

Chairman Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

Sec. 2. Business interruption insurance.

(a)(1) Notwithstanding any provision of District law and notwithstanding the terms of any policy of insurance subject to this section (including any endorsement thereto or exclusions to coverage included therewith), every policy of insurance in force in the District that insures against loss of or damage to property and that includes, as of the effective date of this act, coverage for loss of use and occupancy and business interruption, shall be construed to provide coverage for business interruption directly or indirectly resulting from a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, 183 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Health Emergency”).

33 (2) No insurer may deny a claim for loss of use and occupancy and business
34 interruption due to:

35 (A) Losses arising from actions an insured takes in response to [a Mayor's
36 Order issued during a Public Health Emergency, even if the relevant insurance policy excludes
37 losses resulting from viruses; or

38 (B) There being no physical damage to the property of the insured or to
39 any other relevant property.

40 (3) The coverage required by this section shall indemnify the insured, subject to
41 the limits under the policy, for any loss of business or business interruption for the duration of a
42 public health emergency declared pursuant to section 5a of the District of Columbia Public
43 Emergency Act of 1980, 183 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code
44 § 7-2304.01).

45 (4) This section shall apply only to policies issued to insureds with fewer than 100
46 full-time employees, each of whom work 25 or more hours per week as of March 1, 2020.

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

53 (2) The Commissioner shall establish procedures for the submission and
54 qualification of claims by insurers that are eligible for reimbursement pursuant to this subsection.
55 The Commissioner shall incorporate in these procedures such standards as are necessary to

56 protect against the submission of fraudulent claims by insureds, and appropriate safeguards for
57 insurers to employ in the review and payment of such claims.

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

69 (d) Section 3 of the Insurance Regulatory Trust Fund Act of 1993, effective October 21,
70 1993 (D.C. Law 10-40; D.C. Official Code § 31-1202), is amended by adding a new subsection
71 (b-3) to read as follows:

72 “(b-3)(1) For the purpose of administering section 2(b) of the Business Interruption
73 Insurance Amendment Emergency Act of 2020, passed on final reading on May 5, 2020
74 (Enrolled version of Bill 20-XX) (“Business Interruption Insurance Act”), there is established as
75 separate account within the Insurance Regulatory Trust Fund, the Business Interruption
76 Insurance Reimbursement Account. All assessments received by the Commissioner pursuant to
77 section 2(c) of the Business Interruption Insurance Act shall be deposited in, and credited to, the
78 Business Interruption Insurance Reimbursement Account, and money deposited into the

79 Business Interruption Insurance Reimbursement Account but not expended in a fiscal year shall
80 not revert to the unassigned fund balance of the General Fund of the District of Columbia at the
81 end of a fiscal year, or at any other time

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

85 Sec. 3. Alcohol licensing.

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

87 (a) Chapter 1 is amended as follows:

88 (1) Section 25-117(a)(1) is amended to read as follows:

89 “(a)(1)A brew pub endorsement shall authorize the licensee to brew malt beverages at
90 one location for consumption at a licensed restaurant, tavern, multipurpose facility, hotel, or
91 nightclub and for sale to licensed wholesalers for the purpose of resale to other licensees. The
92 holder of a brew pub endorsement shall also be permitted to bottle, can, or blend beer for a
93 licensed brewery that holds a manufacturer’s license, class B.”

94 (2) Section 25-124(a) is amended to read as follows:

95 “(a) A wine pub endorsement shall authorize the licensee to manufacture wine containing
96 no more than 21% alcohol by volume at one location from grapes, fruit, or fruit juices
97 transported to the facility used by the on-premises retailer's license class C or D licensee for on-
98 premises consumption and for sale to the licensed wholesalers for the purpose of resale to other
99 licensees. The holder of a wine pub endorsement shall also be permitted to bottle, can, or blend
100 wine for a licensed winery that holds a manufacturer’s license, class A.”.

101 (3) Section 25-125(a) is amended to read as follows:

102 “(a) A distillery pub endorsement shall authorize the licensee to manufacture distilled
103 spirits at one location from fruits or grains, to blend and rectify distilled spirits, and store distilled
104 spirits transported to the on-premises retailer's license class C licensee for on-premises
105 consumption, and for sale to licensed wholesalers for the purposes of resale to other licensees.
106 The holder of a distillery pub endorsement shall also be permitted to bottle, can, or blend spirits,
107 including cocktails, for a licensed distillery that holds a manufacturer's license, class A.”.

108 (b) Chapter 4 is amended as follows:

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

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

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

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

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

120 (i) Strike the phrase “45-day protest period” with the phrase “66-
121 day protest period” in its place.

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

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

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

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

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

131 (c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,”
132 and inserting the phrase “21 or more calendar days, excluding each day during the period of time
133 for which the Mayor has declared a public health emergency pursuant to section 5a of the
134 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
135 194; D.C. Official Code § 7-2304.01),” in its place.

136 Sec. 4. Third-party food delivery commissions.

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

143 (b) It shall be unlawful for a third-party food delivery platform to reduce the
144 compensation rates paid to the delivery service driver, or garnish gratuities, as a result of
145 subsection (a) of this section.

146 (c) When a final price is disclosed to a customer, and before a transaction occurs, for the
147 purchase and delivery of food from a restaurant through a third-party food delivery platform,
148 such third-party food delivery platform shall disclose to such customer, in plain and simple
149 language and in a conspicuous manner, any commission, fee, or any other monetary payment
150 imposed by the third-party food delivery platform on such restaurant as a term of a contract or
151 agreement between the parties in connection with the restaurant utilizing the third-party food
152 delivery platform.

153 (d) Any restaurant may decline to disclose to customers the commission charged by a
154 third-party food delivery platform. If a restaurant has declined to have such a commission
155 disclosed to customers, the requirement of subsection (c) of this section shall not apply with
156 respect to such restaurant.

157 (d) A person who violates this act will be subject to a fine of not less than \$250 and more
158 than \$1,000 for each violation.

159 (e) For purposes of this act:

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

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

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

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

168 Sec. 5. Rental tenant payment plans.

169 (a) During a period of time for which the Mayor has declared a public health
170 emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,
171 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for one year
172 thereafter (“Covered time period”), a provider shall develop a rent payment plan program
173 (“Program”) for eligible residential and commercial tenants. Under the Program, providers shall:

174 (1) Permit eligible tenants to enter into a payment plan for rent that comes due
175 during the covered time period;

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

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

180 (b)(1) Payment plans established under this section shall be for a minimum length of one
181 year, and payments shall be made in monthly installments

182 (2) Providers shall permit tenants with a payment plan to pay an amount greater
183 than the monthly amount provided for in the payment plan.

184 (3) Providers shall not require or request a tenant provide a lump sum payment in
185 excess of the amount required under a payment plan.

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

189 (c) A provider shall establish procedures governing how tenants are to apply for the
190 Program, including requiring the tenant to submit supporting documentation. An application
191 shall be made available online and by telephone.

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

193 (1) Demonstrates to the provider evidence of a financial hardship resulting
194 directly or indirectly from the public health emergency, regardless of an existing delinquency or
195 a future inability to make rental payments established prior to the start of the public health
196 emergency; and

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

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

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

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

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

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

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

210 (g) For the purposes of this section, the term “provider” means a person who:

211 (1) Is a landlord, owner, lessor, sublessor, assignee, an agent of a landlord, owner,
212 lessor, sublessor, or assignee, or any other person receiving or entitled to receive rents or benefits
213 for the use or occupancy of a rental housing or commercial unit; and

214 (2) Has 5 or more units for rent.

215 Sec. 6. Utility payment plans.

216 (a) Section 106b of the Retail Electric Competition and Consumer Protection Act of
217 1999, effective March 17, 2020 (D.C. Act 23-247; D.C. Official Code § 34-1506.02), is amended
218 as follows:

219 (1) The section heading is amended by striking the phrase “emergency
220 prohibited” and inserting the word “emergency” in its place.

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

222 “(c)(1) During a period of time for which the Mayor has declared a public health
223 emergency, for one year thereafter (“Covered time period”), an electric company shall develop a
224 payment plan program (“Program”) for eligible customers. Under the Program, an electric
225 company shall:

226 “(A) Permit eligible customers to enter into a payment plan for any
227 amounts that comes due during the covered time period;

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

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

232 “(2)(A) Payment plans established under this section shall be for a minimum
233 length of one year, and payments shall be made in monthly installments.

234 “(B) An electric company shall permit customers with a payment plan to
235 pay an amount greater than the monthly amount provided for in the payment plan.

236 “(C) An electric company shall not require or request that a customer
237 provide a lump sum payment in excess of the amount required under a payment plan

238 “(3) An electric company shall not disconnect electric service for non-payment of
239 a bill or fees where a customer has entered into a payment plan under this section.

240 “(4) An electric company shall establish procedures governing how customers to
241 apply for the Program, including requiring the customer to submit supporting documentation. An
242 application shall be made available online and by telephone.

243 “(5) An electric company shall approve each application in which a customer:

244 “(A) Demonstrates to the electric company evidence of a financial
245 hardship resulting directly or indirectly from the public health emergency, regardless of an
246 existing delinquency or a future inability to make payments established prior to the start of the
247 public health emergency; and

248 “(B) Agrees in writing to make payments in accordance with the payment
249 plan.

250 “(6)(A) An electric company who receives an application for a payment plan
251 pursuant to this section shall retain the application, whether approved or denied, for at least 3
252 years.

253 “(B) Upon request, an electric company shall make an application for a
254 payment plan available to the Office of the People’s Counsel.

255 “(7) A customer whose application for a payment plan is denied may file a written
256 complaint with the Public Service Commission.”

257 (b) Section 7b of the Retail Natural Gas Supplier Licensing and Consumer Protection Act
258 of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.06b), is
259 amended as follows:

260 (1) The title is amended by striking the phrase “emergency prohibited” and
261 inserting the phrase “emergency” in its place.

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

263 “(c)(1) During a period of time for which the Mayor has declared a public health
264 emergency, and for one year thereafter (“Covered time period”), a gas company shall develop a
265 payment plan program (“Program”) for eligible customers. Under the Program, a gas company
266 shall:

267 “(A) Permit eligible customers to enter into a payment plan for any
268 amounts that comes due during the covered time period;

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

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

273 “(2)(A) Payment plans established under this section shall be for a minimum
274 length of one year, and payments shall be made in monthly installments.

275 “(B) A gas company shall permit customers with a payment plan to pay an
276 amount greater than the monthly amount provided for in the payment plan.

277 “(C) A gas company shall not require or request that a customer provide a
278 lump sum payment in excess of the amount required under a payment plan.

279 “(3) A gas company shall not disconnect gas service for non-payment of a bill or
280 fees where a customer has entered into a payment plan under this section.

281 “(4) A gas company shall establish procedures governing how customers are to
282 apply for the Program, including requiring the customer to submit supporting documentation. An
283 application shall be made available online and by telephone.

284 “(5) A gas company shall approve each application in which a customer:

285 “(A) Demonstrates to the gas company evidence of a financial hardship
286 resulting directly or indirectly from the public health emergency, regardless of an existing
287 delinquency or a future inability to make payments established prior to the start of the public
288 health emergency; and

289 “(B) Agrees in writing to make payments in accordance with the payment
290 plan.

291 “(6)(A) A gas company who receives an application for a payment plan pursuant
292 to this section shall retain the application, whether approved or denied, for at least 3 years.

293 “(B) Upon request, a gas company shall make an application for a
294 payment plan available to the Office of the People’s Counsel.

295 “(7) A customer whose application for a payment plan is denied may file a written
296 complaint with the Public Service Commission.”

297 (c) Section 103(c) of the District of Columbia Public Works Act of 1954, approved May
298 18, 1954 (68 Stat. 102; D.C. Code § 34-2407.01(c)), is amended by adding a new paragraph (3)
299 to read as follows:

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

304 “(i) Permit eligible customers to enter into a payment plan for any
305 amounts that comes due during the covered time period;

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

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

310 “(B)(i) Payment plans established under this section shall be for a
311 minimum length of one year, and payments shall be made in monthly installments.

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

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

316 “(C) The Authority shall not disconnect water service for non-payment of
317 a bill or fees where a customer has entered into a payment plan under this section.

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

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

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

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

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

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

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

334 (d) Section 3a of the Telecommunications Competition Act of 1996, effective September
335 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2002.01), is amended as follows:

336 (1) The title is amended to read as follows:

337 “Section 3a. Telecommunications service during a public health emergency.”

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

339 “(c)(1) During a period of time for which the Mayor has declared a public health
340 emergency, and for one year thereafter (“Covered time period”), a telecommunications service
341 provider shall develop a payment plan program (“Program”) for eligible customers. Under the
342 Program, a telecommunication service provider shall:

343 “(A) Permit eligible customers to enter into a payment plan for any
344 amounts that comes due during the covered time period;

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

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

349 “(2)(A) Payment plans established under this section shall be for a minimum
350 length of one year, and payments shall be made in monthly installments.

351 “(B) A telecommunication service provider shall permit customers with a
352 payment plan to pay an amount greater than the monthly amount provided for in the payment
353 plan.

354 “(C) A telecommunication service provider shall not require or request
355 that a customer provide a lump sum payment in excess of the amount required under a payment
356 plan.

357 “(3) A telecommunications service provider shall not disconnect, suspend or
358 degrade telecommunications service for non-payment of a bill, any fees for service or equipment,
359 or other charges where a customer has entered into a payment plan under this section; provided,
360 that a telecommunications service provider may switch the customer to a basic service plan.

361 “(4) A telecommunications service provider shall establish procedures governing
362 how customers are to apply for the Program, including requiring the customer to submit
363 supporting documentation. An application shall be made available online and by telephone.

364 “(5) A telecommunications service provider shall approve each application in
365 which a customer:

366 “(A) Demonstrates to the telecommunications service provider evidence of
367 a financial hardship resulting directly or indirectly from the public health emergency, regardless
368 of an existing delinquency or a future inability to make payments established prior to the start of
369 the public health emergency; and

370 “(B) Agrees in writing to make payments in accordance with the payment
371 plan.

372 “(6)(A) A telecommunications service provider who receives an application for a
373 payment plan pursuant to this section shall retain the application, whether approved or denied,
374 for at least 3 years.

375 “(B) Upon request, a telecommunications service provider shall make an
376 application for a payment plan available to the Office of the People’s Counsel.

377 “(7) A customer whose application for a payment plan is denied may file a written
378 complaint with the Public Service Commission.”

379 (e) Section 204 of the COVID-19 Response Supplemental Emergency Amendment Act
380 of 2020, effective April 10, 2020 (D.C. Act 23-286; 66 DCR 0 _) is amended as follows:

381 (1) The existing text is designated as subsection (a); and

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

383 (b)(1) During a period of time for which the Mayor has declared a public health
384 emergency, and for one year thereafter (“Covered time period”), a cable operator shall develop a
385 payment plan program (“Program”) for eligible customers. Under the Program, a cable operator
386 shall:

387 “(A) Permit eligible customers to enter into a payment plan for any
388 amounts that comes due during the covered time period;

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

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

393 “(2)(A) Payment plans established under this section shall be for a minimum
394 length of one year, and payments shall be made in monthly installments.

395 “(B) A cable operator shall permit customers with a payment plan to pay
396 an amount greater than the monthly amount provided for in the payment plan.

397 “(C) A cable operator shall not require or request that a customer provide
398 a lump sum payment in excess of the amount required under a payment plan.

399 “(3)(A) A cable operator shall not disconnect, suspend or degrade basic cable
400 service or other cable operator services for non-payment of a bill, any fees for service or
401 equipment, or any other charges, where a customer has entered into a payment plan under this
402 section; provided, that a cable operator may switch the customer to a basic service plan.

403 “(B) For purposes of this paragraph, the term “other cable operator services” only
404 includes broadband internet service and VOIP service.

405 “(4) A cable operator shall establish procedures governing how customers are to
406 apply for the Program, including requiring the customer to submit supporting documentation. An
407 application shall be made available online and by telephone.

408 “(5) A cable operator shall approve each application in which a customer:

409 “(A) Demonstrates to the cable operator evidence of a financial hardship
410 resulting directly or indirectly from the public health emergency, regardless of an existing
411 delinquency or a future inability to make payments established prior to the start of the public
412 health emergency; and

413 “(B) Agrees in writing to make payments in accordance with the payment
414 plan.

415 “(6)(A) A cable operator who receives an application for a payment plan pursuant
416 to this section shall retain the application, whether approved or denied, for at least 3 years.

417 “(B) Upon request, a cable operator shall make an application for a
418 payment plan available to the Office of the People’s Counsel.

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

421 Sec. 7. Eviction clarification

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

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

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

425 “(b) During a period of time for which the Mayor has declared a public health emergency
426 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective
427 October 17, 202 (D.C. Law 14-194; D.C. Official Code 7-2304.01), and for 30 days thereafter,
428 the person aggrieved shall not file any complaint under this section.”.

429 Sec. 8. Amenity fees.

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

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

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

434 “(b) If due to a public health emergency that has been declared pursuant to section 5a of
435 the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law
436 14-194, D.C. Official Code § 7-2304.01):

437 “(1) An amenity that a tenant pays for in addition to the rent charged is no longer
438 available to the tenant, then the housing provider shall refund to the tenant pro rata any fee
439 charged to the tenant for the amenity during the public health emergency.

440 “(2) A related service or related facility is no longer supplied to a tenant by a
441 housing provider for a housing accommodation or for any rental unit in the housing
442 accommodation, then the Rent Administrator shall not decrease the rent charged of the tenant
443 during the public health emergency.”.

444 Sec. 9. Residential accommodation cleaning requirements.

445 (a) During a public health emergency that has been declared pursuant to section 5a of the
446 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-
447 194, D.C. Official Code § 7-2304.01), the owner or representative of the owner of a housing
448 accommodation shall clean common areas of the housing accommodation on a regular basis,
449 including surfaces that are regularly touched such as doors, railings, seating, and the exterior of
450 mailboxes.

451 (b) For the purposes of this section “housing accommodation” means any structure or
452 building in the District containing 1 or more residential units not occupied by the owner of the
453 housing accommodation, including any apartment, efficiency apartment, room, accessory
454 dwelling unit, cooperative, homeowner association, condominium, multifamily apartment
455 building, nursing home, assisted living facility, and group home.

456 (c) The Mayor may promulgate rules to implement this act.

457 Sec. 10. Out of school time report waiver.

458 Section 9 of the Office of Out of School Time Grants and Youth Outcomes Establishment
459 Act of 2016, effective April 7, 2017 (D.C. Law 21-261; D.C. Official Code § 2-1555.07), is
460 amended by adding a new subsection (c) to read as follows:

461 “(c) During a period of time for which the Mayor has declared a public health emergency
462 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

463 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01) the Office of Out of
464 School Time Grants and Youth Outcomes (OST Office) may waive the requirement to conduct
465 an annual, community-wide needs assessment.”.

466 Sec. 11. UDC Board of Trustees terms.

467 Section 201(d)-(f) of The District of Columbia Public Postsecondary Education
468 Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Official Code § 38-
469 1202.01(d)-(f)) are amended to read as follows:

470 “(d) All terms on the Board of Trustees shall begin on May 15th and shall end one or five
471 years thereafter on May 14th. The student member elected pursuant to (c)(2) of this section
472 shall serve for a term of one year. All other members shall serve for a term of five years.

473 Depending on the date of his or her election or appointment, a member of the Board of Trustees
474 may not actually serve a full term.

475 “(e) A member of the Board of Trustees who is elected as an alumni pursuant to (c)(3) of
476 this section may be re-elected to serve 1 additional term, after which the individual may not
477 again be elected pursuant to (c)(3) of this section until 5 years has passed since his or her last day
478 of service on the Board.

479 “(f) A member of the Board of Trustees who is appointed pursuant to (c)(1) of this
480 section may serve 3 full or partial terms consecutively. No member shall serve more than 15
481 consecutive years regardless of whether elected or appointed, and shall not serve thereafter until
482 5 years has passed since his or her last day of service on the Board.”.

483 Sec. 12. Notice of modified staffing levels.

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

487 (a) Sub-subparagraph (i) (D.C. Official Code §44-504(h-1)(1)(B)(i)) is amended by
488 striking the phrase “; and” and inserting a semicolon in its place.

489 (b) Sub-subparagraph (ii) (D.C. Official Code §44-504(h-1)(1)(B)(ii)) is amended by
490 striking the semicolon and inserting the phrase “; and” in its place.

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

492 “(iii) Each facility that is unable to meet its staffing requirements as a
493 result of the circumstances giving rise to the public health emergency during a period of time for
494 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
495 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
496 Official Code § 7-2304.01), shall provide a written report of the staffing levels to the Department
497 of Health for each day of the public health emergency that the facility is below the prescribed
498 staffing level.”.

499 Sec. 13. COVID-19 public benefits clarification.

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

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

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

504 ”(2A-1) “COVID-19 relief” means any benefit in cash or in kind, including but not
505 limited to pandemic unemployment benefits, pandemic Supplemental Nutrition Assistance
506 Program benefits, Emergency Supplemental Nutrition Assistance Program benefits, and advance

507 refund of tax credits, that are of a gain or benefit to a household and were received pursuant to
508 Federal or District relief in response to the COVID-19 Public Health Emergency of 2020.”.

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

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

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

515 Sec. 14. Composing virtual training.

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

519 “(1A) Notwithstanding paragraph (1) of this subsection, during a period of time in
520 which the Mayor has declared a public health emergency pursuant to section 5a of the District of
521 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.
522 Official Code § 7-2304.01), the Mayor, or a contractor selected by the Mayor, may provide the
523 training required by paragraph (1) of this subsection remotely through videoconference.”.

524

525 Sec. 15. ANC grantmaking.

526 Section 16(m)(1) of the Advisory Neighborhood Commission Act of 1976, effective
527 March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(m)(1)) is amended
528 by striking the phrase “District government” and inserting the phrase “District government;
529 provided, that notwithstanding other law, during a period for which a public health emergency

530 has been declared by the Mayor pursuant to section 5a of the District of Columbia Public
531 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
532 2304.01), a Commission may approve grants to organizations providing humanitarian relief or
533 otherwise assisting in the response to the public health emergency anywhere in the District, even
534 if those services are duplicative of services also performed by the District government” in its
535 place.

536 Sec. 16. Remote notarizations.

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

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

541 “(1A) “Audio-video communication” means an electronic device or process that:

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

544 “(B) Is specifically designed for the purpose of facilitating remote notarizations.”.

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

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

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

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

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

555 “(2) The notary public:

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

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

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

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

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

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

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

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

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

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

585 Sec. 17. Jail reporting.

586 Section 3022(c) of the Office of the Deputy Mayor for Public Safety and Justice
587 Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code §
588 1-301.191(c)), is amended as follows:

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

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

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

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

596 Council Committee with jurisdiction over the Office a weekly written update with the following
597 information:

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

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

605 “(C) A description of:

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

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

612 Sec. 18. Fiscal impact statement.

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

616 Sec. 19. Effective date.

617 This act shall take effect following approval by the Mayor (or in the event of veto by the
618 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

619 90 days, as provided for emergency acts of the Council of the District of Columbia in section
620 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
621 D.C. Official Code § 1-204.12(a)).