

A RESOLUTION

23-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 19, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to provide protections to District residents and businesses, expand the authority of the Mayor, and ensure continuity of government during the current public health emergency.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Support Congressional Review Emergency Declaration Resolution of 2020.”

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Order 2020-45, 2020-46, declaring a public emergency and a public health emergency due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19, and on April 17, 2020, Mayor’s Order 2020-63 extending the state of emergency and public health emergency. That order is currently in effect through May 15, 2020. Additional orders extending the emergency are likely to be issued.

(b) The widespread closure of businesses during this public health emergency makes it necessary to provide wage relief for affected employees through the extension of unemployment benefits.

(c) To further aid residents whose employment has been impacted by the public health emergency, it is necessary to clarify eligibility for unemployment insurance, expand the District’s work share program, and align the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*), with the federal Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178), with respect to emergency leave requirements.

(d) Due to the impact of closures and reduced operations, it is necessary to provide businesses in the District relief through the creation of a small business grant program.

(e) To aid restaurants while they are unable to provide unrestricted dine-in service, it is necessary to cap the commission fee that third-party food delivery platforms may charge a restaurant to a maximum of 15% of the purchase price on delivery or pick-up orders and to require third-party food delivery platforms to disclose fees to the customer.

(f) To ensure businesses who do not have the income to file upcoming corporate registration and trade name renewal applications are not penalized, it is necessary to waive late fees for corporate registration filings and tradename renewal applications to provide some relief.

(g) To help District residents who utilize opportunity accounts meet their financial needs, it is necessary to amend the Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), to allow for greater financial flexibility during a public health emergency.

(h) To provide transparency for residents who must bury their loved ones, it is necessary to require the Department of Consumer and Regulatory Affairs, the Board of Funeral Directors, and the Attorney General for the District of Columbia to create a “Funeral Bill of Rights.”

(i) To protect consumers and the public during this public health emergency, it is crucial to prohibit price gouging and the hoarding of supplies, and to increase penalties for unlawful trade practices.

(j) Many District tenants who have been laid off or have had their hours reduced have experienced significant reductions in their earnings, making it imperative to prohibit utility shutoffs or evictions during this public health emergency.

(k) As part of the Sustainable Solid Waste Management Act of 2014, the District established incentives for composting explicitly for residents to engage in residential composting to reduce waste. To continue to promote sustainable waste practices during this public health emergency, it is crucial to allow virtual composting training.

(l) Since many business are unable to operate during this public health emergency, it is necessary to clarify that vacant property designations do not apply to those businesses who have been ordered to close pursuant to an order of the Mayor.

(m) District agencies are operating at reduced capacity due to the public health emergency, creating a need to allow the Mayor to waive deadlines for licenses, registrations, or certifications for businesses and residents.

(n) To ensure tenants are not adversely impacted by the public health emergency, it is necessary to prohibit evictions, direct mortgage providers to establish mortgage relief plans, enable tenants and residents to establish rental payment plans, prohibit increases in rent during the public health emergency, and extend deadlines for tenants and tenant associations to exercise their rights.

(o) To ensure that District residents have an adequate supply of medication to treat medical conditions, it is necessary to allow licensed pharmacists to dispense a refill of a medication prior to the expiration of a waiting period between refills.

(p) Homeless individuals in the District are particularly vulnerable to viruses such as COVID-19, necessitating amendments to the Homeless Services Reform Act of 2005 (D.C. Official Code § 4-751.01 *et seq.*).

(q) To aid the Mayor in addressing the critical needs of District residents during this emergency, there is an immediate need to expand the Mayor's authority under the District of Columbia Public Emergency Act of 1980, and to expand the authority of the authority of the Commissioner of the Department of Insurance, Securities, and Banking.

(r) Public benefits such as the Healthcare Alliance, Temporary Assistance for Needy Families (known as TANF) and the Supplemental Nutritional Assistance Program (known as

SNAP) are crucial supports for the health and well-being of many District residents, creating an immediate need to allow the Mayor to extend the expiration of assistance under these programs until after the expiration this public health emergency.

(s) The medical surge projected by the Johns Hopkins model shows that hospitals in the District will need additional capacity, such as increased acute care and ICU beds, to care for patients with COVID-19. To prepare for the medical surge, it is necessary to establish a grant program for District hospitals that can be used to purchase necessary equipment, pay for increased personnel costs, and fund the construction and operation of temporary structures to test or treat patients with COVID-19.

(t) Long-term care facilities in the District have been disproportionately impacted by the spread of COVID-19, with 322 cases and 73 deaths as of May 4, 2020. Given that long-term care facilities house particularly vulnerable populations, it is necessary to require daily reporting of cases to the Department of Health.

(u) As District schools implement distance learning to protect the health and well-being of students, parents, and staff during this public health emergency, it is necessary to amend service requirements for graduation and requirements for out of school time report waivers and summer school attendance.

(v) Four individuals currently serving on the University of the District of Columbia's Board of Trustees are set to have their terms expire on May 15, 2020. To make sure that the Board can continue operating effectively and not experience quorum issues, it is necessary to amend the terms for certain Board of Trustee members.

(w) As of May 12, 2020, 179 residents in DC jail facilities have tested positive for COVID-19 and one individual has died. Conditions in the facilities have led to lawsuits and ongoing monitoring of Department of Correction practices to keep residents safe. For the Council and the public to have the best possible information on developments occurring within DC jail facilities, it is vital to prescribe reporting requirements.

(x) To protect the health and safety of elderly individuals and individuals who have chronic conditions in the criminal justice system, it is necessary to extend the application of good time credits for certain defendants, and align the use of compassionate release with the federal First Step Act of 2018, approved December 21, 2018 (Pub. L. No. 115-391; 132 Stat. 5194).

(y) For the health and well-being of District residents, the District of Columbia Board of Elections is encouraging voters to request absentee mail-in ballots for the primary election on June 2nd and the special election for Ward 2 on June 16th. To make the process of requesting such a ballot as easy as possible, it is imperative to make changes to the petitioning requirements for ballot access.

(z) Notarization is required for many critical activities in the District, including real estate transactions and legal proceedings. So that these activities can continue without interruption, it is crucial to allow remote notarization during a public health emergency.

(aa) Due to the fact that District agencies are operating at reduced capacity during this public health emergency, it is necessary to amend the Freedom of Information Act of 1976,

effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.) to allow agencies more time to respond to requests.

(bb) To conduct legislative business during the emergency, the Council requires changes to its rules to allow for remote committee and legislative meetings.

(cc) It is also necessary to allow flexibility to delay transmission of the Fiscal Year 2021 budget currently scheduled for May 12, 2020.

(dd) To ensure continuity of government operations while the public health emergency is in effect, it is necessary to toll certain matters transmitted to the Council, and to confirm appointments and reappointments of Mayoral nominees for specific agencies, boards, committees, and commissions.

(ee) Advisory Neighborhood Commissions (“ANCs”) are a vital component of District government, providing advice and insight on critical matters, such as planning, social service programs, and public safety in their neighborhoods. To enable ANCs to better respond to the needs of their neighborhoods during this public health emergency, it is necessary to amend petition requirements for ANC candidates, allow for remote ANC meetings, and expand the grantmaking authority of ANCs.

(ff) Due to the adverse impacts of this public health emergency on businesses and employees, the District is expected to lose \$721 million in revenue in Fiscal Year 2020 alone. To ensure that the District has the cash on-hand to meet its budgetary obligations, it is necessary to allow the Chief Financial Officer to engage in short-term borrowing through the issuance of general obligation notes and tax revenue anticipation notes.

(gg) To make certain that several nonprofit development projects can move forward during the public health emergency, it is necessary to authorize the issuance of industrial revenue bonds for these projects.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.