” and
1936 inserting the phrase “and section 9(a)(20); except, that the Mayor may extend an interim
1937 eligibility placement to coincide with the period of a public health emergency declared pursuant
1938 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
1939 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1940 (3) Paragraph (3) is amended by striking the phrase “within 12 days of the start of
1941 the interim eligibility placement” and inserting the phrase “within 12 days of the start of the
1942 interim eligibility placement; except, that during a public health emergency declared pursuant to
1943 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
1944 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor shall have 10 business days
1945 following the end of the public health emergency to issue the eligibility determination required
1946 by this paragraph,” in its place.

1947 (4) Paragraph (4) is amended by striking the phrase “start of an interim eligibility
1948 placement,” and inserting the phrase “start of an interim eligibility placement, or as otherwise
1949 required by paragraph (3) of this subsection” in its place.

1950 (b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the
1951 phrase “and other professionals” and inserting the phrase “and other professionals; except, that
1952 the Mayor may waive the requirements of this provision for in-person meetings and
1953 communications during a public health emergency declared pursuant to section 5a of the District

1954 of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
1955 Official Code § 7-2304.01)” in its place.

1956 (c) Section 10(1) (D.C. Official Code § 4-754.12(1)) is amended by striking the phrase
1957 “established pursuant to section 18” and inserting the phrase “established pursuant to section 18;
1958 except, that the Mayor may waive this provision during a public health emergency declared
1959 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1960 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1961 (d) Section 19(c-2) (D.C. Official Code § 4-754.33(c-2)) is amended by striking the
1962 phrase “served on the client.” and inserting the phrase “served on the client; except, that during a
1963 public health emergency declared pursuant to section 5a of the District of Columbia Public
1964 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
1965 2304.01), the Mayor may serve written notice via electronic transmission.” in its place.

1966 (e) Section 24(f) (D.C. Official Code § 4-754.38(f)) is amended as follows:

1967 (1) Paragraph (1) is amended as follows:

1968 (A) Subparagraph (A) is amended by striking the phrase “to the unit; or”
1969 and inserting the phrase “to the unit;” in its place.

1970 (B) Subparagraph (B) is amended by striking the phrase “at the location”
1971 and inserting the phrase “at the location; or” in its place.

1972 (C) A new subparagraph (C) is added to read as follows:

1973 “(C) During a period of time for which a public health emergency has
1974 been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
1975 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), to prevent or

1976 mitigate the spread of contagious disease, as determined by the Department or provider.” in its
1977 place.

1978 (2) Paragraph (2) is amended by striking the phrase “to paragraph (1)(B)” and
1979 inserting the phrase “to paragraph (1)(B) or (C)” in its place.

1980 Sec. 503. Extension of care and custody for aged-out youth.

1981 (a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective
1982 September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1303.03(a-1)), is amended as
1983 follows:

1984 (1) Paragraph (12) is amended by striking the phrase “; and” and inserting a
1985 semicolon in its place.

1986 (2) Paragraph (13) is amended by striking the period and inserting the phrase “;
1987 and” in its place.

1988 (3) A new paragraph (14) is added to read as follows:

1989 “(14) To retain custody of a youth committed to the Agency who becomes 21
1990 years of age during a period of time for which the Mayor has declared a public health emergency
1991 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
1992 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), for a period not
1993 exceeding 90 days after the end of the public health emergency; provided, that the youth
1994 consents to the Agency’s continued custody .”.

1995 (b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as
1996 follows:

1997 (1) Section 16-2303 is amended as follows:

1998 (A) The existing text is designated as subsection (a).

1999 (B) A new subsection (b) is added to read as follows:

2000 “(b) The Division shall retain jurisdiction of a minor in the legal custody of a public
2001 agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age during a period of time
2002 for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, for a
2003 period not exceeding 90 days after the end of the public health emergency; provided, that the
2004 minor consents to the Division’s retention of jurisdiction.”.

2005 (2) Section 16-2322(f)(1) is amended by striking the phrase “twenty-one years of
2006 age” and inserting the phrase “21 years of age, not including orders extended pursuant to § 16-
2007 2303(b)” in its place.

2008 Sec. 504. Standby guardianship.

2009 Section 16-4802 of the District of Columbia Official Code is amended as follows:

2010 (a) Paragraph (6) is amended to read as follows:

2011 “(6) “Debilitation” means those periods when a person cannot care for that
2012 person’s minor child as a result of:

2013 “(A) A chronic condition caused by physical illness, disease, or injury
2014 from which, to a reasonable degree of probability, the designator may not recover; or

2015 “(B) A serious medical condition caused by COVID-19.”.

2016 (b) Paragraph (10) is amended to read as follows:

2017 “(10) “Incapacity” means:

2018 “(A) A chronic and substantial inability, as a result of a mental or organic
2019 impairment, to understand the nature and consequences of decisions concerning the care of a
2020 minor child, and a consequent inability to care for the minor child; or

2021 “(B) A substantial inability, as a result of COVID-19, to understand the
2022 nature and consequences of decisions concerning the care of a minor child, and a consequent
2023 inability to care for the minor child.”.

2024 (c) Paragraph (13) is amended to read as follows:

2025 “(13) “Triggering event” means any of the following events:

2026 “(A) The designator is subject to an adverse immigration action;

2027 “(B) The designator has been diagnosed, in writing, by a licensed clinician
2028 to suffer from a chronic condition caused by injury, disease, or illness from which, to a
2029 reasonable degree of probability, the designator may not recover and the designator:

2030 “(i) Becomes debilitated, with the designator’s written
2031 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2032 “(ii) Becomes incapacitated as determined by an attending
2033 clinician; or

2034 “(iii) Dies; or

2035 “(C) The designator has been diagnosed, in writing, by a licensed clinician
2036 to suffer from COVID-19 and the designator:

2037 “(i) Becomes debilitated, with the designator’s written
2038 acknowledgement of debilitation and consent to commencement of the standby guardianship;

2039 “(ii) Becomes incapacitated as determined by an attending
2040 clinician; or

2041 “(iii) Dies.”.

2042 Sec. 505. Health status and residence of wards.

2043 Chapter 20 of title 21 of the District of Columbia Official Code is amended as follows:

2044 (a) The table of contents is amended by adding a new section designation to read as
2045 follows:

2046 “Section 2047.03. Duty of guardian to inform certain relatives about the health status and
2047 residence of a ward.”

2048 (b) A new section 2047.03 is added to read as follows:

2049 Section 2047.03. Duty of guardian to inform certain relatives about the health status and
2050 residence of a ward.

2051 “(a) During a period for which a public health emergency has been declared pursuant to
2052 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2053 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), the guardian of a ward shall inform at least
2054 one relative of the ward, if one exists pursuant to subsection (d) of this section, as soon as
2055 practicable, but no later than within 48 hours of the following events:

2056 “(1) The ward dies;

2057 “(2) The ward is admitted to a medical facility;

2058 “(3) The ward is transferred to acute care;

2059 “(4) The ward is placed on a ventilator;

2060 “(5) The residence of the ward or the location where the ward lives has changed;

2061 and

2062 “(6) The ward is staying at a location other than the residence of the ward for a
2063 period that exceeds 7 consecutive days;

2064 “(b) In the case of the death of the ward, the guardian shall inform at least one relative of
2065 the ward, if one exists pursuant to subsection (d) of this section, of any funeral arrangements and
2066 the location of the final resting place of the ward at least 72 hours before the funeral;

2067 “(c) Nothing in this section shall be construed to exempt a guardian from complying with
2068 federal or District privacy laws to which they are otherwise subject.

2069 “(d) This section shall only apply to the relative of a ward:

2070 “(1) Against whom a protective order is not in effect to protect the ward;

2071 “(2) Who has not been found by a court or other state agency to have abused,
2072 neglected, or exploited the ward; and

2073 “(3) Who has elected in writing to receive a notice about the ward.

2074 “(e) For the purposes of this section the term:

2075 “(1) “Relative” shall mean either a spouse, parent, sibling, child, or domestic
2076 partner of the ward.

2077 “(2) “Domestic partner” shall have the same meaning as in section 2(3) of the
2078 Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C.
2079 Official Code § 32-701(3)).”.

2080 Sec. 506. Contact tracing hiring requirements.

2081 An Act to authorize the Commissioners of the District of Columbia to make regulations
2082 to prevent and control the spread of communicable and preventable diseases, approved August
2083 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.*), is amended by adding a new section
2084 9a to read as follows:

2085 “Sec.9a. Contact tracing hiring requirements.

2086 “Of the number of persons hired by the Department of Health for positions,
2087 whether they be temporary or permanent, under the Contact Trace Force initiative to contain the
2088 spread of the 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of
2089 Health shall establish a goal and make the best effort to hire at least 50% District residents, and

2090 for the position of investigator, whether it be a temporary or permanent position, also establish a
2091 goal and make the best effort to hire at least 25% graduates from a workforce development or
2092 adult education program funded or administered by the District of Columbia.”.

2093 Sec. 507. Public health emergency authority.

2094 The District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C.
2095 Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

2096 (a) Section 5(b) (D.C. Official Code § 7-2304(b)) is amended as follows:

2097 (1) Paragraph (2) is amended by striking the phrase “District of Columbia
2098 government;” and inserting the phrase “District of Columbia government; provided further, that
2099 a summary of each emergency procurement entered into during a period for which a public
2100 health emergency is declared shall be provided to the Council no later than 7 days after the
2101 contract is awarded. The summary shall include:

2102 (A) A description of the goods or services procured;

2103 (B) The source selection method;

2104 (C) The award amount; and

2105 (D) The name of the awardee.”.

2106 (2) Paragraph (13) is amended by striking the phrase “; or” and inserting a
2107 semicolon in its place.

2108 (3) Paragraph (14) is amended by striking the period at the end and inserting a
2109 semicolon in its place.

2110 (4) New paragraphs (15) and (16) are added to read as follows:

2111 “(15) Waive application of any law administered by the Department of Insurance,
2112 Securities, and Banking if doing so is reasonably calculated to protect the health, safety, or
2113 welfare of District residents; and

2114 “(16) Notwithstanding any provision of the District of Columbia Government
2115 Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et*
2116 *seq.*) (“CMPA”), or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents
2117 Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-
2118 515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the following personnel
2119 actions regarding executive branch subordinate agencies that the Mayor determines necessary
2120 and appropriate to address the emergency:

2121 “(A) Redeploying employees within or between agencies;

2122 “(B) Modifying employees’ tours of duty;

2123 “(C) Modifying employees’ places of duty;

2124 “(D) Mandating telework;

2125 “(E) Extending shifts and assigning additional shifts;

2126 “(F) Providing appropriate meals to employees required to work overtime
2127 or work without meal breaks;

2128 “(G) Assigning additional duties to employees;

2129 “(H) Extending existing terms of employees;

2130 “(I) Hiring new employees into the Career, Education, and Management
2131 Supervisory Services without competition;

2132 “(J) Eliminating any annuity offsets established by any law; or

2133 “(K) Denying leave or rescinding approval of previously approved leave.”.

2134 (b) Section 5a(d) (D.C. Official Code § 7-2304.01(d)) is amended as follows:

2135 (1) Paragraph (3) is amended by striking the phrase “solely for the duration of the
2136 public health emergency; and” and inserting the phrase “solely for actions taken during the
2137 public health emergency;” in its place.

2138 (2) Paragraph (4) is amended by striking the period at the end and inserting a
2139 semicolon in its place.

2140 (3) New paragraphs (5), (6), and (7) are added to read as follows:

2141 “(5) Waive application in the District of any law administered by the Department
2142 of Insurance, Securities, and Banking if doing so is reasonably calculated to protect the health,
2143 safety, and welfare of District residents;

2144 “(6) Authorize the use of crisis standards of care or modified means of delivery of
2145 health care services in scarce-resource situations; and

2146 “(7) Authorize the Department of Health to coordinate health-care delivery for
2147 first aid within the limits of individual licensure in shelters or facilities as provided in plans and
2148 protocols published by the Department of Health.”.

2149 (c) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1)
2150 to read as follows:

2151 “(c-1) Notwithstanding subsections (b) and (c) of this section, the Council
2152 authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and
2153 public health emergency executive order (“emergency orders”) issued in response to the
2154 coronavirus (SARS CoV-2) for an additional 135-day period. After the additional 135-day
2155 extension authorized by this subsection, the Mayor may extend the emergency orders for
2156 additional 15-day periods pursuant to subsection (b) or (c) of this section.”.

2157 (d) Section 8 (D.C. Official Code § 7-2307) is amended as follows:

2158 (1) The existing text is designated as paragraph (1).

2159 (2) New paragraphs (2) and (3) are added to read as follows:

2160 “(2) The Mayor may revoke, suspend, or limit the license, permit, or certificate of
2161 occupancy of a person or entity that violates an emergency executive order.

2162 “(3) For the purposes of this section a violation of a rule, order, or other issuance
2163 issued under the authority of an emergency executive order shall constitute a violation of the
2164 emergency executive order.”.

2165 Sec. 508. Public benefits clarification and continued access.

2166 (a) The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C.
2167 Law 4-101; D.C. Official Code § 4-201.01 et seq.), is amended as follows:

2168 (1) Section 101 (D.C. Official Code § 4-201.01) is amended by adding a new
2169 paragraph (2A-i) to read as follows:

2170 “(2A-i) “COVID-19 relief” means any benefit in cash or in kind, including but not
2171 limited to pandemic Supplemental Nutrition Assistance Program benefits, Emergency
2172 Supplemental Nutrition Assistance Program benefits, and advance refund of tax credits, that are
2173 of a gain or benefit to a household and were received pursuant to federal or District relief
2174 provided in response to the COVID-19 Public Health Emergency of 2020. This term does not
2175 include COVID-19 related unemployment insurance benefits.”.

2176 (2) Section 505(4) (D.C. Official Code § 4-205.05(4)) is amended by striking the
2177 phrase “medical assistance” and inserting the phrase “medical assistance; COVID-19 relief;” in
2178 its place.

2179 (3) Section 533(b) (D.C. Official Code § 4-205.33(b)) is amended by adding a
2180 new paragraph (4) to read as follows:

2181 “(4) COVID-19 relief shall not be considered in determining eligibility for TANF
2182 and shall not be treated as a lump-sum payment or settlement under this act.”.

2183 (b) Notwithstanding any provision of District law, the Mayor may extend the eligibility
2184 period for individuals receiving benefits, extend the timeframe for determinations for new
2185 applicants, and take such other actions as the Mayor determines appropriate to support continuity
2186 of, and access to, any public benefit program, including the DC Healthcare Alliance and
2187 Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental
2188 Nutritional Assistance Program, until 60 days after the end of a public health emergency
2189 declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act
2190 of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as
2191 allowable under federal law.

2192 Sec. 509. Notice of modified staffing levels.

2193 Section 504(h-1)(1)(B) of the Health-Care and Community Residence Facility Hospice
2194 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
2195 Official Code § 44-504(h-1)(1)(B)), is amended as follows:

2196 (a) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a
2197 semicolon in its place.

2198 (b) Sub-subparagraph (ii) is amended by striking the semicolon and inserting the phrase
2199 “; and” in its place.

2200 (c) A new sub-subparagraph (iii) is added to read as follows:

2201 “(iii) Provide a written report of the staffing level to the Department of Health for
2202 each day that the facility is below the prescribed staffing level as a result of circumstances giving
2203 rise to a public health emergency during a period of time for which the Mayor has declared a
2204 public health emergency pursuant to section 5a of the District of Columbia Public Emergency
2205 Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2206 Sec. 510. Not-for-Profit Hospital Corporation.

2207 Section 5115(l) of the Not-For-Profit Hospital Corporation Establishment Amendment
2208 Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04(l)),
2209 is amended as follows:

2210 (a) Paragraph (1) is amended by striking the phrase “Subsections (a), (b),” and inserting
2211 the phrase “Except as provided in paragraph (1A), subsections (a), (b),” in its place.

2212 (b) A new paragraph (1A) is added to read as follows:

2213 “(1A) During the period of time for which the Mayor has declared a public health
2214 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2215 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), subsections (a),
2216 (b), (c), (d), (e), and (f) of this section shall expire if:

2217 “(A) By September 15, 2019, the Board does not adopt a revised budget
2218 for Fiscal Year 2020 that has been certified by the Chief Financial Officer of the District of
2219 Columbia as being balanced with a District operating subsidy of \$22.14 million or less; or

2220 “(B) At any time after September 30, 2020, a District operating subsidy of
2221 more than \$15 million per year is required.”.

2222 Sec. 511. Discharge of Long-Term Care residents
2223 Section 301 of the Nursing Home and Community Residence Facilities Protection Act of
2224 1985, effective April 18, 1986 (D.C. Law 6-108; D.C. Official Code § 44-1003.01), is amended
2225 by adding a new subsection (c) to read as follows:

2226 “(c) During a period of time for which the Mayor has declared a public health emergency
2227 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2228 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), plus an additional 45
2229 days following the end of that period, a facility providing long-term care shall not involuntarily
2230 discharge a resident except because the discharge:

2231 “(1) Results from the completion of the resident’s skilled nursing or medical care;
2232 or

2233 “(2) Is essential to safeguard that resident or one or more other residents from
2234 physical injury.”.

2235 Sec. 512. Long-Term Care Facility reporting of positive cases.

2236 Each long-term care facility located in the District shall report daily to the Department of
2237 Health both the number of novel 2019 coronavirus (SARS-CoV-2) positive cases and the number
2238 of novel 2019 coronavirus (SARS-CoV-2)-related deaths for both employees and residents of the
2239 long-term care facility during the period of time for which the Mayor has declared a public
2240 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
2241 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60
2242 days thereafter.

2243 Sec. 513. Food access study.

2244 The Food Policy Council and Director Establishment Act of 2014, effective March 10,
2245 2015 (D.C. Law 20-191; D.C. Official Code § 48-311 *et seq.*), is amended by adding a new
2246 section 5a to read as follows:

2247 “Sec. 5a. Food access study.

2248 “By July 15, 2020, the Food Policy Director, in consultation with the Department of
2249 Employment Services, the Department of Human Services, the Homeland Security and
2250 Emergency Management Agency, and other District agencies, as needed, shall make publicly
2251 available a study that evaluates and makes recommendations regarding food access needs during
2252 and following the COVID-19 public health emergency, including:

2253 “(1) An analysis of current and projected food insecurity rates, based on data
2254 compiled across District agencies; and

2255 “(2) A plan for how to address food needs during and following the public health
2256 emergency.”.

2257 Sec. 514. Hospital support funding.

2258 (a) The Mayor may, notwithstanding the Grant Administration Act of 2013, effective
2259 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and in the Mayor’s
2260 sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a
2261 grant application in the form and with the information required by the Mayor.

2262 (b) The amount of a grant issued to a hospital shall be based on:

2263 (1) An allocation formula based on the number of beds at the hospital; or

2264 (2) Such other method or formula, as established by the Mayor, that addresses the
2265 impacts of COVID-19 on hospitals.

2266 (c) A grant issued pursuant to this section may be expended by the hospital for:

2267 (1) Supplies and equipment related to the COVID-19 emergency, including
2268 personal protective equipment, sanitization and cleaning products, medical supplies and
2269 equipment, and testing supplies and equipment;

2270 (2) Personnel costs incurred to respond to the COVID-19 emergency, including
2271 the costs of contract staff; and

2272 (3) Costs of constructing and operating temporary structures to test individuals for
2273 COVID-19 or to treat patients with COVID-19.

2274 (d) The Mayor may issue one or more grants to a third-party grant-managing entity for
2275 the purpose of administering the grant program authorized by this section and making subgrants
2276 on behalf of the Mayor in accordance with the requirements of this section.

2277 (e) The Mayor shall maintain a list of all grants awarded pursuant to this section,
2278 identifying for each award the grant recipient, the date of award, intended use of the award, and
2279 the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days
2280 after the end of the COVID-19 emergency, whichever is earlier.

2281 (f) The Mayor, pursuant to section 105 of the District of Columbia Administrative
2282 Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), may
2283 issue rules to implement the provisions of this section.

2284 (g) For the purposes of this section, the term:

2285 (1) “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-
2286 2.

2287 (2) “COVID-19 emergency” means the emergencies declared in the Declaration
2288 of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health

2289 Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, including any extension of
2290 those emergencies.

2291 (3) “Eligible hospital” means a non-profit or for-profit hospital located in the
2292 District.

2293 Sec. 515. Contractor reporting of positive cases.

2294 (a) A District government contractor or subcontractor shall immediately provide written
2295 notice to the District if it or its subcontractor learns, or has reason to believe, that a covered
2296 employee has come into contact with, had a high likelihood of coming into contact with, or has
2297 worked in close physical proximity to a covered individual.

2298 (b) Notices under subsection (a) shall be made to the District government’s contracting
2299 officer and contract administrator, or, if a covered individual is in care or custody of the District,
2300 to the District agency authorized to receive personally identifiable information. The notices shall
2301 contain the following information:

2302 (1) The name, job title, and contact information of the covered employee;

2303 (2) The date on, and location at, which the covered employee was exposed, or
2304 suspected to have been exposed, to novel 2019 coronavirus (SARS-CoV-2), if known;

2305 (3) All of the covered employee’s tour-of-duty locations or jobsite addresses and
2306 the employee’s dates at such locations and addresses;

2307 (4) The names of all covered individuals with whom the covered employee is
2308 known to have come into contact, or had a high likelihood of coming in contact with, or was in
2309 close physical proximity to, while the covered employee performed any duty under the contract
2310 with the District; and

2311 (5) Any other information related to the covered employee that will enable the
2312 District to protect the health or safety of District residents, employees, or the general public.

2313 (c) A District government contractor or subcontractor shall immediately cease the on-site
2314 performance of a covered employee until such time as the covered employee no longer poses a
2315 health risk as determined in writing by a licensed health care provider. The District government
2316 contractor shall provide a written copy of the determination to the contract administrator and the
2317 contracting officer before the covered employee returns to his or her tour-of-duty location or
2318 jobsite address.

2319 (d) The District shall privately and securely maintain all personally identifiable
2320 information of covered employees and covered individuals and shall not disclose such
2321 information to a third party except as authorized or required by law. District contractors and
2322 subcontractors may submit notices pursuant to subsection (a) of this section and otherwise
2323 transmit personally-identifiable information electronically, provided that all personally-
2324 identifiable information be transmitted via a secure or otherwise encrypted data method.

2325 (e) For purposes of this section, the term:

2326 (1) “Covered employee” means an employee, volunteer, subcontractor, agent of a
2327 District government contractor or subcontractor that has provided any service under a District
2328 contract or subcontract and has

2329 (A) Tested positive for the novel coronavirus (SARS-CoV-2);

2330 (B) Is in quarantine or isolation due to exposure or suspected exposure to the
2331 novel coronavirus (SARS-CoV-2); or

2332 (C) Is exhibiting symptoms of COVID-19.

2333 (2) “Covered individual” means:

2334 (A) A District government employee, volunteer, or agent;
2335 (B) An individual in the care of the District, the contractor, or the
2336 subcontractor; and
2337 (C) A member of the public who interacted with, or was in close proximity
2338 to, a covered employee while the covered employee carried out performance under a District
2339 government contract or subcontract while the covered employee was at a District government
2340 facility or a facility maintained or served by the contractor or subcontractor under a District
2341 government contract or subcontract.

2342 (3) “COVID-19” means the disease caused by the novel 2019 coronavirus
2343 (SARS-CoV-2).

2344 (4) “District government facility” means a building or any part of a building that
2345 is owned, leased, or otherwise controlled by the District government.

2346 (5) “SARS-CoV-2” means the novel 2019 coronavirus.

2347 (f) This section shall apply to all District government contracts and subcontracts that
2348 were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period
2349 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
2350 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
2351 194; D.C. Official Code § 7- 2304.01), and for 30 days thereafter.

2352

2353 **TITLE VI. EDUCATION**

2354 Sec. 601. Graduation requirements.

2355 Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR §
2356 2201 *et seq.*) is amended as follows:

2357 (a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall
2358 be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed; except,
2359 that this requirement shall be waived for a senior who otherwise would be eligible to graduate
2360 from high school in the District of Columbia in the 2019-20 school year” in its place.

2361 (b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one
2362 hundred and twenty (120) hours of classroom instruction over the course of an academic year”
2363 and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the
2364 course of an academic year; except, that following the Superintendent’s approval to grant an
2365 exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A
2366 DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one
2367 hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020
2368 academic year for any course in which a student in grades 9-12 is enrolled” in its place.

2369 Sec. 602. Out of school time report waiver.

2370 Section 8 of the Office of Out of School Time Grants and Youth Outcomes Establishment
2371 Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is
2372 amended by adding a new subsection (c) to read as follows:

2373 “(c) During a period of time for which the Mayor has declared a public health emergency
2374 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
2375 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Office of Out of
2376 School Time Grants and Youth Outcomes may waive the requirement to conduct an annual,
2377 community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

2378 Sec. 603. Summer school attendance.

2379 Section 206 of the Student Promotion Act of 2013, effective February 22, 2014 (D.C.

2380 Law 20-84; D.C. Official Code § 38-781.05), is amended by adding a new subsection (c) to read

2381 as follows:

2382 “(c) The Chancellor shall have the authority to waive the requirements of subsection (a)

2383 of this section for any student who fails to meet the promotion criteria specified in the DCMR

2384 during a school year that includes a period of time for which the Mayor declared a public health

2385 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,

2386 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

2387 Sec. 604. Education research practice partnership review panel.

2388 Section 104(d)(2) of the District of Columbia Education Research Practice Partnership

2389 Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official

2390 Code § 38-785.03(d)(2)), is amended by striking the phrase “timely manner” and inserting the

2391 phrase “timely manner; except, that upon the declaration of a public health emergency pursuant

2392 to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,

2393 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the meeting of the review panel shall

2394 be postponed until 7 business days following the end of the period of time for which the public

2395 health emergency was declared” in its place.

2396 Sec. 605. UDC Board of Trustees terms.

2397 Section 201 of the District of Columbia Public Postsecondary Education Reorganization

2398 Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as

2399 follows:

2400 (a) Subsections (d), (e), and (f) are amended to read as follows:

2401 “(d) All terms on the Board of Trustees shall begin on May 15 and shall end one or 5
2402 years thereafter on May 14. The student member elected pursuant to subsection (c)(2) of this
2403 section shall serve for a term of one year. All other members shall serve for a term of 5 years.
2404 Depending on the date of the individual’s election or appointment, a member of the Board of
2405 Trustees may not actually serve a full term.

2406 “(e) A member of the Board of Trustees who is elected as graduate member degree
2407 holder pursuant to subsection (c)(3) of this section may be re-elected to serve one additional
2408 term, after which he or she may not again be elected pursuant to subsection (c)(3) of this section
2409 until at least 5 years have passed following his or her last day of service on the Board.”.

2410 “(f) A member of the Board of Trustees who is appointed pursuant to subsection (c)(1) of
2411 this section may serve 3 full or partial terms consecutively. No member shall serve for more
2412 than 15 consecutive years regardless of whether elected or appointed, and shall not serve
2413 thereafter until 5 years have passed following his or her last day of service on the Board.”.

2414 Sec. 606. UDC fundraising match.

2415 Section 4082(a) of the University of the District of Columbia Fundraising Match Act of
2416 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the
2417 phrase “for every \$2 that UDC raises from private donations by April 1” and inserting the phrase
2418 “to match dollar-for-dollar the amount UDC raises from private donations by May 1” in its place.

2419

2420 **TITLE VII. PUBLIC SAFETY AND JUSTICE**

2421 Sec. 701. Jail reporting.
2422 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice
2423 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §
2424 1-301.191(c)), is amended as follows:

2425 (a) Paragraph (5)(B) is amended by striking the phrase “; and” and inserting a semicolon
2426 in its place.

2427 (b) Paragraph (6)(G)(viii) is amended by striking the period and inserting the phrase “;
2428 and” in its place.

2429 (c) A new paragraph (7) is added to read as follows:

2430 “(7) During a period of time for which the Mayor has declared a public health
2431 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2432 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), provide to the
2433 Council Committee with jurisdiction over the Office a weekly written update containing the
2434 following information:

2435 “(A) Unless otherwise distributed to the Chairperson of the Council
2436 Committee with jurisdiction over the Office by the Criminal Justice Coordinating Council, a
2437 daily census for that week of individuals detained in the Central Detention Facility and
2438 Correctional Treatment Facility, categorized by legal status;

2439 “(B) Any District of Columbia Government response to either the United
2440 States District Court for the District of Columbia or the Court-appointed inspectors regarding the
2441 implementation of the Court’s orders and resolution of the inspectors’ findings in the matter of
2442 Banks v. Booth (Civil Action No. 20-849), redacted for personally identifiable information; and

2443 “(C) A description of:

2444 “(i) All actions taken by the District Government to improve
2445 conditions of confinement in the Central Detention Facility and Correctional Treatment Facility,
2446 including by the Director of the Department of Youth and Rehabilitation Services, or Director’s
2447 designee; and

2448 “(ii) Without reference to personally identifiable information,
2449 COVID-19 testing of individuals detained in the Central Detention Facility and Correctional
2450 Treatment Facility, including whether and under what conditions the District is testing
2451 asymptomatic individuals.”.

2452 Sec. 702. Civil rights enforcement.

2453 The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.
2454 Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

2455 “Sec. 316a. Civil actions by the Attorney General.

2456 “During a period of time for which the Mayor has declared a public health emergency
2457 (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
2458 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action
2459 initiated by the Attorney General for the District of Columbia (“Attorney General”) for
2460 violations of this act, or a civil action arising in connection with the PHE, other than an action
2461 brought pursuant to section 307:

2462 “(1) The Attorney General may obtain:

2463 “(A) Injunctive relief, as described in section 307;

2464 “(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-
2465 1), for each action or practice in violation of this act, and, in the context of a discriminatory
2466 advertisement, for each day the advertisement was posted; and

2467 “(C) Any other form of relief described in section 313(a)(1); and
2468 “(2) The Attorney General may seek subpoenas for the production of documents
2469 and materials or for the attendance and testimony of witnesses under oath, or both, which shall
2470 contain the information described in section 110a(b) of the Attorney General for the District of
2471 Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015
2472 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures
2473 described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and
2474 (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

2475 Sec. 703. FEMS reassignments.

2476 Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law
2477 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as
2478 follows:

2479 “(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign
2480 personnel of the Fire and Emergency Medical Services Department from firefighting and
2481 emergency medical services operations during a period of time for which a public health
2482 emergency has been declared pursuant to section 5a of the District of Columbia Public
2483 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2484 2304.01), based upon the inability of the personnel to wear personal protective equipment in a
2485 manner consistent with medical and health guidelines.”.

2486 Sec. 704. Police Complaints Board investigation extension.

2487 Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998,
2488 effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended
2489 as follows:

2490 (a) Paragraph (1) is amended by striking the phrase “January 1, 2017, through December
2491 31, 2019” and inserting the phrase “August 1, 2019, through January 31, 2020” in its place.

2492 (b) Paragraph (2) is amended by striking the date “April 30, 2021” and inserting the date
2493 “September 30, 2021” in its place.

2494 Sec. 705. Extension of time for non-custodial arrestees to report.

2495 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
2496 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
2497 during a period of time for which the Mayor has declared a public health emergency pursuant to
2498 § 7-2304.01.” in its place.

2499 Sec. 706. Good time credits and compassionate release.

2500 (a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective
2501 May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking
2502 the phrase “this section combined” and inserting the phrase “this section combined; except, that
2503 during a period for which a public health emergency has been declared pursuant to section 5a of
2504 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
2505 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to
2506 award additional credits beyond the limits described in this subsection to effectuate the
2507 immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and
2508 this section, consistent with public safety.”.

2509 (b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of
2510 Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47
2511 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

2512 (1) A new section 3a-i is added to read as follows:

2513 “Sec. 3a-i. Good time credit for felony offenses committed before August 5, 2000.

2514 “(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2515 imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be
2516 retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54
2517 days for each year of the defendant’s sentence imposed by the court, subject to determination by
2518 the Bureau of Prisons that during those years the defendant has met the conditions provided in 18
2519 U.S.C. § 3624(b).

2520 “(2) An award of good time credit pursuant to paragraph (1) of this subsection
2521 shall apply to the minimum and maximum term of incarceration, including the mandatory
2522 minimum; provided, that in the event of a maximum term of life, only the minimum term shall
2523 receive good time.

2524 “(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of
2525 imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded
2526 good time credit toward the service of the defendant’s sentence of up to 54 days for each year of
2527 the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons
2528 that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

2529 “(2) An award of good time credit pursuant to paragraph (1) of this subsection:

2530 “(A) Shall apply to any mandatory minimum term of incarceration; and

2531 “(B) Is not intended to modify how the defendant is awarded good time
2532 credit toward any portion of the sentence other than the mandatory minimum.”.

2533 (2) A new section 3d is added to read as follows:

2534 “Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

2535 “(a) Notwithstanding any other provision of law, the court may modify a term of
2536 imprisonment imposed upon a defendant if it determines the defendant is not a danger to the
2537 safety of any other person or the community, pursuant to the factors to be considered in 18
2538 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated,
2539 and:

2540 “(1) The defendant has a terminal illness, which means a disease or condition with
2541 an end-of-life trajectory;

2542 “(2) The defendant is 60 years of age or older and has served at least 25 years in
2543 prison; or

2544 “(3) Other extraordinary and compelling reasons warrant such a modification,
2545 including:

2546 “(A) A debilitating medical condition involving an incurable, progressive
2547 illness, or a debilitating injury from which the defendant will not recover;

2548 “(B) Elderly age, defined as a defendant who is:

2549 “(i) 60 years of age or older;

2550 “(ii) Has served at least 20 years in prison or has served the greater
2551 of 10 years or 75% of their sentence; and

2552 “(iii) Suffers from a chronic or serious medical condition related to
2553 the aging process or that causes an acute vulnerability to severe medical complications or death
2554 as a result of COVID-19;

2555 “(C) Death or incapacitation of the family member caregiver of the
2556 defendant’s children; or

2557 “(D) Incapacitation of a spouse or a domestic partner when the defendant
2558 would be the only available caregiver for the spouse or domestic partner.

2559 “(b) Motions brought pursuant to this section may be brought by the United States
2560 Attorney’s Office for the District of Columbia, the Bureau of Prisons, the United States Parole
2561 Commission, or the defendant.

2562 “(c) Although a hearing is not required, to provide for timely review of a motion made
2563 pursuant to this section and at the request of counsel for the defendant, the court may waive the
2564 appearance of a defendant currently held in the custody of the Bureau of Prisons.”.

2565 Sec. 707. Healthcare provider liability.

2566 (a) Notwithstanding any provision of District law:

2567 (1) A healthcare provider, first responder, or volunteer who renders care or
2568 treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt
2569 from liability in a civil action for damages resulting from such care or treatment of COVID-19,
2570 or from any act or failure to act in providing or arranging medical treatment for COVID-19;

2571 (2) A donor of time, professional services, equipment, or supplies for the benefit
2572 of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed
2573 individual with COVID-19, or care for the family members of such individuals for damages
2574 resulting from such donation shall be exempt from liability in a civil action; and

2575 (3) A contractor or subcontractor on a District government contract that has been
2576 contracted to provide either health care services or human care services (consistent with section
2577 104(37) to the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
2578 371; D.C. Official Code § 2-351.04(37)) related to to the District government’s COVID-19
2579 response shall be exempt from liability in a civil action.

2580 (b) The limitations on liability provided for by subsection (a) of this section apply to any
2581 healthcare provider, first responder, volunteer, donor, or District government contractor or
2582 subcontractor of a District government contractor (“provider”), including a party involved in the
2583 healthcare process at the request of a health-care facility or the District government, and acting
2584 within the scope of the provider’s employment or organization’s purpose, contractual or
2585 voluntary service, or donation, even if outside the provider’s professional scope of practice, state
2586 of licensure, or with an expired license, who:

2587 (1) Prescribes or dispenses medicines for off-label use to attempt to combat the
2588 COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn,
2589 and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176;
2590 132 Stat. 1372).

2591 (2) Provides direct or ancillary health-care services or health care products,
2592 including direct patient care, testing, equipment or supplies, consultations, triage services,
2593 resource teams, nutrition services, or physical, mental, and behavioral therapies; or

2594 (3) Utilizes equipment or supplies outside of the product’s normal use for medical
2595 practice and the provision of health-care services to combat the COVID-19 virus;

2596 (c) The limitations on civil liability provided for by subsection (a) of this section shall not
2597 extend to:

2598 (1) Acts or omissions that constitute actual fraud, actual malice, recklessness,
2599 breach of contract, gross negligence, or willful misconduct; or

2600 (2) Acts or omissions unrelated to direct patient care; provided, that a contractor
2601 or subcontractor shall not be liable for damages for any act or omission alleged to have caused an
2602 individual to contract COVID-19.

2603 (d) The limitations on liability provided for by subsection (a) of this section extend to
2604 acts, omissions, and donations performed or made during a period of time for which the Mayor
2605 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
2606 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
2607 2304.01), and to damages that ensue at any time from acts, omissions, and donations made
2608 during the emergency.

2609 (e) A healthcare provider, first responder, or volunteer who renders care or treatment to a
2610 potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal
2611 prosecution for any act or failure to act in providing or arranging medical treatment for COVID-
2612 19 during a public health emergency, if such action is made in good faith.

2613 (f) The limitations on liability provided for by this section do not limit the applicability of
2614 other limitations on liability, including qualified and absolute immunity, that may otherwise
2615 apply to a person covered by this section.”.

2616

2617 **TITLE VIII. GOVERNMENT OPERATIONS**

2618 Sec. 801. Board of Elections stipends.

2619 Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit
2620 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
2621 611.08(c-1)(10)), is amended by striking the phrase “Chairperson per year” and inserting the
2622 phrase “Chairperson per year; except, that for the remainder of 2020 following April 10, 2020,
2623 District of Columbia Board of Elections members shall be entitled to compensation at the hourly
2624 rate of \$40 while actually in the service of the board, not to exceed \$25,000 for each member per
2625 year and \$53,000 for the Chairperson per year” in its place.

2626 Sec. 802. Retirement Board Financial disclosure extension of time.
2627 (a) Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved
2628 November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the
2629 phrase “April 30th” and inserting the phrase “July 30th” in its place.

2630 Sec. 803. Ethics and campaign finance.

2631 (a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124;
2632 D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

2633 (1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new
2634 subsection (c-2) to read as follows:

2635 “(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the
2636 Board may change the dates by which:

2637 “(1) Reports required by this section are to be filed; and

2638 “(2) The names of public officials are to be published pursuant to subsection (c-1)
2639 of this section.”.

2640 (2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new
2641 subsection (b-1) to read as follows:

2642 “(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the
2643 Board may change the dates by which:

2644 “(1) Reports required by subsection (a) of this section are to be filed; and

2645 “(2) Reports filed pursuant to subsection (a) of this section shall be reviewed
2646 pursuant to subsection (b) of this section.”.

2647 (3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new
2648 subsection (a-1) to read as follows:

2649 “(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the
2650 Board may change the dates by which reports required by subsection (a) of this section shall be
2651 filed.”.

2652 (b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.
2653 Official Code § 1-1163.01 *et seq.*), is amended as follows:

2654 (1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by
2655 striking the phrase “in person, although online materials may be used to supplement the training”
2656 and inserting the phrase “in person or online” in its place.

2657 (2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the
2658 phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its
2659 place.

2660 (3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking
2661 the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its
2662 place.

2663 Sec. 804. Election preparations.

2664 The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat.
2665 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

2666 (a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph
2667 (31) to read as follows:

2668 “(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2
2669 Special Election, the term “polling place” shall include Vote Centers operated by the Board
2670 throughout the District.”.

2671 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

2672 (1) A new paragraph (9A) is added to read as follows:

2673 “(9A) For the June 2, 2020, Primary Election, mail every registered qualified
2674 elector an absentee ballot application and a postage-paid return envelope;”.

2675 (2) Paragraph (10A) is amended by striking the phrase “7th day after the election”
2676 and inserting the phrase “7th day after the election; provided, that for elections held in calendar
2677 year 2020, the Board shall accept absentee ballots postmarked or otherwise proven to have been
2678 sent on or before the day of the election, and received by the Board no later than the 10th day
2679 after the election” in its place.

2680 (c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

2681 (1) Subsection (d)(2) is amended as follows:

2682 (A) Subparagraph (C) is amended by striking the phrase “; and” and
2683 inserting a semicolon in its place.

2684 (B) Subparagraph (D) is amended by striking the period and inserting the
2685 phrase “; and” in its place.

2686 (C) A new subparagraph (E) is added to read as follows:

2687 “(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2
2688 Special Election, regularly promote the Board’s revised plans for those elections on the voter
2689 registration agencies’ social media platforms, including by providing information about how to
2690 register to vote and vote by mail.”.

2691 (2) Subsection (h) is amended by adding a new paragraph (4) to read as follows:

2692 “(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary
2693 Election and the June 16, 2020, Ward 2 Special Election.”.

2694 (d) Section 8 (D.C. Official Code § 1-1001.08) is amended as follows:

2695 (1) Subsection (b) is amended by adding a new paragraph (3A) to read as follows:

2696 “(3A) For the November 3, 2020, general election:

2697 “(A) Petition sheets circulated in support of a candidate for elected office
2698 pursuant to this act may be electronically:

2699 “(i) Made available by the candidate to qualified petition
2700 circulators; and

2701 “(ii) Returned by qualified petition circulators to the candidate; and

2702 “(B) Signatures on such petition sheets shall not be invalidated because
2703 the signer was also the circulator of the same petition sheet on which the signature appears.”.

2704 (2) Subsection (j) is amended as follows:

2705 (A) Paragraph (1) is amended by striking the phrase “A duly” and
2706 inserting the phrase “Except as provided in paragraph (4) of this subsection, a duly” in its place.

2707 (B) A new paragraph (4) is added to read as follows:

2708 “(4) A duly qualified candidate for the following offices for the November 3,
2709 2020, general election may be nominated directly for election to such office by a petition that is
2710 filed with the Board not fewer than 90 days before the date of such General Election and signed
2711 by the number of voters duly registered under section 7 as follows:

2712 “(A) For Delegate or at-large member of the Council, 250 voters; and

2713 “(B) For member of the Council elected by ward, 150 voters who are
2714 registered in the ward from which the candidate seeks election.”.

2715 (3) Subsection (n) is amended as follows:

2716 (A) The existing text is designated as paragraph (1).

2717 (B) The newly designated paragraph (1) is amended by striking the phrase
2718 “Each candidate” and inserting the phrase “Except as provided in paragraph (2) of this
2719 subsection, each candidate” in its place.

2720 (C) A new paragraph (2) is added to read as follows:

2721 “(2) A duly qualified candidate for the following offices for the November 3,
2722 2020, general election may be nominated directly for election to such office by a petition that is
2723 filed with the Board not fewer than 90 days before the date of such General Election and signed
2724 by the number of voters duly registered under section 7 as follows:

2725 “(A) For member of the State Board of Education elected at-large, 150
2726 voters; and

2727 “(B) For member of the State Board of Education elected by ward, 50
2728 voters who are registered in the ward from which the candidate seeks election.”.

2729 (e) Section 16 (D.C. Official Code § 1-1001.16) is amended as follows:

2730 (1) Subsection (g) is amended by striking the phrase “white paper of good writing
2731 quality of the same size as the original or shall utilize the mobile application made available
2732 under section 5(a)(19). Each initiative or referendum petition sheet shall consist of one double-
2733 sided sheet providing numbered lines for 20 printed” and inserting the phrase “paper of good
2734 writing quality or shall utilize the mobile application made available under section 5(a)(19).
2735 Each initiative or referendum petition sheet shall consist of one sheet providing numbered lines
2736 for printed” in its place.

2737 (2) A new subsection (g-1) is added to read as follows:

2738 “(g-1) In calendar year 2020:

2739 “(1) Petition sheets of proposers may be electronically:

2740 “(A) Made available by the proposers to qualified petition circulators; and
2741 “(B) Returned by qualified petition circulators to the proposers; and
2742 “(2) Signatures on petition sheets of proposers shall not be invalidated because the
2743 signer was also the circulator of the same petition sheet on which the signature appears.”.

2744 Sec. 805. Absentee ballot request signature waiver.

2745 Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR
2746 § 720.7(h)) is amended by striking the phrase “Voter’s signature” and inserting the phrase
2747 “Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16,
2748 2020, Ward 2 Special Election, voter’s signature” in its place.

2749 Sec. 806. Overseas ballot extension.

2750 Section 110 of the Uniform Military and Overseas Voters Act of 2012, effective June 5,
2751 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.10), is amended by striking the phrase
2752 “after the election;” and inserting the phrase “after the election; provided, that for elections held
2753 in calendar year 2020, the Board shall accept a military-overseas ballot postmarked or otherwise
2754 proven to have been sent on or before the day of the election, and received by the Board no later
2755 than the 10th day after the election;” in its place.

2756 Sec. 807. Remote notarizations.

2757 The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018
2758 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 et seq.), is amended as follows:

2759 (a) Section 2 (D.C. Official Code § 1-1231.01) is amended by adding a new paragraph
2760 (1A) to read as follows:

2761 “(1A) “Audio-video communication” means an electronic device or process that:

2762 “(A) Enables a notary public to view, in real time, an individual and to
2763 compare for consistency the information and photos on that individual’s government-issued
2764 identification; and

2765 “(B) Is specifically designed to facilitate remote notarizations.”.

2766 (b) Section 6 (D.C. Official Code § 1-1231.05) is amended to read as follows:

2767 (1) The existing text is designated as subsection (a).

2768 (2) A new subsection (b) is added to read as follows:

2769 “(b) Notwithstanding any provision of District law, during a period of time for which the
2770 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2771 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2772 Code § 7-2304.01), the Mayor may authorize, without the personal appearance of the individual
2773 making the statement or executing the signature, notarial acts required or permitted under
2774 District law if:

2775 “(1) The notary public and the individual communicate with each other
2776 simultaneously by sight and sound using audio-video communication; and

2777 “(2) The notary public:

2778 “(A) Has notified the Mayor of the intention to perform notarial acts using
2779 audio-video communication and the identity of the audio-video communication the notary public
2780 intends to use;

2781 “(B) Has satisfactory evidence of the identity of the individual by means of:

2782 “(i) Personal knowledge or by the individual’s presentation of a
2783 current government-issued identification that contains the signature or photograph of the
2784 individual to the notary public during the video conference; or

2785 “(ii) A verification on oath or affirmation of a credible witness
2786 personally appearing before the officer and known to the officer or whom the officer can identify
2787 based on a current passport, driver's license, or government-issued nondriver identification card;

2788 “(C) Confirms that the individual made a statement or executed a signature
2789 on a document;

2790 “(D) Receives by electronic means a legible copy of the signed document
2791 directly from the individual immediately after it was signed;

2792 “(E) Upon receiving the signed document, immediately completes the
2793 notarization;

2794 “(F) Upon completing the notarization, immediately transmits by electronic
2795 means the notarized document to the individual;

2796 “(G) Creates, or directs another person to create, and retains an audio-visual
2797 recording of the performance of the notarial act; and

2798 “(H) Indicates on a certificate of the notarial act and in a journal that the
2799 individual was not in the physical presence of the notary public and that the notarial act was
2800 performed using audio-visual communication.”.

2801 (c) Section 10 (D.C. Official Code § 1-1231.09) is amended by adding a new subsection

2802 (d) to read as follows:

2803 “(d) Notwithstanding any provision of District law, during a period of time for which the
2804 Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia
2805 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
2806 Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.”.

2807 Sec. 808. Freedom of Information Act.

2808 The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96;

2809 D.C. Official Code § 2-531 *et seq.*), is amended as follows:

2810 (a) Section 202 (D.C. Official Code § 2-532) is amended as follows:

2811 (1) Subsection (c) is amended as follows:

2812 (A) Paragraph (1) is amended by striking the phrase “Sundays, and” and

2813 inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2814 (B) Paragraph (2)(A) is amended by striking the phrase “Sundays, and”

2815 and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2816 (2) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times

2817 it appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

2818 (b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase

2819 “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its

2820 place.

2821 (c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c)

2822 to read as follows:

2823 “(c) “COVID-19 closure” means:

2824 “(1) A period of time for which the Mayor has declared a public health emergency

2825 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

2826 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

2827 “(2) A period of time during which a public body is closed due to the COVID-19

2828 coronavirus disease, as determined by the personnel authority of the public body.”.

2829 Sec. 809. Open meetings.

2830 The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code

2831 § 2-571 *et seq.*), is amended as follows:

2832 (a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

2833 (1) Paragraph (2) is amended by striking the phrase “; or” and inserting a

2834 semicolon in its place.

2835 (2) Paragraph (3) is amended by striking the period and inserting the phrase “; or”

2836 in its place.

2837 (3) A new paragraph (4) is added to read as follows:

2838 “(4) During a period for which a public health emergency has been declared

2839 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

2840 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes

2841 steps reasonably calculated to allow the public to view or hear the meeting while the meeting is

2842 taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably

2843 practicable.”.

2844 (b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6)

2845 to read as follows:

2846 “(6) The public posting requirements of paragraph (2)(A) of this section shall not

2847 apply during a period for which a public health emergency has been declared pursuant to section

2848 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.

2849 Law 14-194; D.C. Official Code § 7-2304.01).”.

2850 (c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the

2851 phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a

2852 meeting held during a period for which a public health emergency has been declared pursuant to
2853 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
2854 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably
2855 calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if
2856 doing so is not technologically feasible, as soon thereafter as reasonably practicable.”.

2857 (d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new
2858 paragraph (3) to read as follows:

2859 “(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be
2860 tolled during a period for which a public health emergency has been declared pursuant to section
2861 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
2862 Law 14-194; D.C. Official Code § 7-2304.01).”.

2863 Sec. 810. Electronic witnessing.

2864 (a) Title 16 of the District of Columbia Code is amended as follows:

2865 (1) Section 16-4802 is amended as follows:

2866 (A) New paragraphs (9A) and (9B) are added to read as follows:

2867 “(9A) “Electronic” means relating to technology having electrical, digital,
2868 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2869 “(9B) “Electronic presence” means when one or more witnesses are in a different
2870 physical location than the designator but can observe and communicate with the designator and
2871 one another to the same extent as if the witnesses and designator were physically present with
2872 one another.”.

2873 (B) New paragraphs (11A) and (11B) are added to read as follows:

2874 “(11A) “Record” means information that is inscribed on a tangible medium or that
2875 is stored in an electronic medium and is retrievable in perceivable form.

2876 “(11B) “Sign” means with present intent to authenticate or adopt a record to:

2877 “(A) Execute or adopt a tangible symbol; or

2878 “(B) Affix to or associate with the record an electronic signature.”.

2879 (2) Section 16-4803 is amended as follows:

2880 (A) Subsection (c) is amended by striking the phrase “the adult signs the
2881 designation in the presence of the designator” and inserting the phrase “the adult signs the
2882 designation in the presence or, during a period of time for which the Mayor has declared a public
2883 health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

2884 (B) Subsection (d) is amended by striking the phrase “in the presence of 2
2885 witnesses” and inserting the phrase “in the presence or, during a period of time for which the
2886 Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence
2887 of 2 witnesses” in its place.

2888 (b) Title 21 of the District of Columbia Code is amended as follows:

2889 (1) Section 21-2011 is amended as follows:

2890 (A) New paragraphs (5B-i), (5B-ii) are added to read as follows:

2891 “(5B-i) “Electronic” means relating to technology having electrical, digital,
2892 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2893 “(5B-ii) “Electronic presence” means when one or more witnesses are in a
2894 different physical location than the signatory but can observe and communicate with the
2895 signatory and one another to the same extent as if the witnesses and signatory were physically
2896 present with one another.”.

2897 (B) New paragraphs (23A) and (23B) are added to read as follows:

2898 “(23A) “Record” means information that is inscribed on a tangible medium or that
2899 is stored in an electronic medium and is retrievable in perceivable form.

2900 “(23B) “Sign” means with present intent to authenticate or adopt a record to:

2901 “(A) Execute or adopt a tangible symbol; or

2902 “(B) Affix to or associate with the record an electronic signature.”.

2903 (2) Section 21-2043 is amended by adding a new subsection (c-1) to read as
2904 follows:

2905 “(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses
2906 must be in the presence or, during a period of time for which the Mayor has declared a public
2907 health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

2908 (3) Section 21-2202 is amended as follows:

2909 (A) New paragraphs (3A) and (3B) are added to read as follows:

2910 “(3A) “Electronic” means relating to technology having electrical, digital,
2911 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2912 “(3B) “Electronic presence” means when one or more witnesses are in a
2913 different physical location than the principal but can observe and communicate with the principal
2914 and one another to the same extent as if the witnesses and principal were physically present with
2915 one another.”.

2916 (B) A new paragraph (6B) is added to read as follows:

2917 “(6B) “Record” means information that is inscribed on a tangible medium or that
2918 is stored in an electronic medium and is retrievable in perceivable form.”.

2919 (C) A new paragraph (8) is added to read as follows:

2920 “(8) “Sign” means with present intent to authenticate or adopt a record to:

2921 “(A) Execute or adopt a tangible symbol; or

2922 “(B) Affix to or associate with the record an electronic signature.”.

2923 (4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who
2924 affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in
2925 the presence or, during a period of time for which the Mayor has declared a public health
2926 emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the
2927 principal was of sound mind” in its place.

2928 (5) Section 21-2210(c) is amended is amended by striking the phrase “There
2929 shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness
2930 present or, during a period of time for which the Mayor has declared a public health emergency
2931 pursuant to § 7-2304.01, electronically present” in its place.

2932 (c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5,
2933 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 et seq.), is amended as follows:

2934 (1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

2935 (A) New paragraphs (6A) and (6B) are added to read as follows:

2936 “(6A) “Electronic” means relating to technology having electrical, digital,
2937 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2938 “(6B) “Electronic presence” means when one or more witnesses are in a different
2939 physical location than the signatory but can observe and communicate with the signatory and one
2940 another to the same extent as if the witnesses and signatory were physically present with one
2941 another.”.

2942 (B) New paragraph (9A) and (9B) are added to read as follows:

2943 “(9A) “Record” means information that is inscribed on a tangible medium or that
2944 is stored in an electronic medium and is retrievable in perceivable form.

2945 “(9B) “Sign” means with present intent to authenticate or adopt a record to:

2946 “(A) Execute or adopt a tangible symbol; or

2947 “(B) Affix to or associate with the record an electronic signature.”.

2948 (2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a
2949 new subsection (c-1) to read as follows:

2950 “(c-1) With respect to witnesses referred to in subsection (c) of this
2951 section, witnesses must be in the presence or, during a period of time for which the Mayor has
2952 declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the
2953 signatory.”.

2954 Sec. 811. Electronic wills.

2955 Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

2956 (a) The table of contents is amended by adding a new section designation to read as
2957 follows:

2958 “18-813. Electronic wills.”.

2959 (b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator”
2960 and inserting the phrase “in the presence or, during a period of time for which the Mayor has
2961 declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined
2962 in § 18-813(a)(2), of the testator” in its place.

2963 (c) A new section 18-813 is added to read as follows:

2964 “§ 18-813. Electronic wills.

2965 “(a) Definitions.

2966 “For the purposes of this section, the term:

2967 “(1) “Electronic” means relating to technology having electrical, digital,
2968 magnetic, wireless, optical, electromagnetic, or similar capabilities.

2969 “(2) “Electronic presence” means when one or more witnesses are in a different
2970 physical location than the testator but can observe and communicate with the testator and one
2971 another to the same extent as if the witnesses and testator were physically present with one
2972 another.

2973 “(3) “Electronic will” means a will or codicil executed by electronic means.

2974 “(4) “Record” means information that is inscribed on a tangible medium or that is
2975 stored in an electronic medium and is retrievable in perceivable form.

2976 “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

2977 “(A) Execute or adopt a tangible symbol; or

2978 “(B) Affix to or associate with the record an electronic signature.

2979 “(b)(1) A validly executed electronic will shall be a record that is:

2980 “(A) Readable as text at the time of signing pursuant to subparagraph (B)
2981 of this paragraph; and

2982 “(B) Signed:

2983 “(i) By the testator, or by another person in the testator’s physical
2984 presence and by the testator’s express direction; and

2985 “(ii) In the physical or electronic presence of the testator by at least
2986 2 credible witnesses, each of whom is physically located in the United States at the time of
2987 signing.

2988 “(2) In order for the electronic will to be admitted to the Probate Court, the
2989 testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who
2990 supervised the execution of the electronic will shall certify a paper copy of the electronic will by
2991 affirming under penalty of perjury that:

2992 “(A) The paper copy of the electronic will is a complete, true, and accurate
2993 copy of the electronic will; and

2994 “(B) The conditions in paragraph (1) of this subsection were satisfied at
2995 the time the electronic will was signed.

2996 “(3) Except as provided in subsection (c) of this section, a certified paper copy of
2997 an electronic will shall be deemed to be the electronic will of the testator for all purposes under
2998 this title.

2999 “(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

3000 “(2) An electronic will, or a part thereof, is revoked by:

3001 “(A) A subsequent will or electronic will that revokes the electronic will,
3002 or a part thereof, expressly or by inconsistency; or

3003 “(B) A direct physical act cancelling the electronic will, or a part thereof,
3004 with the intention of revoking it, by the testator or a person in the testator’s physical presence
3005 and by the testator’s express direction and consent.

3006 “(3) After it is revoked, an electronic will, or a part thereof, may not be revived
3007 other than by its re-execution, or by a codicil executed as provided in the case of wills or
3008 electronic wills, and then only to the extent to which an intention to revive is shown in the
3009 codicil.

3010 “(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if
3011 executed in compliance with the law of the jurisdiction where the testator is:

3012 “(1) Physically located when the electronic will is signed; or

3013 “(2) Domiciled or resides when the electronic will is signed or when the testator
3014 dies.

3015 “(e) Except as otherwise provided in this section:

3016 “(1) An electronic will is a will for all purposes under the laws of the District of
3017 Columbia; and

3018 “(2) The laws of the District of Columbia applicable to wills and principles of
3019 equity apply to an electronic will.

3020 “(f) This section shall apply to electronic wills made during a period of
3021 time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

3022 Sec. 812. Administrative hearings deadlines.

3023 Notwithstanding any provision of District law, but subject to applicable federal laws and
3024 regulations, during a period time for which the Mayor has declared a public health emergency
3025 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
3026 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the 90-day time period to
3027 request a hearing shall be tolled:

3028 (1) To review an adverse action by the Mayor concerning any new application for
3029 public assistance or any application or request for a change in the amount, kind or conditions of
3030 public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or
3031 conditions of public assistance benefits or to take other action adverse to the recipient pursuant to

3032 section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982
3033 (D.C. Law 4-101; D.C. Official Code § 4-210.09); or

3034 (2) To appeal an adverse decision listed in section 26(b) of the Homeless Services
3035 Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-
3036 754.41(b)).

3037 Sec. 813. Other boards and commissions.

3038 Notwithstanding any provision of law, during a period time for which the Mayor has
3039 declared a public health emergency pursuant to section 5a of the District of Columbia Public
3040 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3041 2304.01):

3042 (1) Any requirement for a board, commission, or other public body to meet is
3043 waived, unless the Mayor determines that it is necessary or appropriate for the board,
3044 commission, or other public body to meet during the period of the public health emergency, in
3045 which case the Mayor may order the board, commission, or other public body to meet;

3046 (2) Any vacancy that occurs on a board or commission shall not be considered a
3047 vacancy for the purposes of nominating a replacement; and

3048 (3) The review period for nominations transmitted to the Council for approval or
3049 disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3,
3050 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

3051 **TITLE IX. LEGISLATIVE BRANCH**

3052 Sec. 901. Council Rules.

3053 The Rules of Organization and Procedure for the Council of the District of Columbia,
3054 Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is
3055 amended as follows:

3056 (a) Section 101(31) is amended by striking the phrase “in 2020.” and inserting the phrase
3057 “in 2020. For 2020, the summer recess shall be August 1st through September 7th.” in its place

3058 (b) Section 367 of the Rules of Organization and Procedure for the Council of the District
3059 of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66
3060 DCR 272), is amended by striking the phrase “remote voting or proxy shall” and inserting the
3061 phrase “proxy shall” in its place.

3062 (c) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct,
3063 Council Period 23 is amended by adding a new paragraph (5) to read as follows:

3064 “(5) Notwithstanding any other rule, during a period of time for which the Mayor
3065 has declared a public health emergency pursuant to section 5a of the District of Columbia Public
3066 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3067 2304.01), a Councilmember may disseminate information about, and connect constituents with,
3068 services and offers, including from for-profit entities, that the Councilmember determines is in
3069 the public interest in light of the public health emergency.”.

3070 (d) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct,
3071 Council Period 23 is amended by striking the phrase “The proposed” and inserting the phrase
3072 “Unless the electronic newsletter exclusively contains information relating to a declared public
3073 health emergency, the proposed” in its place.

3074 (e) The amendment, by act, of the Council’s

3075 Sec. 902. Grant budget modifications.

3076 (a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the
3077 federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order
3078 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both
3079 declared on March 11, 2020, submitted to the Council for approval and accompanied by a report
3080 by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section
3081 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat.
3082 2040; D.C. Official Code § 1-204.46b(b)(1)).

3083 (b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act,
3084 approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the
3085 Council shall be deemed to have reviewed and approved the acceptance, obligation, and
3086 expenditure of a grant related to the Declaration of Public Emergency (Mayor’s Order 2020-045)
3087 and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on
3088 March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of
3089 addressing a public emergency, if:

3090 (1) No written notice of disapproval is filed with the Secretary to the Council
3091 within 2 business days of the receipt of the report from the Chief Financial Officer under section
3092 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3093 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

3094 (2) Such a notice of disapproval is filed within such deadline, the Council does
3095 not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5
3096 calendar days of the initial receipt of the report from the Chief Financial Officer under section

3097 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120
3098 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

3099 Sec. 903. Budget submission requirements.

3100 The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective
3101 November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

3102 (a) Section 2 is amended by striking the phrase “not later than March 19, 2020,” and
3103 inserting the phrase “not later than May 18, 2020, unless another date is set by subsequent
3104 resolution of the Council” in its place.

3105 (b) Section 3(2) is amended as follows:

3106 (1) Subparagraph (A) is amended by striking the phase “the proposed Fiscal Year
3107 2021 Local Budget Act of 2020,” and inserting the phrase “the proposed Fiscal Year 2021 Local
3108 Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the
3109 proposed Fiscal Year 2021 Local Budget Temporary Act of 2020,” in its place.

3110 (2) Subparagraph (C) is amended by striking the phrase “produced from
3111 PeopleSoft on March 19, 2020” and inserting the phrase “produced from PeopleSoft on May 18,
3112 2020” in its place.

3113 Sec. 904. Tolling of matters transmitted to the Council.

3114 (a) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;
3115 D.C. Official Code § 1-523.01), is amended as follows:

3116 (1) Subsection (c) is amended by striking the phrase “180 days,” and inserting the
3117 phrase “180 days, excluding days occurring during a period of time for which the Mayor has
3118 declared a public health emergency pursuant to section 5a of the District of Columbia Public

3119 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3120 2304.01),” in its place

3121 (2) Subsection (e) is amended by striking the phrase “excluding days of Council
3122 recess” and inserting the phrase “excluding days of Council recess and days occurring during a
3123 period of time for which the Mayor has declared a public health emergency pursuant to section
3124 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3125 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3126 (3) Subsection (f) is amended by striking the phrase “Council shall have an
3127 additional 45 days, excluding days of Council recess,” and inserting the phrase “Council shall
3128 have an additional 45 days, excluding days of Council recess and days occurring during a period
3129 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the
3130 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
3131 194; D.C. Official Code § 7-2304.01),” in its place.

3132 (b) Notwithstanding any provision of law, during a period time for which the Mayor has
3133 declared a public health emergency pursuant to section 5a of the District of Columbia Public
3134 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
3135 2304.01), the review period for any matter transmitted to the Council for approval or
3136 disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation
3137 Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract
3138 approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming
3139 Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-
3140 363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved
3141 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3142 Sec. 905. Advisory Neighborhood Commissions.

3143 The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C.

3144 Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

3145 (a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

3146 (1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting
3147 the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

3148 (2) A new paragraph (3) is added to read as follows:

3149 “(3) For the November 3, 2020, general election:

3150 “(A) Candidates for member of an Advisory Neighborhood Commission
3151 shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are
3152 residents of the single-member district from which the candidate seeks election;

3153 “(B) The petitions of a candidate in subparagraph (A) of this paragraph
3154 may be electronically:

3155 “(i) Made available by the candidate to a qualified petition
3156 circulator; and

3157 “(ii) Returned by a qualified petition circulator to the candidate;
3158 and

3159 “(C) Signatures on a candidate’s petitions shall not be invalidated
3160 because the signer was also the circulator of the same petition on which the signature appears.”.

3161 (b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

3162 (1) Paragraph (1) is amended by striking the phrase “prior to a general election”
3163 both times it appears and inserting the phrase “prior to a general election or during a period of
3164 time for which a public health emergency has been declared by the Mayor pursuant to section 5a

3165 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3166 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3167 (2) Paragraph (6) is amended as follows:

3168 (A) Subparagraph (A) is amended by striking the phrase “and legal
3169 holidays” and inserting the phrase “legal holidays, and days during a period of time for which a
3170 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3171 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3172 Official Code § 7-2304.01)” in its place.

3173 (B) Subparagraph (C) is amended by striking the phrase “petitions
3174 available,” and inserting the phrase “petitions available, not including days during a period of
3175 time for which a public health emergency has been declared by the Mayor pursuant to section 5a
3176 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
3177 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3178 (C) Subparagraph (E) is amended by striking the phrase “or special
3179 meeting” and inserting the phrase “or special meeting, not to include a remote meeting held
3180 during a period of time for which a public health emergency has been declared by the Mayor
3181 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
3182 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

3183 (c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection
3184 (q) to read as follows:

3185 “(q) During a period of time for which a public health emergency has been declared by
3186 the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
3187 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

3188 “(1) The 30-day written notice requirement set forth in subsection (b) of this
3189 section shall be a 51-day written notice requirement; and

3190 “(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of
3191 this section shall be a 66-calendar-day notice requirement.”

3192 (d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

3193 (1) Paragraph (1) is amended by striking the phrase “by the Commission.” and
3194 inserting the phrase “by the Commission; provided, that no meetings shall be required to be held
3195 during a period for which a public health emergency has been declared by the Mayor pursuant to
3196 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
3197 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be
3198 held in a given year shall be reduced by one for every 30 days that a public health emergency is
3199 in effect during the year.”.

3200 (2) A new paragraph (1B) is added to read as follows:

3201 “(1B) Notwithstanding any other provision of law, during a period for which a
3202 public health emergency has been declared by the Mayor pursuant to section 5a of the District of
3203 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
3204 Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and
3205 remotely participate in that meeting and vote on matters before the Commission without being
3206 physically present through a teleconference or through digital means identified by the
3207 Commission for this purpose. Members physically or re motely present shall be counted for
3208 determination of a quorum.”.

3209 (e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

3210 (1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as
3211 follows:

3212 “(C) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not
3213 apply to the failure to file quarterly reports due during a period of time for which a public health
3214 emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia
3215 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official
3216 Code § 7-2304.01).”.

3217 (2) Subsection (m)(1) is amended by striking the phrase “District government”
3218 and inserting the phrase “District government; except, that notwithstanding any provision of
3219 District law, during a period for which a public health emergency has been declared by the
3220 Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
3221 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission
3222 may approve grants to organizations for the purpose of providing humanitarian relief, including
3223 food or supplies, during the public health emergency, or otherwise assisting in the response to
3224 the public health emergency anywhere in the District, even if those services are duplicative of
3225 services also performed by the District government” in its place.

3226

3227 **TITLE X. BORROWING AUTHORITY**

3228 **SUBTITLE A. GENERAL OBLIGATION NOTES**

3229 Sec. 1001. Short title.

3230 This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes Temporary
3231 Act of 2020”.

3232 Sec. 1002. Definitions.

3233 For the purposes of this subtitle, the term:

3234 (1) “Additional Notes” means District general obligation notes described in
3235 section 609 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official
3236 Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the
3237 notes.

3238 (2) “Authorized delegate” means the City Administrator, the Chief Financial
3239 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
3240 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

3241 (3) “Available funds” means District funds required to be deposited with the
3242 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

3243 (4) “Bond Counsel” means a firm or firms of attorneys designated
3244 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

3245 (5) “Chief Financial Officer” means the Chief Financial Officer established
3246 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

3247 (6) “City Administrator” means the City Administrator established pursuant to
3248 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3249 (7) “Council” means the Council of the District of Columbia.

3250 (8) “District” means the District of Columbia.

3251 (9) “Escrow Agent” means any bank, trust company, or national banking
3252 association with requisite trust powers designated to serve in this capacity by the Chief Financial
3253 Officer.

3254 (10) “Escrow Agreement” means the escrow agreement between the District and
3255 the Escrow Agent authorized in section 607.

3256 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3257 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3258 (12) “Mayor” means the Mayor of the District of Columbia.

3259 (13) “Notes” means one or more series of District general obligation notes
3260 authorized to be issued pursuant to this subtitle.

3261 (14) “Receipts” means all funds received by the District from any source,
3262 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys
3263 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds
3264 that are pledged to debt or other obligations according to section 609 or that are restricted by law
3265 to uses other than payment of principal of, and interest on, the notes.

3266 (15) “Secretary” means the Secretary of the District of Columbia.

3267 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to
3268 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

3269 Sec. 1003. Findings.

3270 The Council finds that:

3271 (1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71),
3272 the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to
3273 meet appropriations for that fiscal year.

3274 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82),
3275 the full faith and credit of the District is pledged for the payment of the principal of, and interest
3276 on, any general obligation note.

3277 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83),
3278 the Council is required to provide in the annual budget sufficient funds to pay the principal of,
3279 and interest on, all general obligation notes becoming due and payable during that fiscal year,
3280 and the Mayor is required to ensure that the principal of, and interest on, all general obligation
3281 notes is paid when due, including by paying the principal and interest from funds not otherwise
3282 legally committed.

3283 (4) The issuance of general obligation notes in a sum not to exceed
3284 \$300,000,000 is in the public interest.

3285 Sec. 1004. Note authorization.

3286 (a) The District is authorized to incur indebtedness, for operating or capital expenses, by
3287 issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§
3288 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet
3289 appropriations for the fiscal year ending September 30, 2020.

3290 (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the
3291 costs and expenses of issuing and delivering the notes, including, but not limited to,
3292 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,
3293 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

3294 Sec. 1005. Note details.

3295 (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General
3296 Obligation Notes” and shall be due and payable, as to both principal and interest, on or before
3297 September 30, 2021.

3298 (b) The Chief Financial Officer is authorized to take any action necessary or appropriate
3299 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,
3300 delivery, security for, and payment of the notes, including, but not limited to, determinations of:
3301 (1) The final form, content, designation, and terms of the notes, including
3302 any redemptions applicable thereto and a determination that the notes may be issued in book-
3303 entry form;
3304 (2) Provisions for the transfer and exchange of the notes;
3305 (3) The principal amount of the notes to be issued;
3306 (4) The rate or rates of interest or the method of determining the rate or rates of
3307 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall
3308 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days
3309 elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an
3310 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the
3311 basis of a 365-day year (actual days elapsed);
3312 (5) The date or dates of issuance, sale, and delivery of the notes;
3313 (6) The place or places of payment of principal of, and interest on, the notes;
3314 (7) The designation of a registrar, if appropriate, for any series of the notes, and
3315 the execution and delivery of any necessary agreements relating to the designation;
3316 (8) The designation of paying agent(s) or escrow agent(s) for any series of the
3317 notes, and the execution and delivery of any necessary agreements relating to such designations;
3318 and
3319 (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed
3320 notes.

3321 (c) The notes shall be executed in the name of the District and on its behalf by the
3322 signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the
3323 District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a
3324 registrar is designated, the registrar shall authenticate each note by manual signature and
3325 maintain the books of registration for the payment of the principal of and interest on the notes
3326 and perform other ministerial responsibilities as specifically provided in its designation as
3327 registrar.

3328 (d) The notes may be issued at any time or from time to time in one or more
3329 issues and in one or more series.

3330 Sec. 1006. Sale of the notes.

3331 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract
3332 or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the
3333 terms that the Chief Financial Officer considers necessary or appropriate to carry out the
3334 purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase
3335 contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's
3336 approval, on behalf of the District, of the final form and content of the notes. The Chief
3337 Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon
3338 receiving the purchase price provided in the purchase contract or bid form.

3339 (b) The Chief Financial Officer may execute, in connection with each sale of the notes,
3340 an offering document on behalf of the District, and may authorize the document's distribution in
3341 relation to the notes being sold.

3342 (c) The Chief Financial Officer shall take actions and execute and deliver agreements,
3343 documents, and instruments (including any amendment of or supplement to any such agreement,
3344 document, or instrument) in connection with any series of notes as required by or incidental to:

3345 (1) The issuance of the notes;

3346 (2) The establishment or preservation of the exclusion from gross income for
3347 federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption
3348 from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

3349 (3) The performance of any covenant contained in this subtitle, in any
3350 purchase contract for the notes, or in any escrow or other agreement for the security thereof;

3351 (4) The provision for securing the repayment of the notes by a letter or line of
3352 credit or other form of credit enhancement, and the repayment of advances under any such credit
3353 enhancement, including the evidencing of such a repayment obligation with a negotiable
3354 instrument with such terms as the Chief Financial Officer shall determine; or

3355 (5) The execution, delivery, and performance of the Escrow Agreement, a
3356 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement
3357 relating to credit enhancement, if any, including any amendments of any of these agreements,
3358 documents, or instruments.

3359 (d) The notes shall not be issued until the Chief Financial Officer receives an approving
3360 opinion of Bond Counsel as to the validity of the notes and the exemption from the District
3361 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if
3362 issued tax-exempt, the establishment or preservation of the exclusion from gross income for
3363 federal income tax purposes of the interest on the notes. .

3364 (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the
3365 determinations and other actions taken by the Chief Financial Officer for each issue or series of
3366 the notes issued and shall designate in the note issuance certificate the date of the notes, the
3367 series designation, the aggregate principal amount to be issued, the authorized denominations of
3368 the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be
3369 delivered at the time of delivery of the notes and shall be conclusive evidence of the actions
3370 taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the
3371 Council not more than 3 days after the delivery of the notes covered by the certificate.

3372 Sec. 1007. Payment and security.

3373 (a) The full faith and credit of the District is pledged for the payment of the principal of,
3374 and interest on, the notes as they become due and payable through required sinking fund
3375 payments, redemptions, or otherwise.

3376 (b) The Council shall, in the full exercise of the authority granted in section 483 of the
3377 Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual
3378 budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the
3379 notes becoming due and payable for any reason during that fiscal year.

3380 (c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the
3381 Home Rule Act and under any other law, take such actions as may be necessary or appropriate to
3382 ensure that the principal of, and interest on, the notes are paid when due for any reason, including
3383 the payment of principal and interest from any funds or accounts of the District not otherwise
3384 legally committed.

3385 (d) The notes shall evidence continuing obligations of the District until paid in
3386 accordance with their terms.

3387 (e) The funds for the payment of the notes as described in this subtitle shall be
3388 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds
3389 shall be used for the payment of the principal of, and interest on, the notes when due, and shall
3390 not be used for other purposes so long as the notes are outstanding and unpaid.

3391 (f) The Chief Financial Officer may, without regard to any act or resolution of the
3392 Council now existing or adopted after the effective date of this subtitle, designate an Escrow
3393 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the
3394 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official
3395 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate
3396 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for
3397 Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and
3398 shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in
3399 the Escrow Agreement. Funds on deposit, including investment income, under the Escrow
3400 Agreement shall not be used for any purposes except for payment of the notes or, to the extent
3401 permitted by the Home Rule Act, to service any contract or other arrangement permitted under
3402 subsections (k) or (l) of this section, and may be invested only as provided in the Escrow
3403 Agreement.

3404 (g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with
3405 the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued
3406 interest and premium, if any, received upon the sale of the notes.

3407 (h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds
3408 in accordance with the Escrow Agreement at the time and in the amount as provided in the
3409 Escrow Agreement.

3410 (i) There are provided and approved for expenditure sums as may be necessary
3411 for making payments of the principal of, and interest on, the notes, and the provisions of the
3412 Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to
3413 the effective date of this subtitle, relating to borrowings are amended and supplemented
3414 accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official
3415 Code § 1-204.83).

3416 (j) The notes shall be payable, as to both principal and interest, in lawful money of the
3417 United States of America in immediately available or same day funds at a bank or trust company
3418 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the
3419 District. All of the paying agents shall be qualified to act as paying agents under the laws of the
3420 United States of America, of the District, or of the state in which they are located, and shall be
3421 designated by the Chief Financial Officer without regard to any other act or resolution of the
3422 Council now existing or adopted after the effective date of this subtitle.

3423 (k) In addition to the security available for the holders of the notes, the Chief Financial
3424 Officer is hereby authorized to enter into agreements, including any agreement calling for
3425 payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial
3426 institution to provide a letter of credit, line of credit, or other form of credit enhancement to
3427 secure repayment of the notes when due. The obligation of the District to reimburse the bank or
3428 financial institution for any advances made under any such credit enhancement shall be a general
3429 obligation of the District until repaid and shall accrue interest at the rate of interest established by
3430 the Chief Financial Officer not in excess of 20% per year until paid.

3431 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
3432 371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the

3433 D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from
3434 time to time determine to be necessary or appropriate to place, in whole or in part, including:

- 3435 (1) An investment or obligation of the District as represented by the notes;
- 3436 (2) An investment or obligation or program of investment; or
- 3437 (3) A contract or contracts based on the interest rate, currency, cash flow, or other

3438 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap
3439 agreements; currency swap agreements; insurance agreements; forward payment conversion
3440 agreements; futures; contracts providing for payments based on levels of, or changes in, interest
3441 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a
3442 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,
3443 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts
3444 or other arrangements also may be entered into by the District in connection with, or incidental
3445 to, entering into or maintaining any agreement that secures the notes. The contracts or other
3446 arrangements shall contain whatever payment, security, terms, and conditions as the Chief
3447 Financial Officer may consider appropriate and shall be entered into with whatever party or
3448 parties the Chief Financial Officer may select, after giving due consideration, where applicable,
3449 to the creditworthiness of the counterparty or counterparties including any rating by a nationally
3450 recognized rating agency or any other criteria as may be appropriate. In connection with, or
3451 incidental to, the issuance or holding of the notes, or entering into any contract or other
3452 arrangement referred to in this section, the District may enter into credit enhancement or
3453 liquidity agreements, with payment, interest rate, termination date, currency, security, default,
3454 remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds
3455 of the notes and any money set aside for payment of the notes or of any contract or other

3456 arrangement entered into pursuant to this section may be used to service any contract or other
3457 arrangement entered into pursuant to this section.

3458 Sec. 1008. Defeasance.

3459 (a) The notes shall no longer be considered outstanding and unpaid for the purpose of this
3460 subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow
3461 Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

3462 (1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow
3463 agent,” in a separate defeasance escrow account, established and maintained by the Escrow
3464 Agent solely at the expense of the District and held in trust for the note owners, sufficient
3465 moneys or direct obligations of the United States, the principal of and interest on which, when
3466 due and payable, will provide sufficient moneys to pay when due the principal of, and interest
3467 payable at maturity on, all the notes; and

3468 (2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to
3469 apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

3470 (b) The defeasance escrow agent shall not invest the defeasance escrow account in any
3471 investment callable at the option of its issuer if the call could result in less-than-sufficient
3472 moneys being available for the purposes required by this section.

3473 (c) The moneys and direct obligations referred to in subsection (a)(1) of this section may
3474 include moneys or direct obligations of the United States of America held under the Escrow
3475 Agreement and transferred, at the written direction of the Chief Financial Officer, to the
3476 defeasance escrow account.

3477 (d) The defeasance escrow account specified in subsection (a) of this section may be
3478 established and maintained without regard to any limitations placed on these accounts by any act

3479 or resolution of the Council now existing or adopted after this subtitle becomes effective, except
3480 for this subtitle.

3481 Sec. 1009. Additional debt and other obligations.

3482 (a) The District reserves the right at any time to: borrow money or enter into
3483 other obligations to the full extent permitted by law; secure the borrowings or obligations by the
3484 pledge of its full faith and credit; secure the borrowings or obligations by any other security and
3485 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional
3486 Notes, or other instruments to evidence the borrowings or obligations.

3487 (b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule
3488 Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the
3489 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other
3490 available funds for payment of the principal of, and the interest on, the Additional Notes issued
3491 pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis
3492 with the notes.

3493 (2) The receipts and available funds referred to in subsection (a) of this section
3494 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home
3495 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3496 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3497 (3) Any covenants relating to any Additional Notes shall have equal standing and
3498 be on a parity with the covenants made for payment of the principal of, and the interest on, the
3499 notes.

3500 (4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act
3501 (D.C. Official Code § 1-204.71), the provisions of section 607 shall apply to both the notes and

3502 the Additional Notes and increase the amounts required to be set aside and deposited with the
3503 Escrow Agent.

3504 (5) As a condition precedent to the issuance of any Additional Notes, the Chief
3505 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance
3506 with all covenants and obligations under this subtitle and the Escrow Agreement.

3507 Sec. 1010. Tax matters.

3508 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle
3509 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial
3510 Officer shall take all actions necessary to be taken so that the interest on the notes will not be
3511 includable in gross income for federal income tax purposes.

3512 Sec. 1011. Contract.

3513 This subtitle shall constitute a contract between the District and the owners of the notes
3514 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in
3515 conflict with this subtitle, this subtitle shall be controlling.

3516 Sec. 1012. District officials.

3517 (a) The elected or appointed officials, officers, employees, or agents of the District shall
3518 not be liable personally for the payment of the notes or be subject to any personal liability by
3519 reason of the issuance of the notes.

3520 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
3521 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding
3522 the fact that the official ceases to be that official before delivery of the notes.

3523 Sec. 1013. Authorized delegation of authority.

3524 To the extent permitted by the District and federal laws, the Mayor may delegate to the
3525 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act
3526 authorized to be performed by the Mayor under this subtitle.

3527 Sec. 1014. Maintenance of documents.

3528 Copies of the notes and related documents shall be filed in the Office of the Secretary.

3529

3530 **SUBTITLE B. TRANs NOTES**

3531 Sec. 1021. Short title.

3532 This subtitle may be cited as the “Fiscal Year 2020 Tax Revenue Anticipation Notes
3533 Temporary Act of 2020”.

3534 Sec. 1022. Definitions.

3535 For the purposes of this subtitle, the term:

3536 (1) “Additional Notes” means District general obligation revenue anticipation
3537 notes described in section 629 that may be issued pursuant to section 472 of the Home Rule Act
3538 (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a
3539 parity with the notes.

3540 (2) “Authorized delegate” means the City Administrator, the Chief Financial
3541 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
3542 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

3543 (3) “Available funds” means District funds required to be deposited with the
3544 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

3545 (4) “Bond Counsel” means a firm or firms of attorneys designated

3546 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

3547 (5) “Chief Financial Officer” means the Chief Financial Officer established
3548 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a).

3549 (6) “City Administrator” means the City Administrator established pursuant to
3550 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

3551 (7) “Council” means the Council of the District of Columbia.

3552 (8) “District” means the District of Columbia.

3553 (9) “Escrow Agent” means any bank, trust company, or national banking
3554 association with requisite trust powers designated to serve in this capacity by the Chief Financial
3555 Officer.

3556 (10) “Escrow Agreement” means the escrow agreement between the District and
3557 the Escrow Agent authorized in section 627.

3558 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3559 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

3560 (12) “Mayor” means the Mayor of the District of Columbia.

3561 (13) “Notes” means one or more series of District general obligation
3562 revenue anticipation notes authorized to be issued pursuant to this subtitle.

3563 (14) “Receipts” means all funds received by the District from any source,
3564 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys
3565 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds
3566 that are pledged to debt or other obligations according to section 629 or that are restricted by law
3567 to uses other than payment of principal of, and interest on, the notes.

3568 (15) “Secretary” means the Secretary of the District of Columbia.

3569 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to
3570 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

3571 Sec. 1023. Findings.

3572 The Council finds that:

3573 (1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the
3574 Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a
3575 fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472
3576 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of
3577 general obligation revenue anticipation notes issued and outstanding at any time during a fiscal
3578 year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as
3579 certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-
3580 204.72), as of a date not more than 15 days before each original issuance of the notes.

3581 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the
3582 full faith and credit of the District is pledged for the payment of the principal of, and interest on,
3583 any general obligation revenue anticipation note.

3584 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the
3585 Council is required to provide in the annual budget sufficient funds to pay the principal of, and
3586 interest on, all general obligation revenue anticipation notes becoming due and payable during
3587 that fiscal year, and the Mayor is required to ensure that the principal of, and
3588 interest on, all general obligation revenue anticipation notes is paid when due, including by
3589 paying the principal and interest from funds not otherwise legally committed.

3590 (4) The Chief Financial Officer has advised the Council that, based upon the
3591 Chief Financial Officer’s projections of anticipated receipts and disbursements during the fiscal

3592 year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to
3593 exceed \$200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the
3594 District for such fiscal year, and to accomplish the borrowing by issuing general obligation
3595 revenue anticipation notes in one or more series.

3596 (5) The issuance of general obligation revenue anticipation notes in a sum not to
3597 exceed \$200,000,000 is in the public interest.

3598 Sec. 1024. Note authorization.

3599 (a) The District is authorized to incur indebtedness by issuing the notes pursuant to
3600 sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in
3601 one or more series, in a sum not to exceed \$200,000,000, to finance its general governmental
3602 expenses, including operating or capital expenses, in anticipation of the collection or receipt of
3603 revenues for the fiscal year ending September 30, 2020.

3604 (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the
3605 costs and expenses of issuing and delivering the notes, including, but not limited to,
3606 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,
3607 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

3608 Sec. 1025. Note details.

3609 (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General
3610 Obligation Tax Revenue Anticipation Notes” and shall be due and payable, as to both principal
3611 and interest, on or before September 30, 2020.

3612 (b) The Chief Financial Officer is authorized to take any action necessary or appropriate
3613 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,
3614 delivery, security for, and payment of the notes, including, but not limited to, determinations of:

3615 (1) The final form, content, designation, and terms of the notes, including
3616 any redemptions applicable thereto and a determination that the notes may be issued in book-
3617 entry form;

3618 (2) Provisions for the transfer and exchange of the notes;

3619 (3) The principal amount of the notes to be issued;

3620 (4) The rate or rates of interest or the method of determining the rate or rates of
3621 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall
3622 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days
3623 elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an
3624 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the
3625 basis of a 365-day year (actual days elapsed);

3626 (5) The date or dates of issuance, sale, and delivery of the notes;

3627 (6) The place or places of payment of principal of, and interest on, the notes;

3628 (7) The designation of a registrar, if appropriate, for any series of the notes, and
3629 the execution and delivery of any necessary agreements relating to the designation;

3630 (8) The designation of paying agent(s) or escrow agent(s) for any series of the
3631 notes, and the execution and delivery of any necessary agreements relating to such designations;
3632 and

3633 (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed
3634 notes.

3635 (c) The notes shall be executed in the name of the District and on its behalf by the manual
3636 or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or
3637 a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar

3638 is designated, the registrar shall authenticate each note by manual signature and maintain the
3639 books of registration for the payment of the principal of and interest on the notes and perform
3640 other ministerial responsibilities as specifically provided in its designation as registrar.

3641 (d) The notes may be issued at any time or from time to time in one or more
3642 issues and in one or more series.

3643 Sec. 1026. Sale of the notes.

3644 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract
3645 or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par
3646 plus accrued interest from the date of the notes to the date of delivery thereof. The purchase
3647 contract or bid form shall contain the terms that the Chief Financial Officer considers necessary
3648 or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution
3649 and delivery of the purchase contract or bid form shall constitute conclusive evidence of the
3650 Chief Financial Officer's approval, on behalf of the District, of the final form and content of the
3651 notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the
3652 purchasers upon receiving the purchase price provided in the purchase contract or bid form.

3653 (b) The Chief Financial Officer may execute, in connection with each sale of the notes,
3654 an offering document on behalf of the District, and may authorize the document's distribution in
3655 relation to the notes being sold.

3656 (c) The Chief Financial Officer shall take actions and execute and deliver agreements,
3657 documents, and instruments (including any amendment of or supplement to any such agreement,
3658 document, or instrument) in connection with any series of notes as required by or incidental to:

3659 (1) The issuance of the notes;

3660 (2) The establishment or preservation of the exclusion from gross income for
3661 federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption
3662 from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

3663 (3) The performance of any covenant contained in this subtitle, in any
3664 purchase contract for the notes, or in any escrow or other agreement for the security thereof;

3665 (4) The provision for securing the repayment of the notes by a letter or line of
3666 credit or other form of credit enhancement, and the repayment of advances under any such credit
3667 enhancement, including the evidencing of such a repayment obligation with a negotiable
3668 instrument with such terms as the Chief Financial Officer shall determine; or

3669 (5) The execution, delivery, and performance of the Escrow Agreement, a
3670 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement
3671 relating to credit enhancement, if any, including any amendments of any of these agreements,
3672 documents, or instruments.

3673 (d) The notes shall not be issued until the Chief Financial Officer receives an approving
3674 opinion of Bond Counsel as to the validity of the notes and the exemption from the District
3675 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if
3676 issued tax-exempt, the establishment or preservation of the exclusion from gross income for
3677 federal income tax purposes of the interest on the notes.

3678 (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the
3679 determinations and other actions taken by the Chief Financial Officer for each issue or series of
3680 the notes issued and shall designate in the note issuance certificate the date of the notes, the
3681 series designation, the aggregate principal amount to be issued, the authorized denominations of
3682 the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a

3683 separate certificate, not more than 15 days before each original issuance of a series, the total
3684 anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the
3685 total amount of all general obligation revenue anticipation notes issued and outstanding at any
3686 time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for
3687 the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall
3688 be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the
3689 certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery
3690 of the notes covered by the certificates.

3691 Sec. 1027. Payment and security.

3692 (a) The full faith and credit of the District is pledged for the payment of the principal of,
3693 and interest on, the notes when due.

3694 (b) The funds for the payment of the notes as described in this subtitle shall be
3695 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds
3696 shall be used for the payment of the principal of, and interest on, the notes when due, and shall
3697 not be used for other purposes so long as the notes are outstanding and unpaid.

3698 (c) The notes shall be payable from available funds of the District, including, but not
3699 limited to, any moneys advanced, loaned, or otherwise provided to the District by the United
3700 States Treasury, and shall evidence continuing obligations of the District until paid in accordance
3701 with their terms.

3702 (d) The Chief Financial Officer may, without regard to any act or resolution of the
3703 Council now existing or adopted after the effective date of this subtitle, designate an Escrow
3704 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the
3705 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official

3706 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate
3707 to carry out the purposes of this subtitle. A special account entitled “Special Escrow for
3708 Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation
3709 Notes” is created and shall be maintained by the Escrow Agent for the benefit of the owners of
3710 the notes as stated in the Escrow Agreement. Funds on deposit, including investment income,
3711 under the Escrow Agreement shall not be used for any purposes except for payment of the notes
3712 or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement
3713 permitted under subsections (k) or (l) of this section, and may be invested only as provided in the
3714 Escrow Agreement.

3715 (e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with
3716 the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued
3717 interest and premium, if any, received upon the sale of the notes.

3718 (f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent
3719 funds in accordance with the Escrow Agreement at the time and in the amount as provided in the
3720 Escrow Agreement.

3721 (2) If Additional Notes are issued pursuant to section 629(b), and if on the date set
3722 forth in the Escrow Agreement, the aggregate amount of principal and interest payable at
3723 maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit,
3724 including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of
3725 District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home
3726 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3727 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period
3728 August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow

3729 Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and
3730 deposit with the Escrow Agent the receipts received by the District after the date set forth in the
3731 Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on
3732 the outstanding notes, including any Additional Notes as described above, is less than 90% of
3733 actual receipts of District taxes (other than special taxes or charges levied pursuant to section
3734 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to
3735 particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-
3736 204.90)).

3737 (3) The District covenants that it shall levy, maintain, or enact taxes due and
3738 payable during August 1, 2020, through September 30, 2020, to provide for payment in full of
3739 the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall
3740 be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act
3741 (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to
3742 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3743 (g) Before the 16th day of each month, beginning in August 2020, the Chief Financial
3744 Officer shall review the current monthly cash flow projections of the District, and if the Chief
3745 Financial Officer determines that the aggregate amount of principal and interest payable at
3746 maturity on the notes then outstanding, less any amounts and investment income on deposit
3747 under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief
3748 Financial Officer to be received after such date by the District but before the maturity of the
3749 notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and
3750 deposit with the Escrow Agent the receipts received by the District on and after that date until
3751 the aggregate amount, including investment income, on deposit with the Escrow Agent equals or

3752 exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their
3753 maturity.

3754 (h) The Chief Financial Officer shall, in the full exercise of the authority granted the
3755 Chief Financial Officer under the Home Rule Act and under any other law, take actions as may
3756 be necessary or appropriate to ensure that the principal of and interest on the notes are paid when
3757 due, including, but not limited to, seeking an advance or loan of moneys from the United States
3758 Treasury if available under then current law. This action shall include, without limitation, the
3759 deposit of available funds with the Escrow Agent as may be required under section 483 of the
3760 Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement.
3761 Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief
3762 Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her
3763 discretion.

3764 (i) There are provided and approved for expenditure sums as may be necessary
3765 for making payments of the principal of, and interest on, the notes, and the provisions of the
3766 Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented
3767 accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official
3768 Code § 1-204.83)).

3769 (j) The notes shall be payable, as to both principal and interest, in lawful money of the
3770 United States of America in immediately available or same day funds at a bank or trust company
3771 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the
3772 District. All of the paying agents shall be qualified to act as paying agents under the laws of the
3773 United States of America, of the District, or of the state in which they are located, and shall be

3774 designated by the Chief Financial Officer without regard to any other act or resolution of the
3775 Council now existing or adopted after the effective date of this subtitle.

3776 (k) In addition to the security available for the holders of the notes, the Chief Financial
3777 Officer is hereby authorized to enter into agreements, including any agreement calling for
3778 payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial
3779 institution to provide a letter of credit, line of credit, or other form of credit enhancement to
3780 secure repayment of the notes when due. The obligation of the District to reimburse the bank or
3781 financial institution for any advances made under any such credit enhancement shall be a general
3782 obligation of the District until repaid and shall accrue interest at the rate of interest established by
3783 the Chief Financial Officer not in excess of 15% per year until paid.

3784 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-
3785 371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the
3786 D.C. Official Code, shall not apply to any contract that the Chief Financial Officer may from
3787 time to time determine to be necessary or appropriate to place, in whole or in part, including:

- 3788 (1) An investment or obligation of the District as represented by the notes;
3789 (2) An investment or obligation or program of investment; or
3790 (3) A contract or contracts based on the interest rate, currency, cash flow, or other
3791 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap
3792 agreements; currency swap agreements; insurance agreements; forward payment conversion
3793 agreements; futures; contracts providing for payments based on levels of, or changes in, interest
3794 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a
3795 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,
3796 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts

3797 or other arrangements also may be entered into by the District in connection with, or incidental
3798 to, entering into or maintaining any agreement that secures the notes. The contracts or other
3799 arrangements shall contain whatever payment, security, terms, and conditions as the Chief
3800 Financial Officer may consider appropriate and shall be entered into with whatever party or
3801 parties the Chief Financial Officer may select, after giving due consideration, where applicable,
3802 to the creditworthiness of the counterparty or counterparties including any rating by a nationally
3803 recognized rating agency or any other criteria as may be appropriate. In connection with, or
3804 incidental to, the issuance or holding of the notes, or entering into any contract or other
3805 arrangement referred to in this section, the District may enter into credit enhancement or
3806 liquidity agreements, with payment, interest rate, termination date, currency, security, default,
3807 remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds
3808 of the notes and any money set aside for payment of the notes or of any contract or other
3809 arrangement entered into pursuant to this section may be used to service any contract or other
3810 arrangement entered into pursuant to this section.

3811 Sec. 1028. Defeasance.

3812 (a) The notes shall no longer be considered outstanding and unpaid for the purpose of this
3813 subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow
3814 Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

3815 (1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow
3816 agent,” in a separate defeasance escrow account, established and maintained by the Escrow
3817 Agent solely at the expense of the District and held in trust for the note owners, sufficient
3818 moneys or direct obligations of the United States, the principal of and interest on which, when

3819 due and payable, will provide sufficient moneys to pay when due the principal of, and interest
3820 payable at maturity on, all the notes; and

3821 (2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to
3822 apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

3823 (b) The defeasance escrow agent shall not invest the defeasance escrow account in any
3824 investment callable at the option of its issuer if the call could result in less than sufficient moneys
3825 being available for the purposes required by this section.

3826 (c) The moneys and direct obligations referred to in subsection (a)(1) of this section may
3827 include moneys or direct obligations of the United States of America held under the Escrow
3828 Agreement and transferred, at the written direction of the Chief Financial Officer, to the
3829 defeasance escrow account.

3830 (d) The defeasance escrow account specified in subsection (a) of this section may be
3831 established and maintained without regard to any limitations placed on these accounts by any act
3832 or resolution of the Council now existing or adopted after this subtitle becomes effective, except
3833 for this subtitle.

3834 Sec. 1029. Additional debt and other obligations.

3835 (a) The District reserves the right at any time to: borrow money or enter into
3836 other obligations to the full extent permitted by law; secure the borrowings or obligations by the
3837 pledge of its full faith and credit; secure the borrowings or obligations by any other security and
3838 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional
3839 Notes, or other instruments to evidence the borrowings or obligations.

3840 (b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule
3841 Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the

3842 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other
3843 available funds for payment of the principal of, and the interest on, the Additional Notes issued
3844 pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis
3845 with the notes.

3846 (2) The receipts and available funds referred to in subsection (a) of this section
3847 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home
3848 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
3849 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3850 (3) Any covenants relating to any Additional Notes shall have equal standing and
3851 be on a parity with the covenants made for payment of the principal of, and the interest on, the
3852 notes.

3853 (4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act
3854 (D.C. Official Code § 1-204.72), the provisions of section 627 shall apply to both the notes and
3855 the Additional Notes and increase the amounts required to be set aside and deposited with the
3856 Escrow Agent.

3857 (5) As a condition precedent to the issuance of any Additional Notes, the Chief
3858 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance
3859 with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-
3860 aside and deposit of receipts pursuant to section 627(g) applied as of the date of issuance is
3861 required, and that no set-aside and deposit will be required under section 627(g) applied
3862 immediately after the issuance.

3863 Sec. 1030. Tax matters.

3864 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle
3865 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial
3866 Officer shall take all actions necessary to be taken so that the interest on the notes will not be
3867 includable in gross income for federal income tax purposes.

3868 Sec. 1031. Contract.

3869 This subtitle shall constitute a contract between the District and the owners of the notes
3870 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in
3871 conflict with this subtitle, this subtitle shall be controlling.

3872 Sec. 1032. District officials.

3873 (a) The elected or appointed officials, officers, employees, or agents of the District shall
3874 not be liable personally for the payment of the notes or be subject to any personal liability by
3875 reason of the issuance of the notes.

3876 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
3877 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding
3878 the fact that the official ceases to be that official before delivery of the notes.

3879 Sec. 1033. Authorized delegation of authority.

3880 To the extent permitted by the District and federal laws, the Mayor may delegate to the
3881 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act
3882 authorized to be performed by the Mayor under this subtitle.

3883 Sec. 1034. Maintenance of documents.

3884 Copies of the notes and related documents shall be filed in the Office of the Secretary.

3885

3886 **TITLE XI. REVENUE BONDS**

3887 **SUBTITLE A. STUDIO THEATER, INC.**

3888 Sec. 1101. Short title.

3889 This subtitle may be cited as the “The Studio Theatre, Inc. Revenue Bonds Temporary
3890 Act of 2020”.

3891 Sec. 1102. Definitions.

3892 For the purposes of this subtitle the term:

3893 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
3894 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
3895 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
3896 the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.
3897 Official Code § 422(6)).

3898 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
3899 counsel from time to time by the Mayor.

3900 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
3901 obligations (including refunding bonds, notes, and other obligations), in one or more series,
3902 authorized to be issued pursuant to this subtitle.

3903 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
3904 with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation
3905 organized under the laws of the District of Columbia, which is exempt from federal income taxes
3906 under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A
3907 Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal

3908 Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and
3909 which is liable for the repayment of the Bonds.

3910 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

3911 (6) “Closing Documents” means all documents and agreements, other than
3912 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the
3913 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,
3914 receipts, and other similar instruments.

3915 (7) “District” means the District of Columbia.

3916 (8) “Financing Documents” means the documents, other than Closing Documents,
3917 that relate to the financing, refinancing or reimbursement of transactions to be effected through
3918 the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering
3919 document, and any required supplements to any such documents.

3920 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
3921 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

3922 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
3923 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
3924 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
3925 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
3926 with the development and implementation of the Financing Documents, the Closing Documents,
3927 and those other documents necessary or appropriate in connection with the authorization,
3928 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
3929 Loan, together with financing fees, costs, and expenses, including program fees and
3930 administrative fees charged by the District, fees paid to financial institutions and insurance

3931 companies, initial letter of credit fees (if any), and compensation to financial advisors and other
3932 persons (other than full-time employees of the District) and entities performing services on
3933 behalf of or as agents for the District.

3934 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
3935 more series, of the Bonds to the Borrower.

3936 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
3937 of the Borrower’s costs of:

3938 (A) Renovating and expanding by approximately 2,780 gross square feet
3939 the Borrower’s mixed-use theater complex located at 1501 14th Street, N.W., in Washington,
3940 D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of
3941 above grade improvements (“Theater Facility”);

3942 (B) Renovating certain residential facilities in Washington, D.C., owned
3943 by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179,
3944 Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W.
3945 (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W.
3946 (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, “Ancillary Facilities” and together
3947 with the Theater Facility, “Facilities”);

3948 (C) Purchasing certain equipment and furnishings, together with other
3949 property, real and personal, functionally related and subordinate to the Facilities;

3950 (D) Funding certain expenditures associated with the financing of the
3951 Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt
3952 service reserve fund or working capital; and

3953 (E) Paying costs of issuance and other related costs, to the extent
3954 permissible.

3955 Sec. 1103. Findings.

3956 The Council finds that:

3957 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
3958 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
3959 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
3960 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the
3961 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
3962 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
3963 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
3964 the purchase, lease, or sale of any property.

3965 (2) The Borrower has requested the District to issue, sell, and deliver revenue
3966 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not
3967 to exceed \$12,500,000, and to make the Loan for the purpose of financing, refinancing, or
3968 reimbursing costs of the Project.

3969 (3) The Facilities are located in the District and will contribute to the health,
3970 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
3971 District, or to economic development of the District.

3972 (4) The Project is an undertaking in the area of capital projects in the form of
3973 facilities used for the Borrower's operations and, in part, as a venue to produce contemporary
3974 theater and serve the community through artistic innovation, engagement, education and
3975 professional development (and property used in connection with or supplementing the

3976 foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-
3977 204.90).

3978 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
3979 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
3980 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

3981 Sec. 1104. Bond authorization.

3982 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
3983 financing, refinancing, or reimbursing the costs of the Project by:

3984 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
3985 aggregate principal amount not to exceed \$12,500,000; and

3986 (2) The making of the Loan.

3987 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
3988 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
3989 respect to the Bonds as required by the Financing Documents.

3990 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
3991 an amount sufficient to cover costs and expenses incurred by the District in connection with the
3992 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
3993 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
3994 with the District, and maintaining official records of each bond transaction, and assisting in the
3995 redemption, repurchase, and remarketing of the Bonds.

3996 Sec. 1105. Bond details.

3997 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
3998 necessary or appropriate in accordance with this subtitle in connection with the preparation,

3999 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
4000 including, but not limited to, determinations of:

4001 (1) The final form, content, designation, and terms of the Bonds, including a
4002 determination that the Bonds may be issued in certificated or book-entry form;

4003 (2) The principal amount of the Bonds to be issued and denominations of the
4004 Bonds;

4005 (3) The rate or rates of interest or the method for determining the rate or rates of
4006 interest on the Bonds;

4007 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4008 on, the Bonds, and the maturity date or dates of the Bonds;

4009 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4010 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4011 their respective stated maturities;

4012 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4013 replacement of mutilated, lost, stolen, or destroyed Bonds;

4014 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4015 the Bonds;

4016 (8) The time and place of payment of the Bonds;

4017 (9) Procedures for monitoring the use of the proceeds received from the sale of
4018 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4019 the purposes of the Home Rule Act and this subtitle;

4020 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4021 jurisdiction where the Bonds are marketed; and

4022 (11) The terms and types of credit enhancement under which the Bonds may be
4023 secured.

4024 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4025 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4026 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4027 District, and do not constitute lending of the public credit for private undertakings as prohibited
4028 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4029 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4030 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4031 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
4032 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4033 approval, on behalf of the District, of the final form and content of the Bonds.

4034 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4035 otherwise reproduced on the Bonds.

4036 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4037 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4038 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4039 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4040 204.90(a)(4)).

4041 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4042 in one or more series.

4043 Sec. 1106. Sale of the Bonds.

4044 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4045 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4046 the best interest of the District.

4047 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4048 the Bonds, offering documents on behalf of the District, may deem final any such offering
4049 document on behalf of the District for purposes of compliance with federal laws and regulations
4050 governing such matters and may authorize the distribution of the documents in connection with
4051 the sale of the Bonds.

4052 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4053 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4054 the original purchasers of the Bonds upon payment of the purchase price.

4055 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4056 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4057 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4058 for purposes of federal income taxation.

4059 Sec. 1107. Payment and security.

4060 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4061 from proceeds received from the sale of the Bonds, income realized from the temporary
4062 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4063 income realized from the temporary investment of those receipts and revenues prior to payment
4064 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made

4065 available to the District for the payment of the Bonds, and other sources of payment (other than
4066 from the District), all as provided for in the Financing Documents.

4067 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4068 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4069 the Financing Documents and Closing Documents, including a security interest in certain
4070 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4071 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4072 the sale of the Bonds pursuant to the Financing Documents.

4073 Sec. 1108. Financing and Closing Documents.

4074 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4075 Documents and all Closing Documents to which the District is a party that may be necessary or
4076 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of
4077 the Financing Documents and each of the Closing Documents to which the District is not a party
4078 shall be approved, as to form and content, by the Mayor.

4079 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4080 Financing Documents and any Closing Documents to which the District is a party by the
4081 Mayor's manual or facsimile signature.

4082 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4083 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4084 which the District is a party.

4085 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4086 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

4087 approval, on behalf of the District, of the final form and content of the executed Financing
4088 Documents and the executed Closing Documents.

4089 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4090 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4091 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4092 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4093 Sec. 1109. Authorized delegation of authority.

4094 To the extent permitted by District and federal laws, the Mayor may delegate to any
4095 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4096 under this subtitle.

4097 Sec. 1110. Limited liability.

4098 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4099 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
4100 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a
4101 debt of the District, and shall not constitute lending of the public credit for private undertakings
4102 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4103 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4104 shall have no obligation with respect to the purchase of the Bonds.

4105 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4106 Documents shall create an obligation on the part of the District to make payments with respect to
4107 the Bonds from sources other than those listed for that purpose in section 707.

4108 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4109 transaction or event to be effected by the Financing Documents.

4110 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4111 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4112 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4113 and agreements of the District to the fullest extent authorized by law, and each of those
4114 covenants, obligations, and agreements shall be binding upon the District, subject to the
4115 limitations set forth in this subtitle.

4116 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4117 any claims against the District or any of its elected or appointed officials, officers, employees, or
4118 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4119 or appointed officials, officers, employees or agents to either perform any covenant, undertaking,
4120 or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing
4121 Documents, or as a result of the incorrectness of any representation in or omission from the
4122 Financing Documents or the Closing Documents, unless the District or its elected or appointed
4123 officials, officers, employees, or agents have acted in a willful and fraudulent manner.

4124 Sec. 1111. District officials.

4125 (a) Except as otherwise provided in section 710(f), the elected or appointed officials,
4126 officers, employees, or agents of the District shall not be liable personally for the payment of the
4127 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
4128 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4129 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4130 Documents.

4131 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4132 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall

4133 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4134 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4135 Documents.

4136 Sec. 1112. Maintenance of documents.

4137 Copies of the specimen Bonds and of the final Financing Documents and Closing
4138 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4139 Sec. 1113. Information reporting.

4140 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4141 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4142 Council.

4143 Sec. 1114. Disclaimer.

4144 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4145 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4146 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4147 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4148 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4149 against the District, its elected or appointed officials, officers, employees, or agents as a
4150 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4151 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4152 in its sole and absolute discretion. The District gives no assurance and makes no representations
4153 that any portion of any limited amount of bonds or other obligations, the interest on which is
4154 excludable from gross income for federal income tax purposes, will be reserved or will be
4155 available at the time of the proposed issuance of the Bonds.

4156 (c) The District, by enacting this subtitle or by taking any other action in connection with
4157 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4158 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4159 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4160 Bonds, nor any other person shall rely upon the District with respect to these matters.

4161 Sec. 1115. Expiration.

4162 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4163 the effective date of this act, the authorization provided in this subtitle with respect to the
4164 issuance, sale, and delivery of the Bonds shall expire.

4165 Sec. 1116. Severability.

4166 If any particular provision of this subtitle or the application thereof to any person or
4167 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4168 to other persons or circumstances shall not be affected thereby. If any action or inaction
4169 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4170 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
4171 the validity of the Bonds shall not be adversely affected.

4172 **SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.**

4173 Sec. 1121. Short title.

4174 This subtitle may be cited as the “DC Scholars Public Charter School, Inc. Revenue
4175 Bonds Temporary Act of 2020”.

4176 Sec. 1122. Definitions.

4177 For the purpose of this subtitle, the term:

4178 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4179 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4180 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4181 the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.
4182 Official Code § 1-204.22(6)).

4183 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4184 counsel from time to time by the Mayor.

4185 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4186 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4187 authorized to be issued pursuant to this subtitle.

4188 (4) “Borrower” means the owner, operator, manager and user of the assets
4189 financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars
4190 Public Charter School, Inc., a corporation organized under the laws of the District of Columbia,
4191 and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of
4192 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization
4193 described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954
4194 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

4195 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4196 (6) “Closing Documents” means all documents and agreements other than
4197 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
4198 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,
4199 opinions, forms, receipts, and other similar instruments.

4200 (7) “District” means the District of Columbia.

4201 (8) “Financing Documents” means the documents other than Closing Documents
4202 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,
4203 and delivery of the Bonds and the making of the Loan, including any offering document, and any
4204 required supplements to any such documents.

4205 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4206 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4207 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4208 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4209 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4210 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
4211 with the development and implementation of the Financing Documents, the Closing Documents,
4212 and those other documents necessary or appropriate in connection with the authorization,
4213 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4214 Loan contemplated thereby, together with financing fees, costs, and expenses, including program
4215 fees and administrative fees charged by the District, fees paid to financial institutions and
4216 insurance companies, initial letter of credit fees (if any), compensation to financial advisors and
4217 other persons (other than full-time employees of the District) and entities performing services on
4218 behalf of or as agents for the District.

4219 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
4220 more series, of the Bonds to the Borrower.

4221 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
4222 of the Borrower’s costs of:

4223 (A) Financing the acquisition of a leasehold interest in an existing
4224 school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the
4225 “Facility”), which Facility will be operated by the Borrower;

4226 (B) Refinancing the outstanding amount of existing taxable loans
4227 and related expenses, the proceeds of which were used to finance improvements to the Facility;

4228 (C) Funding a debt service reserve fund with respect to the Bonds,
4229 if deemed necessary in connection with the sale of the Bonds;

4230 (D) Paying capitalized interest with respect to the Bonds, if
4231 deemed necessary in connection with the sale of the Bonds; and

4232 (E) Paying allowable Issuance Costs.

4233 Sec. 1123. Findings.

4234 The Council finds that:

4235 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4236 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
4237 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
4238 refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of
4239 undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may
4240 effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any
4241 individual or legal entity, by the purchase of any mortgage, note, or other security, or by the
4242 purchase, lease, or sale of any property.

4243 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4244 bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000, and
4245 to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

4246 (3) The Project is located in the District and will contribute to the health,
4247 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4248 District, or to economic development of the District.

4249 (4) The Project is an undertaking in the area of elementary, secondary, and
4250 college and university facilities within the meaning of section 490 of the Home Rule Act (D.C.
4251 Official Code § 1-204.90).

4252 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4253 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4254 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.
4255 Sec. 1124. Bond authorization.

4256 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4257 financing, refinancing, or reimbursing the costs of the Project by:

4258 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the
4259 aggregate principal amount not to exceed \$16,000,000; and

4260 (2) The making of the Loan.

4261 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4262 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4263 respect to the Bonds as required by the Financing Documents.

4264 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4265 an amount sufficient to cover costs and expenses incurred by the District in connection with the
4266 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4267 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements

4268 with the District, and maintaining official records of each bond transaction and assisting in the
4269 redemption, repurchase, and remarketing of the Bonds.

4270 Sec. 1125. Bond details.

4271 (a) The Mayor is authorized to take any action reasonably necessary or appropriate in
4272 accordance with this subtitle in connection with the preparation, execution, issuance, sale,
4273 delivery, security for, and payment of the Bonds of each series, including, but not limited to,
4274 determinations of:

4275 (1) The final form, content, designation, and terms of the Bonds, including a
4276 determination that the Bonds may be issued in certificated or book-entry form;

4277 (2) The principal amount of the Bonds to be issued and denominations of the
4278 Bonds;

4279 (3) The rate or rates of interest or the method for determining the rate or rates of
4280 interest on the Bonds;

4281 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4282 on the Bonds, and the maturity date or dates of the Bonds;

4283 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4284 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4285 their respective stated maturities;

4286 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4287 replacement of mutilated, lost, stolen, or destroyed Bonds;

4288 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4289 the Bonds;

4290 (8) The time and place of payment of the Bonds;

4291 (9) Procedures for monitoring the use of the proceeds received from the sale of
4292 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4293 the purposes of the Home Rule Act and this subtitle;

4294 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4295 jurisdiction where the Bonds are marketed; and

4296 (11) The terms and types of credit enhancement under which the Bonds may be
4297 secured.

4298 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4299 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4300 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4301 District, and do not constitute lending of the public credit for private undertakings as prohibited
4302 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4303 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4304 manual or facsimile signature of the Mayor and attested by the Secretary of the District of
4305 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
4306 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4307 approval, on behalf of the District, of the final form and content of the Bonds.

4308 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4309 otherwise reproduced on the Bonds.

4310 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4311 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4312 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered

4313 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4314 204.90(a)(4)).

4315 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4316 in one or more series.

4317 Sec. 1126. Sale of the Bonds.

4318 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4319 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4320 the best interest of the District.

4321 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4322 the Bonds, offering documents on behalf of the District, may deem final any such offering
4323 document on behalf of the District for purposes of compliance with federal laws and regulations
4324 governing such matters, and may authorize the distribution of the documents in connection with
4325 the sale of the Bonds.

4326 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4327 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4328 the original purchasers of the Bonds upon payment of the purchase price.

4329 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4330 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4331 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4332 for purposes of federal income taxation.

4333 Sec. 1127. Payment and security.

4334 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4335 from proceeds received from the sale of the Bonds, income realized from the temporary

4336 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4337 income realized from the temporary investment of those receipts and revenues prior to payment
4338 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4339 available to the District for the payment of the Bonds, and other sources of payment (other than
4340 from the District), all as provided for in the Financing Documents.

4341 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4342 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4343 the Financing Documents and Closing Documents, including a security interest in certain
4344 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4345 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4346 the sale of the Bonds pursuant to the Financing Documents.

4347 Sec. 1128. Financing and Closing Documents.

4348 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4349 Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and
4350 deliver the Bonds and to make the Loan to the Borrower.

4351 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4352 Financing Documents and any Closing Documents to which the District is a party by the
4353 Mayor's manual or facsimile signature.

4354 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4355 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4356 which the District is a party.

4357 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4358 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

4359 approval, on behalf of the District, of the final form and content of the executed Financing
4360 Documents and the executed Closing Documents.

4361 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4362 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4363 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4364 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4365 Sec. 1129. Authorized delegation of authority.

4366 To the extent permitted by District and federal laws, the Mayor may delegate to any
4367 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4368 under this subtitle.

4369 Sec. 1130. Limited liability.

4370 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4371 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
4372 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
4373 debt of the District, and shall not constitute lending of the public credit for private undertakings
4374 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4375 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4376 shall have no obligation with respect to the purchase of the Bonds.

4377 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4378 Documents shall create an obligation on the part of the District to make payments with respect to
4379 the Bonds from sources other than those listed for that purpose in section 727.

4380 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4381 transaction or event to be effected by the Financing Documents.

4382 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4383 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4384 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4385 and agreements of the District to the fullest extent authorized by law, and each of those
4386 covenants, obligations, and agreements shall be binding upon the District, subject to the
4387 limitations set forth in this subtitle.

4388 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4389 any claims against the District or any of its elected or appointed officials, officers, employees, or
4390 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4391 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
4392 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
4393 nor as a result of the incorrectness of any representation in, or omission from, the Financing
4394 Documents or the Closing Documents, unless the District or its elected or appointed officials,
4395 officers, employees, or agents have acted in a willful and fraudulent manner.

4396 Sec. 1131. District officials.

4397 (a) Except as otherwise provided in section 730(f), the elected or appointed officials,
4398 officers, employees, or agents of the District shall not be liable personally for the payment of the
4399 Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the
4400 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4401 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4402 Documents.

4403 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4404 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall

4405 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4406 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4407 Documents.

4408 Sec. 1132. Maintenance of documents.

4409 Copies of the specimen Bonds and of the final Financing Documents and Closing
4410 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4411 Sec. 1133. Information reporting.

4412 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4413 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4414 Council.

4415 Sec. 1134. Disclaimer.

4416 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4417 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4418 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or
4419 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4420 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4421 against the District, its elected or appointed officials, officers, employees, or agents as a
4422 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4423 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4424 in its sole and absolute discretion. The District gives no assurance and makes no representations
4425 that any portion of any limited amount of bonds or other obligations, the interest on which is
4426 excludable from gross income for federal income tax purposes, will be reserved or will be
4427 available at the time of the proposed issuance of the Bonds.

4428 (c) The District, by enacting this subtitle or by taking any other action in connection with
4429 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4430 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4431 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4432 Bonds, nor any other person shall rely upon the District with respect to these matters.

4433 Sec. 1135. Expiration.

4434 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4435 the effective date of this act, the authorization provided in this subtitle with respect to the
4436 issuance, sale, and delivery of the Bonds shall expire.

4437 Sec. 1136. Severability.

4438 If any particular provision of this subtitle, or the application thereof to any person or
4439 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4440 to other persons or circumstances shall not be affected thereby. If any action or inaction
4441 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4442 law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the
4443 validity of the Bonds shall not be adversely affected.

4444

4445 **SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.**

4446 Sec. 1141. Short title.

4447 This subtitle may be cited as the “Washington Housing Conservancy/WHC Park Pleasant
4448 LLC Revenue Bonds Temporary Act of 2020”.

4449 Sec. 1142. Definitions.

4450 For the purposes of this subtitle, the term:

4451 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4452 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4453 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4454 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
4455 (D.C. Official Code § 1-204.22(6)).

4456 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4457 counsel from time to time by the Mayor.

4458 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4459 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4460 authorized to be issued pursuant to this resolution.

4461 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
4462 with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing
4463 Conservancy, a non-profit corporation organized under the laws of the District of Columbia,
4464 and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole
4465 member of which is the Washington Housing Conservancy, both of which are exempt from
4466 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved
4467 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section
4468 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26
4469 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the
4470 repayment of the Bonds.

4471 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4472 (6) “Closing Documents” means all documents and agreements, other than
4473 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

4474 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,
4475 receipts, and other similar instruments.

4476 (7) “District” means the District of Columbia.

4477 (8) “Financing Documents” means the documents, other than Closing Documents,
4478 that relate to the financing, refinancing or reimbursement of transactions to be effected through
4479 the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering
4480 document, and any required supplements to any such documents.

4481 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4482 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4483 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4484 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4485 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4486 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
4487 with the development and implementation of the Financing Documents, the Closing Documents,
4488 and those other documents necessary or appropriate in connection with the authorization,
4489 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4490 Loan, together with financing fees, costs, and expenses, including program fees and
4491 administrative fees charged by the District, fees paid to financial institutions and insurance
4492 companies, initial letter of credit fees (if any), and compensation to financial advisors and other
4493 persons (other than full-time employees of the District) and entities performing services on
4494 behalf of or as agents for the District.

4495 (11) “Loan” means the District’s lending of proceeds from the sale, in one or
4496 more series, of the Bonds to the Borrower.

4497 (12) “Project” means the financing, refinancing, or reimbursing of all or a portion
4498 of the Borrower’s costs of:

4499 (A) Acquiring and renovating real property, including a parcel of land
4500 comprising approximately 2.042 acres improved with approximately 69,910 square feet of
4501 residential rental property comprising 126 rental housing units and associated parking facilities
4502 located in Washington, D.C., commonly known as Park Pleasant Apartments with street
4503 addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant
4504 Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant
4505 Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant
4506 Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively,
4507 “Facility”);

4508 (B) Purchasing certain equipment and furnishings, together with other
4509 property, real and personal, functionally related and subordinate to the Facility;

4510 (C) Funding certain expenditures associated with the financing of the
4511 Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt
4512 service reserve fund or working capital; and

4513 (D) Paying costs of issuance and other related costs, to the extent
4514 permissible.

4515 Sec. 1143. Findings.

4516 The Council finds that:

4517 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4518 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
4519 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,

4520 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the
4521 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
4522 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
4523 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
4524 the purchase, lease, or sale of any property.

4525 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4526 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not
4527 to exceed \$28,000,000, and to make the Loan for the purpose of financing, refinancing, or
4528 reimbursing costs of the Project.

4529 (3) The Facility is located in the District and will contribute to the health,
4530 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4531 District, or to economic development of the District.

4532 (4) The Project is an undertaking in the area of housing, within the meaning of
4533 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

4534 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4535 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4536 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

4537 Sec. 1144. Bond authorization.

4538 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4539 financing, refinancing, or reimbursing the costs of the Project by:

4540 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
4541 aggregate principal amount not to exceed \$28,000,000; and

4542 (2) The making of the Loan.

4543 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4544 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4545 respect to the Bonds as required by the Financing Documents.

4546 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4547 an amount sufficient to cover costs and expenses incurred by the District in connection with the
4548 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4549 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
4550 with the District, and maintaining official records of each bond transaction, and assisting in the
4551 redemption, repurchase, and remarketing of the Bonds.

4552 Sec. 1145. Bond details.

4553 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
4554 necessary or appropriate in accordance with this subtitle in connection with the preparation,
4555 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
4556 including, but not limited to, determinations of:

4557 (1) The final form, content, designation, and terms of the Bonds, including a
4558 determination that the Bonds may be issued in certificated or book-entry form;

4559 (2) The principal amount of the Bonds to be issued and denominations of the
4560 Bonds;

4561 (3) The rate or rates of interest or the method for determining the rate or rates of
4562 interest on the Bonds;

4563 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4564 on, the Bonds, and the maturity date or dates of the Bonds;

4565 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4566 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4567 their respective stated maturities;

4568 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4569 replacement of mutilated, lost, stolen, or destroyed Bonds;

4570 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4571 the Bonds;

4572 (8) The time and place of payment of the Bonds;

4573 (9) Procedures for monitoring the use of the proceeds received from the sale of
4574 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4575 the purposes of the Home Rule Act and this subtitle;

4576 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4577 jurisdiction where the Bonds are marketed; and

4578 (11) The terms and types of credit enhancement under which the Bonds may be
4579 secured.

4580 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4581 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4582 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4583 District, and do not constitute lending of the public credit for private undertakings as prohibited
4584 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4585 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4586 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4587 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

4588 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4589 approval, on behalf of the District, of the final form and content of the Bonds.

4590 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4591 otherwise reproduced on the Bonds.

4592 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4593 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4594 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4595 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4596 204.90(a)(4)).

4597 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4598 in one or more series.

4599 Sec. 1146. Sale of the Bonds.

4600 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4601 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4602 the best interest of the District.

4603 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4604 the Bonds, offering documents on behalf of the District, may deem final any such offering
4605 document on behalf of the District for purposes of compliance with federal laws and regulations
4606 governing such matters and may authorize the distribution of the documents in connection with
4607 the sale of the Bonds.

4608 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4609 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4610 the original purchasers of the Bonds upon payment of the purchase price.

4611 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4612 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4613 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4614 for purposes of federal income taxation.

4615 Sec. 1147. Payment and security.

4616 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4617 from proceeds received from the sale of the Bonds, income realized from the temporary
4618 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4619 income realized from the temporary investment of those receipts and revenues prior to payment
4620 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
4621 available to the District for the payment of the Bonds, and other sources of payment (other than
4622 from the District), all as provided for in the Financing Documents.

4623 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4624 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4625 the Financing Documents and Closing Documents, including a security interest in certain
4626 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4627 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4628 the sale of the Bonds pursuant to the Financing Documents.

4629 Sec. 1148. Financing and Closing Documents.

4630 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4631 Documents and all Closing Documents to which the District is a party that may be necessary or
4632 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

4633 the Financing Documents and each of the Closing Documents to which the District is not a party
4634 shall be approved, as to form and content, by the Mayor.

4635 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4636 Financing Documents and any Closing Documents to which the District is a party by the
4637 Mayor's manual or facsimile signature.

4638 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4639 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4640 which the District is a party.

4641 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4642 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
4643 approval, on behalf of the District, of the final form and content of the executed Financing
4644 Documents and the executed Closing Documents.

4645 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4646 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4647 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4648 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4649 Sec. 1149. Authorized delegation of authority.

4650 To the extent permitted by District and federal laws, the Mayor may delegate to any
4651 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4652 under this subtitle.

4653 Sec. 1150. Limited liability.

4654 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4655 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a

4656 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a
4657 debt of the District, and shall not constitute lending of the public credit for private undertakings
4658 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4659 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4660 shall have no obligation with respect to the purchase of the Bonds.

4661 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4662 Documents shall create an obligation on the part of the District to make payments with respect to
4663 the Bonds from sources other than those listed for that purpose in section 747.

4664 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4665 transaction or event to be effected by the Financing Documents.

4666 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4667 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4668 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4669 and agreements of the District to the fullest extent authorized by law, and each of those
4670 covenants, obligations, and agreements shall be binding upon the District, subject to the
4671 limitations set forth in this subtitle.

4672 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4673 any claims against the District or any of its elected or appointed officials, officers, employees, or
4674 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4675 or appointed officials, officers, employees or agents to either perform any covenant, undertaking,
4676 or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing
4677 Documents, or as a result of the incorrectness of any representation in or omission from the

4678 Financing Documents or the Closing Documents, unless the District or its elected or appointed
4679 officials, officers, employees, or agents have acted in a willful and fraudulent manner.

4680 Sec. 1151. District officials.

4681 (a) Except as otherwise provided in section 750(f), the elected or appointed officials,
4682 officers, employees, or agents of the District shall not be liable personally for the payment of the
4683 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
4684 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4685 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4686 Documents.

4687 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4688 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
4689 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4690 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4691 Documents.

4692 Sec. 1152. Maintenance of documents.

4693 Copies of the specimen Bonds and of the final Financing Documents and Closing
4694 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4695 Sec. 1153. Information reporting.

4696 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4697 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4698 Council.

4699 Sec. 1154. Disclaimer.

4700 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4701 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4702 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4703 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4704 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4705 against the District, its elected or appointed officials, officers, employees, or agents as a
4706 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4707 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4708 in its sole and absolute discretion. The District gives no assurance and makes no representations
4709 that any portion of any limited amount of bonds or other obligations, the interest on which is
4710 excludable from gross income for federal income tax purposes, will be reserved or will be
4711 available at the time of the proposed issuance of the Bonds.

4712 (c) The District, by enacting this subtitle or by taking any other action in connection with
4713 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4714 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4715 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4716 Bonds, nor any other person shall rely upon the District with respect to these matters.

4717 Sec. 1155. Expiration.

4718 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4719 the effective date of this act, the authorization provided in this subtitle with respect to the
4720 issuance, sale, and delivery of the Bonds shall expire.

4721 Sec. 1156. Severability.

4722 If any particular provision of this subtitle or the application thereof to any person or
4723 circumstance is held invalid, the remainder of this subtitle and the application of such provision
4724 to other persons or circumstances shall not be affected thereby. If any action or inaction
4725 contemplated under this subtitle is determined to be contrary to the requirements of applicable
4726 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
4727 the validity of the Bonds shall not be adversely affected.

4728 **SUBTITLE D. NATIONAL PUBLIC RADIO, INC.**

4729 Sec. 1161. Short title.

4730 This subtitle may be cited as the “National Public Radio, Inc., Refunding Revenue Bonds
4731 Temporary Act of 2020”.

4732 Sec. 1162. Definitions.

4733 For the purpose of this subtitle, the term:

4734 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
4735 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
4736 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
4737 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
4738 (D.C. Official Code § 1-204.22(6)).

4739 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
4740 counsel from time to time by the Mayor.

4741 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
4742 obligations (including refunding bonds, notes, and other obligations), in one or more series,
4743 authorized to be issued pursuant to this resolution.

4744 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed
4745 with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit
4746 corporation organized and existing under the laws of the District of Columbia, and exempt from
4747 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved
4748 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section
4749 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26
4750 U.S.C. § 501(c)(3)).

4751 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

4752 (6) “Closing Documents” means all documents and agreements other than
4753 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
4754 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,
4755 opinions, forms, receipts, and other similar instruments.

4756 (7) “District” means the District of Columbia.

4757 (8) “Financing Documents” means the documents, other than Closing Documents,
4758 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,
4759 and delivery of the Bonds and the making of the Loan, including any offering document and any
4760 required supplements to any such documents.

4761 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
4762 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

4763 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
4764 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
4765 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
4766 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection

4767 with the development and implementation of the Financing Documents, the Closing Documents,
4768 and those other documents necessary or appropriate in connection with the authorization,
4769 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
4770 Loan contemplated thereby, together with financing fees, costs, and expenses, including program
4771 fees and administrative fees charged by the District, fees paid to financial institutions and
4772 insurance companies, letter of credit fees (if any), compensation to financial advisors and other
4773 persons (other than full-time employees of the District) and entities performing services on
4774 behalf of or as agents for the District.

4775 (11) "Loan" means the District's lending of proceeds from the sale, in one or
4776 more series, of the Bonds to the Borrower.

4777 (12) "Project" means the financing, refinancing, or reimbursing of all or a portion
4778 of the Borrower's costs (including payments of principal of, and interest on, the bonds being
4779 refunded) to:

4780 (A) Refund all or a portion of the outstanding District of Columbia
4781 Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of
4782 which were used to advance refund a portion of the District of Columbia Revenue Bonds
4783 (National Public Radio, Inc. Issue) Series 2010 (the "Series 2010 Bonds") and to pay Issuance
4784 Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of
4785 the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office,
4786 production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C.
4787 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

4788 (B) Refund all or a portion of the outstanding District of Columbia
4789 Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of

4790 which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance
4791 Costs.

4792 Sec. 1163. Findings.

4793 The Council finds that:

4794 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
4795 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
4796 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
4797 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the
4798 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
4799 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
4800 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
4801 the purchase, lease, or sale of any property.

4802 (2) The Borrower has requested the District to issue, sell, and deliver revenue
4803 bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000 and
4804 to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

4805 (3) The Project is located in the District and will contribute to the health,
4806 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
4807 District, or to economic development of the District.

4808 (4) The Project is an undertaking in the area of education and contributes to the
4809 health, education, safety, or welfare of residents of the District within the meaning of section 490
4810 of the Home Rule Act (D.C. Official Code § 1-204.90).

4811 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
4812 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
4813 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

4814 Sec. 1164. Bond authorization.

4815 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
4816 financing, refinancing, or reimbursing the costs of the Project by:

4817 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the
4818 aggregate principal amount not to exceed \$210,000,000; and

4819 (2) The making of the Loan.

4820 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
4821 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
4822 respect to the Bonds as required by the Financing Documents.

4823 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
4824 an amount sufficient to cover costs and expenses incurred by the District in connection with the
4825 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
4826 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
4827 with the District, and maintaining official records of each bond transaction and assisting in the
4828 redemption, repurchase, and remarketing of the Bonds.

4829 Sec. 1165. Bond details.

4830 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
4831 necessary or appropriate in accordance with this subtitle in connection with the preparation,
4832 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,

4833 including, but not limited to, determinations of:

4834 (1) The final form, content, designation, and terms of the Bonds, including a
4835 determination that the Bonds may be issued in certificated or book-entry form;

4836 (2) The principal amount of the Bonds to be issued and denominations of the
4837 Bonds;

4838 (3) The rate or rates of interest or the method for determining the rate or rates of
4839 interest on the Bonds;

4840 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
4841 on the Bonds, and the maturity date or dates of the Bonds;

4842 (5) The terms under which the Bonds may be paid, optionally or mandatorily
4843 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
4844 their respective stated maturities;

4845 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
4846 replacement of mutilated, lost, stolen, or destroyed Bonds;

4847 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
4848 the Bonds;

4849 (8) The time and place of payment of the Bonds;

4850 (9) Procedures for monitoring the use of the proceeds received from the sale of
4851 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
4852 the purposes of the Home Rule Act and this subtitle;

4853 (10) Actions necessary to qualify the Bonds under blue sky laws of any
4854 jurisdiction where the Bonds are marketed; and

4855 (11) The terms and types of credit enhancement under which the Bonds may be
4856 secured.

4857 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
4858 obligations of the District, are without recourse to the District, are not a pledge of, and do not
4859 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
4860 District, and do not constitute lending of the public credit for private undertakings as prohibited
4861 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4862 (c) The Bonds shall be executed in the name of the District and on its behalf by the
4863 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
4864 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
4865 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
4866 approval, on behalf of the District, of the final form and content of the Bonds.

4867 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
4868 otherwise reproduced on the Bonds.

4869 (e) The Bonds of any series may be issued in accordance with the terms of a trust
4870 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
4871 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
4872 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
4873 204.90(a)(4)).

4874 (f) The Bonds may be issued at any time or from time to time in one or more issues and
4875 in one or more series.

4876 Sec. 1166. Sale of the Bonds.

4877 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
4878 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
4879 the best interest of the District.

4880 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
4881 the Bonds, offering documents on behalf of the District, may deem final any such offering
4882 document on behalf of the District for purposes of compliance with federal laws and regulations
4883 governing such matters and may authorize the distribution of the documents in connection with
4884 the sale of the Bonds.

4885 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
4886 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
4887 the original purchasers of the Bonds upon payment of the purchase price.

4888 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
4889 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
4890 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
4891 for purposes of federal income taxation.

4892 Sec. 1167. Payment and security.

4893 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
4894 from proceeds received from the sale of the Bonds, income realized from the temporary
4895 investment of those proceeds, receipts and revenues realized by the District from the Loan,
4896 income realized from the temporary investment of those receipts and revenues prior to payment
4897 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made

4898 available to the District for the payment of the Bonds, and other sources of payment (other than
4899 from the District), all as provided for in the Financing Documents.

4900 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
4901 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
4902 the Financing Documents and Closing Documents, including a security interest in certain
4903 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

4904 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
4905 the sale of the Bonds pursuant to the Financing Documents.

4906 Sec. 1168. Financing and Closing Documents.

4907 (a) The Mayor is authorized to prescribe the final form and content of all Financing
4908 Documents and all Closing Documents to which the District is a party that may be necessary or
4909 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of
4910 the Financing Documents and each of the Closing Documents to which the District is not a party
4911 shall be approved, as to form and content, by the Mayor.

4912 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
4913 Financing Documents and any Closing Documents to which the District is a party by the
4914 Mayor's manual or facsimile signature.

4915 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
4916 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
4917 which the District is a party.

4918 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
4919 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's

4920 approval, on behalf of the District, of the final form and content of said executed Financing
4921 Documents and said executed Closing Documents.

4922 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
4923 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
4924 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
4925 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

4926 Sec. 1169. Authorized delegation of authority.

4927 To the extent permitted by District and federal laws, the Mayor may delegate to any
4928 Authorized Delegate the performance of any function authorized to be performed by the Mayor
4929 under this subtitle.

4930 Sec. 1170. Limited liability.

4931 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
4932 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
4933 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
4934 debt of the District, and shall not constitute lending of the public credit for private undertakings
4935 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

4936 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
4937 shall have no obligation with respect to the purchase of the Bonds.

4938 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
4939 Documents shall create an obligation on the part of the District to make payments with respect to
4940 the Bonds from sources other than those listed for that purpose in section 767.

4941 (d) The District shall have no liability for the payment of any Issuance Costs or for any
4942 transaction or event to be effected by the Financing Documents.

4943 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
4944 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
4945 Documents to which the District is a party, shall be considered to be the covenants, obligations,
4946 and agreements of the District to the fullest extent authorized by law, and each of those
4947 covenants, obligations, and agreements shall be binding upon the District, subject to the
4948 limitations set forth in this subtitle.

4949 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
4950 any claims against the District or any of its elected or appointed officials, officers, employees, or
4951 agents for monetary damages suffered as a result of the failure of the District or any of its elected
4952 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
4953 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
4954 nor as a result of the incorrectness of any representation in or omission from the Financing
4955 Documents or the Closing Documents, unless the District or its elected or appointed officials,
4956 officers, employees, or agents have acted in a willful and fraudulent manner.

4957 Sec. 1171. District officials.

4958 (a) Except as otherwise provided in section 770(f), the elected or appointed officials,
4959 officers, employees, or agents of the District shall not be liable personally for the payment of the
4960 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the
4961 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
4962 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
4963 Documents.

4964 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
4965 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall

4966 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
4967 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
4968 Documents.

4969 Sec. 1172. Maintenance of documents.

4970 Copies of the specimen Bonds and of the final Financing Documents and Closing
4971 Documents shall be filed in the Office of the Secretary of the District of Columbia.

4972 Sec. 1173. Information reporting.

4973 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
4974 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
4975 Council.

4976 Sec. 1174. Disclaimer.

4977 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
4978 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
4979 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
4980 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
4981 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
4982 against the District, its elected or appointed officials, officers, employees, or agents as a
4983 consequence of any failure to issue any Bonds for the benefit of the Borrower.

4984 (b) The District reserves the right to issue the Bonds in the order or priority it determines
4985 in its sole and absolute discretion. The District gives no assurance and makes no representations
4986 that any portion of any limited amount of bonds or other obligations, the interest on which is
4987 excludable from gross income for federal income tax purposes, will be reserved or will be
4988 available at the time of the proposed issuance of the Bonds.

4989 (c) The District, by enacting this subtitle or by taking any other action in connection with
4990 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
4991 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
4992 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
4993 Bonds, nor any other person shall rely upon the District with respect to these matters.

4994 Sec. 1175. Expiration.

4995 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
4996 the effective date of this act, the authorization provided in this subtitle with respect to the
4997 issuance, sale, and delivery of the Bonds shall expire.

4998 Sec. 1176. Severability.

4999 If any particular provision of this subtitle or the application thereof to any person or
5000 circumstance is held invalid, the remainder of this subtitle and the application of such provision
5001 to other persons or circumstances shall not be affected thereby. If any action or inaction
5002 contemplated under this subtitle is determined to be contrary to the requirements of applicable
5003 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
5004 the validity of the Bonds shall not be adversely affected.

5005

5006 **SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.**

5007 Sec. 1181. Short title.

5008 This subtitle may be cited as the “Public Welfare Foundation, Inc., Revenue Bonds
5009 Temporary Act of 2020”.

5010 Sec. 1182. Definitions.

5011 For the purpose of this subtitle, the term:

5012 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning
5013 and Economic Development, or any officer or employee of the Executive Office of the Mayor to
5014 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of
5015 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act
5016 (D.C. Official Code § 1-204.22(6)).

5017 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond
5018 counsel from time to time by the Mayor.

5019 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other
5020 obligations (including refunding bonds, notes, and other obligations), in one or more series,
5021 authorized to be issued pursuant to this resolution.

5022 (4) “Borrower” means the owner of the assets financed or refinanced with
5023 proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit
5024 corporation organized and existing under the laws of the State of Delaware, duly authorized to
5025 transact business as a foreign corporation in the District of Columbia, and exempt from federal
5026 income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of
5027 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

5028 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

5029 (6) “Closing Documents” means all documents and agreements, other than
5030 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds
5031 and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts,
5032 and other similar instruments.

5033 (7) “District” means the District of Columbia.

5034 (8) “Financing Documents” means, the documents, other than Closing
5035 Documents, that relate to the financing, refinancing or reimbursement of transactions to be
5036 effected through the issuance, sale, and delivery of the Bonds and the making of the Loan,
5037 including any offering document and any required supplements to any such documents.

5038 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved
5039 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

5040 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or
5041 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery
5042 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,
5043 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection
5044 with the development and implementation of the Financing Documents, the Closing Documents,
5045 and those other documents necessary or appropriate in connection with the authorization,
5046 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the
5047 Loan, together with financing fees, costs, and expenses, including program fees and
5048 administrative fees charged by the District, fees paid to financial institutions and insurance
5049 companies, initial letter of credit fees (if any), compensation to financial advisors and other
5050 persons (other than full-time employees of the District) and entities performing services on
5051 behalf of or as agents for the District.

5052 (11) “Loan” means the District’s lending to the Borrower of the proceeds from the
5053 sale, in one or more series, of the Bonds.

5054 (12) “Project” means the financing, refinancing or reimbursing of the Borrower,
5055 on a tax exempt or taxable basis, for all or a portion of the Borrower’s costs incurred in

5056 connection with the renovation of certain facilities of the Borrower located at 1200 U Street,
5057 N.W., Washington, D.C. (the “Building”) in one or more phases and comprised of the following:

5058 (A) Replacement of nearly all exterior windows of the Building and the
5059 repair of certain sheet metal and masonry;

5060 (B) Soft costs, including architectural, engineering, and permitting fees, in
5061 connection therewith;

5062 (C) Purchase of certain equipment and furnishings, together with other
5063 property, real and personal, functionally related and subordinate thereto;

5064 (D) Refinancing, in whole or in part, of existing indebtedness; and

5065 (E) Certain expenditures associated therewith to the extent financeable,
5066 including, without limitation, Issuance Costs, credit costs, and working capital.

5067 Sec. 1183. Findings.

5068 The Council finds that:

5069 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides
5070 that the Council may by act authorize the issuance of District revenue bonds, notes, or other
5071 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,
5072 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the
5073 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)
5074 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly
5075 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by
5076 the purchase, lease, or sale of any property.

5077 (2) The Borrower has requested the District to issue, sell, and deliver revenue and
5078 refunding bonds, in one or more series, in an aggregate principal amount not to exceed

5079 \$13,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs
5080 of the Project.

5081 (3) The Project is located in the District and will contribute to the health,
5082 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the
5083 District, or to economic development of the District.

5084 (4) The Project is an undertaking in the area of a capital project as facilities used
5085 to house and equip operations related to the study, development, application, or production of
5086 social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-
5087 204.90).

5088 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to
5089 the Borrower are desirable, are in the public interest, will promote the purpose and intent of
5090 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.
5091 Sec. 1184. Bond authorization.

5092 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in
5093 financing, refinancing, or reimbursing the costs of the Project by:

5094 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an
5095 aggregate principal amount not to exceed \$13,000,000; and

5096 (2) The making of the Loan.

5097 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of
5098 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with
5099 respect to the Bonds as required by the Financing Documents.

5100 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,
5101 an amount sufficient to cover costs and expenses incurred by the District in connection with the

5102 issuance, sale, and delivery of each series of the Bonds, the District's participation in the
5103 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements
5104 with the District, and maintaining official records of each bond transaction and assisting in the
5105 redemption, repurchase, and remarketing of the Bonds.

5106 Sec. 1185. Bond details.

5107 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably
5108 necessary or appropriate in accordance with this subtitle in connection with the preparation,
5109 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,
5110 including, but not limited to, determinations of:

5111 (1) The final form, content, designation, and terms of the Bonds, including a
5112 determination that the Bonds may be issued in certificated or book-entry form;

5113 (2) The principal amount of the Bonds to be issued and denominations of the
5114 Bonds;

5115 (3) The rate or rates of interest or the method for determining the rate or rates of
5116 interest on the Bonds;

5117 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest
5118 on the Bonds, and the maturity date or dates of the Bonds;

5119 (5) The terms under which the Bonds may be paid, optionally or mandatorily
5120 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before
5121 their respective stated maturities;

5122 (6) Provisions for the registration, transfer, and exchange of the Bonds and the
5123 replacement of mutilated, lost, stolen, or destroyed Bonds;

- 5124 (7) The creation of any reserve fund, sinking fund, or other fund with respect to
5125 the Bonds;
- 5126 (8) The time and place of payment of the Bonds;
- 5127 (9) Procedures for monitoring the use of the proceeds received from the sale of
5128 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish
5129 the purposes of the Home Rule Act and this subtitle;
- 5130 (10) Actions necessary to qualify the Bonds under blue sky laws of any
5131 jurisdiction where the Bonds are marketed; and
- 5132 (11) The terms and types of credit enhancement under which the Bonds may be
5133 secured.

5134 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special
5135 obligations of the District, are without recourse to the District, are not a pledge of, and do not
5136 involve the faith and credit or the taxing power of the District, do not constitute a debt of the
5137 District, and do not constitute lending of the public credit for private undertakings as prohibited
5138 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5139 (c) The Bonds shall be executed in the name of the District and on its behalf by the
5140 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of
5141 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The
5142 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's
5143 approval, on behalf of the District, of the final form and content of the Bonds.

5144 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or
5145 otherwise reproduced on the Bonds.

5146 (e) The Bonds of any series may be issued in accordance with the terms of a trust
5147 instrument to be entered into by the District and a trustee to be selected by the Borrower subject
5148 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered
5149 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-
5150 204.90(a)(4)).

5151 (f) The Bonds may be issued at any time or from time to time in one or more issues and
5152 in one or more series.

5153 Sec. 1186. Sale of the Bonds.

5154 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or
5155 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in
5156 the best interest of the District.

5157 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of
5158 the Bonds, offering documents on behalf of the District, may deem final any such offering
5159 document on behalf of the District for purposes of compliance with federal laws and regulations
5160 governing such matters and may authorize the distribution of the documents in connection with
5161 the sale of the Bonds.

5162 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the
5163 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to
5164 the original purchasers of the Bonds upon payment of the purchase price.

5165 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from
5166 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is
5167 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds
5168 for purposes of federal income taxation.

5169 Sec. 1187. Payment and security.

5170 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely
5171 from proceeds received from the sale of the Bonds, income realized from the temporary
5172 investment of those proceeds, receipts and revenues realized by the District from the Loan,
5173 income realized from the temporary investment of those receipts and revenues prior to payment
5174 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made
5175 available to the District for the payment of the Bonds, and other sources of payment (other than
5176 from the District), all as provided for in the Financing Documents.

5177 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and
5178 by an assignment by the District for the benefit of the Bond owners of certain of its rights under
5179 the Financing Documents and Closing Documents, including a security interest in certain
5180 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

5181 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from
5182 the sale of the Bonds pursuant to the Financing Documents.

5183 Sec. 1188. Financing and Closing Documents.

5184 (a) The Mayor is authorized to prescribe the final form and content of all Financing
5185 Documents and all Closing Documents to which the District is a party that may be necessary or
5186 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of
5187 the Financing Documents and each of the Closing Documents to which the District is not a party
5188 shall be approved, as to form and content, by the Mayor.

5189 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the
5190 Financing Documents and any Closing Documents to which the District is a party by the
5191 Mayor's manual or facsimile signature.

5192 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,
5193 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to
5194 which the District is a party.

5195 (d) The Mayor's execution and delivery of the Financing Documents and the Closing
5196 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's
5197 approval, on behalf of the District, of the final form and content of said executed Financing
5198 Documents and said executed Closing Documents.

5199 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and
5200 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,
5201 and delivery of the Bonds, and to ensure the due performance of the obligations of the District
5202 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

5203 Sec. 1189. Authorized delegation of authority.

5204 To the extent permitted by District and federal laws, the Mayor may delegate to any
5205 Authorized Delegate the performance of any function authorized to be performed by the Mayor
5206 under this subtitle.

5207 Sec. 1190. Limited liability.

5208 (a) The Bonds shall be special obligations of the District. The Bonds shall be without
5209 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a
5210 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a
5211 debt of the District, and shall not constitute lending of the public credit for private undertakings
5212 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

5213 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District
5214 shall have no obligation with respect to the purchase of the Bonds.

5215 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing
5216 Documents shall create an obligation on the part of the District to make payments with respect to
5217 the Bonds from sources other than those listed for that purpose in section 787.

5218 (d) The District shall have no liability for the payment of any Issuance Costs or for any
5219 transaction or event to be effected by the Financing Documents.

5220 (e) All covenants, obligations, and agreements of the District contained in this subtitle,
5221 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing
5222 Documents to which the District is a party, shall be considered to be the covenants, obligations,
5223 and agreements of the District to the fullest extent authorized by law, and each of those
5224 covenants, obligations, and agreements shall be binding upon the District, subject to the
5225 limitations set forth in this subtitle.

5226 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have
5227 any claims against the District or any of its elected or appointed officials, officers, employees, or
5228 agents for monetary damages suffered as a result of the failure of the District or any of its elected
5229 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or
5230 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,
5231 or as a result of the incorrectness of any representation in or omission from the Financing
5232 Documents or the Closing Documents, unless the District or its elected or appointed officials,
5233 officers, employees, or agents have acted in a willful and fraudulent manner.

5234 Sec. 1191. District officials.

5235 (a) Except as otherwise provided in section 790(f), the elected or appointed officials,
5236 officers, employees, or agents of the District shall not be liable personally for the payment of the
5237 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the

5238 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the
5239 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing
5240 Documents.

5241 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of
5242 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall
5243 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory
5244 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing
5245 Documents.

5246 Sec. 1192. Maintenance of documents.

5247 Copies of the specimen Bonds and of the final Financing Documents and Closing
5248 Documents shall be filed in the Office of the Secretary of the District of Columbia.

5249 Sec. 1193. Information reporting.

5250 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the
5251 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the
5252 Council.

5253 Sec. 1194. Disclaimer.

5254 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this
5255 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as
5256 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or
5257 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the
5258 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief
5259 against the District, its elected or appointed officials, officers, employees, or agents as a
5260 consequence of any failure to issue any Bonds for the benefit of the Borrower.

5261 (b) The District reserves the right to issue the Bonds in the order or priority it determines
5262 in its sole and absolute discretion. The District gives no assurance and makes no representations
5263 that any portion of any limited amount of bonds or other obligations, the interest on which is
5264 excludable from gross income for federal income tax purposes, will be reserved or will be
5265 available at the time of the proposed issuance of the Bonds.

5266 (c) The District, by enacting this subtitle or by taking any other action in connection with
5267 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that
5268 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on
5269 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the
5270 Bonds, nor any other person shall rely upon the District with respect to these matters.

5271 Sec. 1195. Expiration.

5272 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of
5273 the effective date of this act, the authorization provided in this subtitle with respect to the
5274 issuance, sale, and delivery of the Bonds shall expire.

5275 Sec. 1196. Severability.

5276 If any particular provision of this subtitle or the application thereof to any person or
5277 circumstance is held invalid, the remainder of this subtitle and the application of such provision
5278 to other persons or circumstances shall not be affected thereby. If any action or inaction
5279 contemplated under this subtitle is determined to be contrary to the requirements of applicable
5280 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and
5281 the validity of the Bonds shall not be adversely affected.

5282 **TITLE XII. REPEALS; APPLICABILITY; FISCAL IMPACT STATEMENT;**
5283 **EFFECTIVE DATE**

5284 Sec. 1201. Repeals.

5285 (a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17,
5286 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

5287 (b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020,
5288 effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178) is repealed.

5289 (c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020,
5290 effective May 4, 2020 (D.C. Act 23-299; 67 DCR XXXX) is repealed.

5291 (d) The Coronavirus Omnibus Emergency Amendment Act of 2020, passed on
5292 emergency basis on May 5, 2020 (D.C. Act 23- XXX, DCR XXXX) is repealed.

5293 (e) The Foreclosure Moratorium Emergency Amendment Act of 2020, passed on
5294 emergency basis on May 5, 2020 (D.C. Act 23- XXX, DCR XXXX) is repealed.

5295 (f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted
5296 May X, 2020 (D.C. Act 23-XXX; 67 DCR XXXX) is repealed.

5297 Sec. 1202. Applicability.

5298 (a) Titles I through XI of this act shall apply as of March 11, 2020.

5299 Sec. 1203. Fiscal impact statement.

5300 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
5301 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
5302 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

5303 Sec. 1204. Effective date.

5304 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
5305 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
5306 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

5307 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
5308 Columbia Register.

5309 (b) This act shall expire after 225 days of its having taken effect.