

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 23-404, Fiscal Year 2021 Budget Support Emergency Act of 2020
- D.C. Council enacts Act 23-405, Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020
- D.C. Council schedules a public hearing to discuss bills related to rioting and comprehensive policing and justice reform
- D.C. Council schedules a public hearing to discuss Bill 23-736, Comprehensive Plan Amendment Act of 2020
- D.C. Council schedules a public oversight roundtable on the Board of Elections' preparations for the November 3, 2020 General Election
- D.C. Council schedules a public roundtable on tenant protection and eviction prevention
- Department of Behavioral Health announces funding for faith-based organizations to set up programs that link DC residents with behavioral needs, who are impacted by COVID-19, to clinical services and treatment
- Office of the Chief Financial Officer announces income eligibility limits for the reduced recordation tax rate for first-time homebuyers in tax year 2021
- Department of Energy and Environment announces funding for the Tree Canopy Restoration Program in the District

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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AN ACT

D.C. ACT 23-403

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 19, 2020

To amend, on an emergency basis, the Tenant Opportunity to Purchase Act of 1980 ("TOPA") to clarify that under certain limited circumstances, low-income housing tax credit redevelopment projects do not fall under the requirements of TOPA, and to require that a notice of transfer include certain material facts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Low Income Housing Tax Credit TOPA Exemption for Transfers of Interest Emergency Amendment Act of 2020".

Sec. 2. Section 402 of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02), is amended as follows:

(a) Subsection (c)(2) is amended as follows:

(1) Subparagraph (M) is amended by striking the word "and".

(2) Subparagraph (N) is amended by striking the period and inserting a semicolon in its place.

(3) New subparagraphs (O), (P), and (Q) are added to read as follows:

"(O) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, if each of the following conditions is satisfied:

"(i) The credit period, as defined in section 42 of the United States Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2189; 26 U.S.C. § 42) ("IRC"), for the housing accommodation has ended;

"(ii) Immediately prior to the transfer the housing accommodation is subject to:

"(I) An extended low-income housing commitment, as that term is defined in section 42(h)(6)(B) of the IRC (26 U.S.C. § 42(h)(6)(B)); or

"(II) A comparable restrictive covenant as a result of a federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC;

"(iii) Before and after the transfer, the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity; and

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“(iv) Immediately following the transfer, the housing accommodation is for a term of not less than 10 years and subject to an existing or new extended low-income housing commitment or a comparable restrictive covenant as a result of a federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC;

“(P) The transfer of interests in a partnership or limited liability company that owns an accommodation as its sole or principal asset; provided, that the sole purpose of the transfer is to allow for the exit of one or more limited partners or investor members who have made capital contributions and received tax benefits pursuant to section 42 of the IRC or a comparable federal or District program with occupancy, rent, and income requirements at least as restrictive as under section 42 of the IRC; and

“(Q) A transfer of interest in an entity that owns a housing accommodation or a transfer of title to a housing accommodation, the sole purpose of which is to qualify for and enter into a new credit period, as defined in section 42 of the IRC, for purposes of the rehabilitation of the housing accommodation; provided, that before and after the transfer the owner of the housing accommodation is controlled, directly or indirectly, by the same person or entity.”.

(b) Subsection (d)(3)(A) is amended to read as follows:

“(d)(3)(A) The Notice of Transfer shall be substantially in the form prescribed by the Mayor and shall provide at a minimum:

“(i) A statement of the rights of the tenant or the tenant organization under this act;

“(ii) An accurate description of the transfer containing all material facts, including whether the transfer will result in any changes in management, current rents, or any applicable affordability requirements for the housing accommodation;

“(iii) The date of the proposed transfer; and

“(iv) The reason, if any, why the owner asserts the transfer may not constitute a sale.”.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

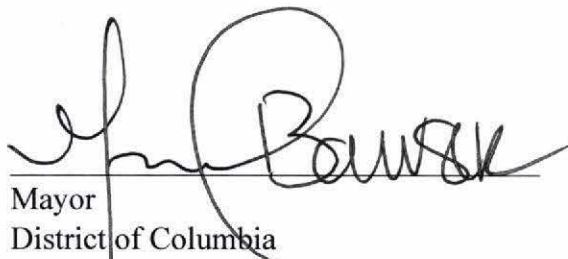
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 19, 2020

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-404

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 19, 2020

To enact and amend, on an emergency basis, provisions of law necessary to support the Fiscal Year 2021 budget.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2021 Budget Support Emergency Act of 2020”.

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. ARCHIVES ADVISORY GROUP

Sec. 1001. Short title.

This subtitle may be cited as the “Archives Advisory Group Emergency Act of 2020”.

Sec. 1002. Archives Advisory Group.

(a) There is established an Archives Advisory Group to advise the Council of the District of Columbia about Project AB102C in the District’s Capital Improvement Plan to construct a new archives facility for the District of Columbia.

(b) The Archives Advisory Group shall consist of no fewer than 5 members and no more than 11 members, all appointed by the Chairman of the Council.

(c) The Archives Advisory Group shall consider such matters as schedule, cost, and building attributes regarding a new archives facility. The group shall make recommendations to the Council whenever useful to the Council’s deliberative process.

(d) The Archives Advisory Group shall have access to all draft and final documents relevant to planning and costing a new archives facility, including any feasibility study; provided, that requests for documents shall be made through the Chairman of the Council.

(e) The Archives Advisory Group shall not be subject to the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*); provided, that all meetings shall be open to the public.

(f) Members of the Archives Advisory Group shall not be reimbursed for expenses, or compensated. Any other necessary resources shall be coordinated by the Secretary to the Council.

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SUBTITLE B. AUDIT ENGAGEMENT FUND

Sec. 1011. Short title.

This subtitle may be cited as the “Audit Engagement Fund Emergency Act of 2020”.

Sec. 1012. Audit Engagement Fund.

(a) There is established as a special fund the Audit Engagement Fund (“Fund”), which shall be administered by the Office of the District of Columbia Auditor in accordance with subsection (c) of this section.

(b) The following shall be deposited into the Fund:

(1) All unspent local fund monies remaining in the operating budget for the Office of the District of Columbia Auditor at the end of each fiscal year; and

(2) Any other funds received on behalf of the Fund or the Office of the District of Columbia Auditor for the purpose of performing audits.

(c) Money in the Fund shall be used for operating expenses related to performing audits.

(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 1013. Applicability.

This subtitle shall apply as of July 31, 2020.

SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS

Sec. 1021. Short title.

This subtitle may be cited as the “Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Emergency Act of 2020”.

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) “CMPA” means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(2) “Covered agency” means an agency, office, or instrumentality of the District government and independent agencies, as defined in section 301(13) of the CMPA (D.C. Official Code § 1-603.01(13)); except, that the term “covered agency” does not include the District of Columbia Housing Authority, the District of Columbia Housing Finance Agency, the District of Columbia Public Charter School Board, the District of Columbia Water and Sewer Authority, the

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Not-for-Profit Hospital Corporation, the Board of Trustees of the University of the District of Columbia, or the Washington Convention and Sports Authority.

(3) "Negotiated salary schedule" means a salary schedule specified in a collective bargaining agreement.

(4) "Negotiated salary, wage, and benefits provision" means the salary and benefits provided in a collective bargaining agreement.

(5) "Personnel authority" shall have the same meaning as set forth in section 301(14) of the CMPA (D.C. Official Code § 1-603.01(14)).

Sec. 1023. Freeze on cost-of-living adjustments.

Notwithstanding any other provision of law, rule, or collective bargaining agreement, an employee of a covered agency shall not receive a cost-of-living adjustment during the period from October 1, 2020, through September 30, 2021. Nothing in this subtitle shall be construed to prohibit collective bargaining on non-compensation issues.

Sec. 1024. Maintenance of Fiscal Year 2020 salary schedules and benefits.

Notwithstanding any other provision of law, collective bargaining agreement, memorandum of understanding, side letter, or settlement, whether specifically outlined or incorporated by reference, all Fiscal Year 2020 salary schedules of covered agencies shall be maintained during Fiscal Year 2021 and no increase in salary or benefits, including increases in negotiated salary, wage, and benefits provisions, and negotiated salary schedules, shall be provided in Fiscal Year 2021 from the Fiscal Year 2020 salary and benefits levels of covered agencies.

Sec. 1025. Rules.

To the extent authorized by the CMPA or other applicable law to issue rules to administer the salary or benefits program of a covered agency, the personnel authority for a covered agency may, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules to implement this subtitle.

Sec. 1026. Revised revenue contingency.

Notwithstanding any other provision of law, a portion of the amount of local recurring revenues included in the Chief Financial Officer's revenue estimates issued prior to January 1, 2021, that exceeds the April 24, 2020, revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2021 shall be deposited in the Workforce Investment Account to satisfy the Fiscal Year 2021 negotiated salary adjustments set aside by section 1023 for employees in the bargaining units covered by the collective bargaining agreements approved pursuant to the Interest Arbitration Award and Collective Bargaining Agreement between the District of Columbia Public Schools and the Office of the State Superintendent of Education and

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the American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO Emergency Approval Resolution of 2020, effective March 3, 2020 (Res. 23-374; 67 DCR 2735), and the Compensation Collective Bargaining Agreement between the District of Columbia Government and Compensation Units 1 and 2, FY 2018-FY2021, Approval Resolution of 2018, deemed approved February 23, 2018 (PR22-738); provided, that if amounts certified in a single revenue estimate are insufficient to satisfy the combined value of the negotiated salary adjustments under both agreements, the Mayor or appropriate personnel authority shall consult with the affected bargaining units as to how the available funds shall be allocated.

Sec. 1027. Applicability.

This subtitle shall apply as of July 31, 2020.

SUBTITLE D. ADVISORY NEIGHBORHOOD COMMISSIONS TECHNICAL SUPPORT AND ASSISTANCE

Sec. 1031. Short title.

This subtitle may be cited as the “Advisory Neighborhood Commissions Technical Support and Assistance Emergency Amendment Act of 2020”.

Sec. 1032. The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*) is amended as follows:

(a) Section 16(j)(3)(A)(iii) (D.C. Code § 1-309.13(j)(3)(A)(iii)), is amended by striking the phrase “shall return to the District’s General Fund” and inserting the phrase “shall be deposited in the Advisory Neighborhood Commissions Technical Support and Assistance Fund established in section 16a” in its place.

(b) A new section 16a is added to read as follows:

“Sec. 16a. Advisory Neighborhood Commissions Technical Support and Assistance Fund.

“(a) There is established as a special fund the Advisory Neighborhood Commissions Technical Support and Assistance Fund (“Fund”), which shall be administered by the Office of Advisory Neighborhood Commissions in accordance with subsection (c) of this section.

“(b) Money from the following sources shall be deposited in the Fund:

“(1) Such amounts as may be appropriated to the Fund; and

“(2) Any amounts allocated to Advisory Neighborhood Commissions pursuant to section 738(e) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code Official § 1-207.38(e)), that are forfeited pursuant to section 16(d)(3) or (j)(3) or unclaimed by the last day of the fiscal year.

“(c) Money in the Fund shall be used to provide the following services and supports at the request of Advisory Neighborhood Commissions subject to such limitations or prioritization as the Office may establish due to limitation of funding:

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“(1) Planning, development, or procurement of a mobile or computer application to assist Advisory Neighborhood Commissioners with outreach and engagement with their constituents;

“(2) Supplementing any funding allocated for communications access services, including sign language interpretation, computer-aided real-time transcription, and other services and supports, for Advisory Neighborhood Commissions; provided, that the funding allocated for this purpose proves insufficient;

“(3) Ensuring that Advisory Neighborhood Commissions have access to remote meeting technologies necessary for their operations;

“(4) Providing or procuring audio-visual technology and services to support Advisory Neighborhood Commissions;

“(5) Providing or procuring printing services for Advisory Neighborhood Commissions; and

“(6) Providing or procuring website assistance for Advisory Neighborhood Commissions.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 1033. Applicability.

This subtitle shall apply as of September 30, 2020.

SUBTITLE E. RENEWABLE ENERGY FUTURE

Sec. 1041. Short title.

This subtitle may be cited as the “Renewable Energy Future Emergency Amendment Act of 2020”.

Sec. 1042. The Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.01, *et seq.*), is amended as follows:

(a) Section 1026 (D.C. Code § 10-551.05) is amended as follows:

(1) Subsection (a) is amended as follows:

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

(B) Paragraph (9) is amended by striking the period and inserting a semicolon in its place.

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

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“(10) Any study of the feasibility of initiating or expanding renewable energy generation, which shall include an analysis of the potential for capturing solar or other forms of renewable energy that is conducted pursuant to subsection (c-1) of this section.”.

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

“(c-1) The Department shall produce and publish on its website an analysis of the feasibility of initiating or expanding renewable energy generation, including an analysis of the potential for capturing solar or other forms of renewable energy at each District-owned property under the control of the Mayor on a rolling basis, with each property re-analyzed no less than once every 10 years.”.

(b) A new section 1028d is added to read as follows:

“Sec. 1028d. Renewable energy generation at District-owned properties.

“(a) Subject to the availability of funding, the Department shall initiate or expand renewable energy generation at every District-owned property under the control of the Mayor where doing so is found feasible by the analysis required by section 1026(c-1).

“(b) Notwithstanding the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”), or any other provision of District law or regulation, any contract entered into to implement this section, absent a waiver pursuant to section 2351 of the CBE Act (D.C. Official Code § 2-218.51), shall:

“(1) Be awarded to a qualified small business enterprise; provided, that if the Department determines that there are not at least 2 qualified small business enterprises that can provide the services or goods that are the subject of the contract, the Department may use any qualified certified business enterprise; or

“(2) Require that at least 50% of the dollar volume of the contract shall be subcontracted to qualified small business enterprises; provided, that if there are insufficient qualified small business enterprises to meet the requirement and best efforts are made to ensure that qualified small business enterprises are significant participants in the overall subcontracting work, then the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume to any qualified certified business enterprise.”.

SUBTITLE F. DC CENTER FOR THE LGBT COMMUNITY GRANT

Sec. 1051. Short title.

This subtitle may be cited as the “The DC Center for the LGBT Community Support Emergency Act of 2020”.

Sec. 1052. For Fiscal Year 2021, the Department of General Services shall award the DC Center for the LGBT Community a grant in the amount of \$70,000 to sustain its operations while the organization anticipates an upcoming move.

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SUBTITLE G. ACCESS TO JOBS

Sec. 1061. Short title.

This subtitle may be cited as the “Access to Jobs Emergency Amendment Act of 2020”.

Sec. 1062. Section 3(b)(2) of the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(b)(2)), is amended by adding new subparagraph (L) to read as follows:

“(L) Establish and implement a pilot program to support the employment of 10 returning citizens through grants to employers for 2 years beginning in Fiscal Year 2021; provided, that:

“(i) To qualify for the pilot program, an eligible employer shall:

“(I) Register with the Office on Returning Citizen Affairs to accept applications for employment from eligible individuals;

“(II) Demonstrate that potential employees in the pilot program have opportunities for advancement within the eligible employer’s organization or industry;

“(III) Hire one or more eligible individuals who meet the requirements of sub-subparagraph (ii) of this subparagraph;

“(IV) Be located within the District;

“(V) Pay each employed eligible individual at least the minimum wage required pursuant to the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*);

“(VI) Employ each eligible individual for a minimum of 20 hours per week for a minimum of 8 weeks;

“(VII) Submit an application; and

“(VIII) Provide documentation as required by the Office on Returning Citizen Affairs to substantiate the satisfaction of each requirement of the pilot program for the participating eligible employer and for each eligible individual employed.

“(ii) For an eligible employer to receive a grant for the employment of an eligible individual, the eligible individual must:

“(I) Have been previously incarcerated;

“(II) Be a resident of the District;

“(III) Have completed a workforce development and life skills program within the District; and

“(IV) Have been unemployed for a period of at least one month prior to being hired by the participating eligible employer.

“(iii) Grants offered through the pilot program shall be disbursed:

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“(I) Initially, after an eligible employer has provided documentation substantiating that the eligible employer employed an eligible individual for a minimum of 20 hours per week for a minimum of 8 weeks;

“(II) Subsequent to the initial disbursement, at the end of each month that the eligible individual is employed pursuant to the requirements of the pilot program;

“(iv) The maximum amount of the grant disbursements offered through the pilot program to each participating eligible employer shall be:

“(I) For the first year that an eligible individual is employed by a participating eligible employer, 40% of the minimum wage for a period not to exceed 40 hours per week and 2,080 hours per year for each eligible individual hired under the pilot program; and

“(II) For the second year that an eligible individual is employed by the same participating eligible employer, 80% of the minimum wage for a period not to exceed 40 hours per week and 2,080 hours per year for each eligible individual hired under the pilot program.

“(v)(I) The total amount of funding expended through the pilot program shall not exceed the amount budgeted for the pilot program.

“(II) Eligible employers shall receive funding in the order that they successfully provide the documentation required pursuant to sub-subparagraph (i)(VII) of this subparagraph for the employment of an eligible individual.

“(III) For each eligible individual for whom documentation successfully has been submitted, an amount of funds shall be set aside such that the eligible employer may be reimbursed for the employment of an eligible individual for a period no shorter than the remainder of the fiscal year during which the documentation was submitted, and the remainder of the assistance shall be subject to the availability of funding.”.

SUBTITLE H. PARALEGAL PROGRAM ESTABLISHMENT

Sec. 1071. Short title.

This subtitle may be cited as the “Returning Citizen Paralegal Fellowship Initiative Pilot Program Emergency Amendment Act of 2020”.

Sec. 1072. Section 3(b)(2) of the Office on Ex-Offender Affairs and the Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(b)(2)), is amended by adding a new subparagraph (M) to read as follows:

“(M) Conduct a Paralegal Fellowship Initiative pilot program that places a cohort of returning citizen students in an accredited, university-based paralegal certification program located in the District of Columbia, while providing the students with support services necessary for their success.”.

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SUBTITLE I. NON-PROFIT FAIRNESS ANALYSIS

Sec. 1081. Short title.

This subtitle may be cited as the “Non-Profit Reimbursement Fairness Analysis Emergency Amendment Act of 2020”.

Sec. 1082. Section 204(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.04(b)), is amended as follows:

(a) Paragraph (15) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (17) is added to read as follows:

“(17) To issue a report to the Mayor and the Council by April 1, 2021, that includes:

“(A) A review and analysis of the funding of indirect costs in the terms of grant agreements or contracts entered into between nonprofit organizations and the District government;

“(B) A table listing the federal funding associated with contracts or grants passed through to nonprofit organizations by the District government in Fiscal Year 2020, including any funding passed through to nonprofit organizations to meet their indirect costs and any funding retained by the District rather than being passed through for this purpose; and

“(C) Any recommended amendments to law, regulations, policy, or training in order to ensure the legal, fair, and consistent funding of indirect costs to nonprofit organizations by the District.”.

SUBTITLE J. INDIGENOUS PEOPLES’ DAY

Sec. 1091. Short title.

This subtitle may be cited as the “Indigenous Peoples’ Day Emergency Amendment Act of 2020”.

Sec. 1092. Section 1202(a)(7) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-612.02(a)(7)), is amended by striking the phrase “Columbus Day” and inserting the phrase “Indigenous Peoples’ Day” in its place.

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Sec. 1093. Section 25-723(c)(1)(B) of the District of Columbia Official Code is amended by striking the phrase “Columbus Day” and inserting the phrase “Indigenous Peoples’ Day” in its place.

Sec. 1094. Section 28-2701 of the District of Columbia Official Code is amended by striking the phrase “Columbus Day” and inserting the phrase “Indigenous Peoples’ Day” in its place.

SUBTITLE K. CAMPAIGN FINANCE REFORM IMPLEMENTATION

Sec. 1101. Short title.

This subtitle may be cited as the “Campaign Finance Reform Implementation Emergency Amendment Act of 2020”.

Sec. 1102. Section 1108(c-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)), is amended as follows:

(a) Paragraph (9) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(b) Paragraph (10) is amended by striking the phrase “; and” and inserting a period in its place.

(c) Paragraph (11) is repealed.

Sec. 1103. The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(a) Section 302a(h) (D.C. Official Code § 1-1163.02a(h)) is amended to read as follows:

“(h) Members of the Campaign Finance Board, including the Chairperson, shall not receive compensation for their service on the Campaign Finance Board.”.

(b) Section 309(b) (D.C. Official Code § 1-1163.09(b)) is amended to read as follows:

“(b) The reports required by subsection (a) of this section shall be filed on the 10th day of March, June, August, October, and December in the 7 months preceding the date on which, and in each year during which, an election is held for the office sought, and 8 days before a special or general election, and also by the 31st day of January each year. In addition, the reports shall be filed on the 31st day of July of each year in which there is no election. The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing, except that any contribution of \$200 or more received after the closing date prescribed by the Director of Campaign Finance for the last report required to be filled before the election shall be reported within 24 hours after its receipt.”.

Sec. 1104. Section 10 of the Campaign Finance Reform Amendment Act of 2018, effective March 13, 2019 (D.C. Law 22-250; 66 DCR 985), is amended to read as follows:

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“Sec. 10. Applicability.

“(a) Sections 6(b)(4), (8), and (22), and (pp), 8, and 9:

“(1)(A) Shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

“(B) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

“(C)(i) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(ii) The date of publication of the notice of the certification shall not affect the applicability of sections 6(b)(4), (8), and (22), and (pp), 8, and 9.

“(2) Shall not apply to contracts, as defined in section 101(10C)(A)(ii) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01(10C)(A)(ii)), including those contracts’ option periods or similar contract extensions or modifications, sought, entered into, or executed before the applicability date of sections 6(b)(4), (8), and (22), and (pp), 8, and 9.

“(b)(1) Notwithstanding any other law, the functions and duties transferred to the Campaign Finance Board pursuant to this act shall continue to be implemented by the Elections Board or the Director of Campaign Finance, as applicable, until the date that the Campaign Finance Board has a quorum of members.

“(2) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Elections transferred to the Campaign Finance Board under this act shall continue in effect according to their terms until lawfully amended, repealed, or modified.”.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION

SUBTITLE A. BUSINESS RECOVERY TASK FORCE ESTABLISHMENT

Sec. 2001. Short title.

This subtitle may be cited as the “Business Recovery Task Force Establishment Emergency Act of 2020”.

Sec. 2002. There is established the Business Recovery Task Force (“Task Force”) to provide recommendations to the Mayor and Council regarding the recovery of the District’s businesses following the end of the COVID-19 emergency.

Sec. 2003. Membership; appointment; staff; meetings.

(a) The Task Force shall be composed of:

(1) The following government members, or their designees:

(A) The Deputy Mayor for Planning and Economic Development;

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(B) The Director of the Department of Small and Local Business Development (“Department”); and

(C) The Chairperson of the Council’s Committee on Business and Economic Development; and

(2) Eight representatives of business enterprises, one from each Ward, all of whom shall be District residents, who collectively represent industries and geographical areas hardest hit by the COVID-19 emergency, with at least one representative being an owner of an equity impact enterprise as defined by section 2302(8A) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A)) (“CBE Act”).

(b) The business representatives shall be appointed by the Chairman of the Council after receiving recommendations made by the Chairperson of the Council Committee on Business and Economic Development and shall serve without compensation.

(c) The Chairperson of the Task Force shall be designated by the Chairperson of the Council’s Committee on Business and Economic Development from among the business representatives.

(d) The Department shall provide administrative support for the Task Force.

(e) If, when all the members have been appointed and the Task Force is functioning, the COVID-19 emergency is still in effect, the Task Force shall convene monthly. After the COVID-19 emergency has been lifted, the Task Force shall meet not less frequently than quarterly until dissolved.

Sec. 2004. Reporting requirement.

Within 180 days after the appointment of the appointed members, the Task Force shall submit a report to the Mayor and the Council that addresses the following:

(1) Recommendations to identify and access available technical and financial assistance opportunities, including the Small Business Administration Disaster Relief funds and other federal funds as they become available;

(2) Support for outreach and educational efforts to small businesses; and

(3) Long-term policy recommendations for economic recovery of small businesses following the COVID-19 emergency.

Sec. 2005. Definitions.

For the purposes of this subtitle, term:

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

(2) “Small business enterprise” shall have the same meaning as provided in 2302(16) of the CBE Act (D.C. Official Code § 2-218.02(16)).

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Sec. 2006. Sunset.

The Task Force shall dissolve, and this subtitle shall expire as of the date the Task Force submits the report required by section 2004.

**SUBTITLE B. NEW YORK AVENUE, N.E., RETAIL PRIORITY AREA
EXPANSION**

Sec. 2011. Short title.

This subtitle may be cited as the “New York Avenue, N.E., Retail Priority Area Expansion Emergency Amendment Act of 2020”.

Sec. 2012. Section 4(k) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(k)), is amended by adding a new paragraph (3) to read as follows:

“(3) In addition to the areas described in paragraphs (1) and (2) of this subsection, the New York Avenue, N.E., Retail Priority Area shall consist of the area beginning at the intersection of Montello Avenue, N.E., and Florida Avenue, N.E., continuing northeast along Montello Avenue, N.E., until Mt. Olivet Road, N.E.”.

SUBTITLE C. OPPORTUNITY ZONE TAX BENEFITS

Sec. 2021. Short title.

This subtitle may be cited as the “Aligning Opportunity Zone Tax Benefits with DC Community Priorities Emergency Amendment Act of 2020”.

Sec. 2022. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1801.04 is amended by adding new paragraphs (39A), (39B), (39C), and (39D) to read as follows:

“(39A) “Qualified opportunity fund” shall have the same meaning as set forth in section 1400Z-2 of the Internal Revenue Code of 1986, approved December 22, 2017 (131 Stat. 2184; 26 U.S.C. § 1400Z-2) (“section 1400Z-2”).

“(39B) “Qualified opportunity zone” shall have the same meaning as set forth in section 1400Z-2.

“(39C) “Qualified opportunity zone business” shall have the same meaning as set forth in section 1400Z-2.

“(39D) “Qualified opportunity zone business property” shall have the same meaning as set forth in section 1400Z-2.”.

(b) Section 47-1803.03(a) is amended by adding a new paragraph (20) to read as follows:

“(20) Capital Gains. --

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“(A) Deferral of a capital gains tax payment for investing in a qualified opportunity fund (“QOF”) shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

“(B) Reduction of capital gains tax liability through a 10% step-up in basis, if invested in a QOF for 5 years prior to December 31, 2026, and an additional 5% step-up in basis, if invested in a QOF for 7 years prior to December 31, 2026, shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

“(C) Abatement of capital gains tax on an investment of capital gains in a QOF for at least 10 years before December 31, 2047, shall be realized only if the taxpayer invests in a QOF that meets the criteria set forth in subparagraph (D) of this paragraph;

“(D) To receive the benefits described in subparagraphs (A), (B), and (C) of this paragraph, the taxpayer shall:

“(i) Invest in a QOF that:

“(I) Is certified by the Mayor as an eligible QOF pursuant to subparagraph (E) of this paragraph;

“(II) Has invested at least the value of the taxpayer’s investment in the QOF in a qualified opportunity zone in the District; and

“(III) Has submitted its IRS Form 8996 to the Office of Tax and Revenue for the tax year in which the taxpayer is seeking the benefits described in subparagraphs (A), (B), and (C) of this paragraph; and

“(ii) Submit an IRS Form 8997 to the Office of Tax and Revenue for the tax year in which the taxpayer is seeking the benefits described in subparagraphs (A), (B), and (C) of this paragraph.

“(E) To be certified by the Mayor as an eligible QOF, a QOF shall submit to the Mayor documentation showing:

“(i) That some or all of its investments in qualified opportunity zone businesses and qualified opportunity zone business property are in businesses or property that:

“(I) Have been selected by the District government for a grant, loan, tax incentive, tax abatement, or other benefit or incentive intended to promote economic or community development in the District;

“(II) Have been selected by the Office of the Deputy Mayor for Planning and Economic Development to manage the redevelopment of a property, with respect to a business, or that are owned or disposed of by the District government, with respect to a property;

“(III) Have an unconditioned resolution of support from the Advisory Neighborhood Commission in which the business or property is located or a conditional resolution of support from the Advisory Neighborhood Commission in which the business or property is located and the Mayor determines that each of the conditions of the resolution have been met; or

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“(IV) Are located in the District and have been scored by the QOF using the Urban Institute’s Opportunity Zone Community Impact Assessment Tool, or other assessment tool approved by the Mayor, and received a score of 75 (or its equivalent) or greater; and

“(ii) That the dollar amount of the investments that the QOF has made in qualified opportunity zone businesses and qualified opportunity zone business property meet the standards set forth in sub-subparagraph (i) of this subparagraph.”.

SUBTITLE D. STREETScape BUSINESS DEVELOPMENT RELIEF

Sec. 2031. Short title.

This subtitle may be cited as the “Streetscape Business Development Relief Fund Expansion Emergency Amendment Act of 2020”.

Sec. 2032. Section 603 of the Streetscape Fund Amendment Act of 2010, effective April 8, 2011 (D.C. Law 18-370; D.C. Official Code § 1-325.191), is amended as follows:

(a) Subsection (c) is amended as follows:

(1) Strike the phrase “to any individual” and insert the phrase “to a District Main Streets Program organization or individual” in its place.

(2) Strike the phrase “business inside or adjoining” and insert the phrase “business within the project boundaries of or adjoining” in its place.

(3) Strike the phrase “grant, a retail business” and insert the phrase “grant, a District Main Streets Program organization or individual or entity operating a retail business” in its place.

(4) Strike the phrase “submitted by the retail” and insert the phrase “submitted by the District Main Street Program organization or individual or entity operating a retail” in its place.

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

“(e) Within 180 days of the end of the Fiscal Year 2020, and every year thereafter, the Department of Small and Local Business Development shall submit a report to the Council detailing all loans, grants, and sub-grants issued pursuant to this section, including information on the dollar amount disbursed, recipients of financial assistance, and whether the recipient is a certified business enterprise.”.

SUBTITLE E. EQUITY IMPACT ENTERPRISE ESTABLISHMENT

Sec. 2041. Short title.

This subtitle may be cited as the “Equity Impact Enterprise Establishment Emergency Amendment Act of 2020”.

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Sec. 2042. The Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new part D-i to read as follows:

“Part D-i. Programs for equity impact enterprises.

“Sec. 2377. Equity impact enterprise.”.

(b) Section 2302 (D.C. Official Code § 2-218.02) is amended by adding a new paragraph (8A) to read as follows:

“(8A) “Equity impact enterprise” means a business enterprise that is a resident-owned business and a small business enterprise that can demonstrate that it is at least 51% owned by an individual who is, or a majority number of individuals who are:

“(A) Economically disadvantaged individuals; or

“(B) Individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.”.

(c) Section 2343(a) (D.C. Official Code § 2-218.43(a)) is amended as follows:

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

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

(B) Subparagraph (H) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(I) Five points for an equity impact enterprise.”.

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

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

(B) Subparagraph (H) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(I) Ten percent for an equity impact enterprise.”.

(d) Section 2347 (D.C. Official Code § 2-218.47) is amended to read as follows:

“Sec. 2347. Unbundling requirement; rulemaking requirement.

“(a)(1) No later than January 1, 2021, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules on unbundling that include procedures to ensure that solicitations are subdivided and unbundled and that smaller contracts are created to the extent feasible and fiscally prudent.

“(2) The proposed rules required by paragraph (1) of this subsection shall be submitted to the Council for a 30-day period of review, excluding days of Council recess. If the

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Council does not approve or disapprove the proposed rules by resolution within the 30-day review period, the proposed rules shall be deemed approved.

“(b) Beginning on January 1, 2021, and quarterly thereafter, the Department shall publicly make available on its website solicitations that have been subdivided and unbundled.

“(c) Five years from the effective date of the Equity Impact Enterprise Establishment Amendment Act of 2020, passed on 2nd reading on July 28, 2020 (Enrolled version of Bill 23-760), the Mayor shall evaluate the effectiveness of the equity impact enterprise program and whether or not it has resulted in creating more contracting opportunities for equity impact enterprises and submit the evaluation to the Council.

“(d) The Department shall provide targeted technical assistance, networking opportunities, and vendor workshops to prepare equity impact enterprises to compete for contracting and procurement opportunities.”.

(e) Section 2349(b) (D.C. Official Code § 2-218.49(b)) is amended to read as follows:

“(b) No later than October 1, 2020, the Mayor shall implement a pilot program for equity impact enterprises.”.

(f) Section 2375(d)(1) (D.C. Official Code § 2-218.75(d)(1)) is amended by striking the phrase “or a resident-owned business enterprises pursuant to section 2235” and inserting the phrase “a resident-owned business enterprise pursuant to section 2235, or an equity impact enterprise as defined in section 2302(8A)” in its place.

(g) A new Part D-i is added to read as follows:

“Part D-i. Programs for Equity impact enterprises.

“Sec. 2377. Equity impact enterprise.

“An equity impact enterprise, as defined in section 2302(8A), shall be eligible for certification as an impact enterprise.”.

Sec. 2043. Section 2 of the Minority and Women-Owned Business Assessment Act of 2008, effective March 26, 2008 (D.C. Law 17-136; D.C. Official Code § 2-214.01), is amended as follows:

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

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

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

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

“(4) Ensure all District agencies with procurement authority, including independent agencies, are trained to evaluate, collect, and accurately track spending data as well as demographic data such as race and gender, upon request of District contract and procurement awardees, to better assess the District utilization of equity impact enterprises, minority-owned prime contractors and subcontractors, and women-owned prime contractors and subcontractors.”.

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

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(1) The lead-in language of paragraph (1) is amended to read as follows:

“In Fiscal Year 2021, the Mayor shall contract with a person or entity to conduct a District-based study (“disparity study”) to:”

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

“(1A) All agencies with procurement authority, including independent agencies, shall coordinate with the Executive Office of the Mayor to provide timely and accurate information to assist with the completion of the disparity study.”

(3) Paragraph (2) is amended by striking the phrase “270 days after October 30, 2018” and inserting the phrase “450 days after October 30, 2020” in its place.

SUBTITLE F. DMPED LIMITED GRANT-MAKING AUTHORITY

Sec. 2051. Short title.

This subtitle may be cited as the “Deputy Mayor for Planning and Economic Development Limited Grant Making Authority Emergency Amendment Act of 2020”.

Sec. 2052. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 12, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended as follows:

(a) Subsection (d) is amended as follows:

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

(2) Paragraph (3) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (4), (5), and (6) are added to read as follows:

“(4)(A) Funds to equity impact enterprises operating in Ward 5, 7, or 8 to increase economic or community development in an underserved area of the District;

“(B) For the purposes of this paragraph, the term “equity impact enterprise” shall have the same meaning as set forth in section 2302(8A) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A));

“(5) Funds to provide real property tax rebates pursuant to D.C. Official Code § 47-4665, in amount not to exceed \$3 million in a fiscal year; except, that in Fiscal Year 2021, the amount shall not exceed \$580,366;

“(6) Beginning in Fiscal Year 2021 and annually thereafter, the Deputy Mayor shall award a grant of not less than \$200,000 to an organization that advances equitable economic development by facilitating and increasing the number of procurement contracts for products and services between District-based businesses and large-scale anchor institutions, such as universities and hospitals.”

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

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“(i)(1) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), in Fiscal Year 2021, the Deputy Mayor shall award a grant to a bank chartered under the laws of the District on or before March 11, 2020, in an amount of at least \$1 million for purposes that:

“(A) Support an equitable economic recovery for the District of Columbia; and

“(B) Increase access to loans, grants, financial services, and banking products to District residents, businesses, nonprofits, and community-based organizations.

“(2) A grantee who receives a grant pursuant to paragraph (1) of this subsection shall submit to the Deputy Mayor by September 30, 2021, information on the use of the grant funds, including:

“(A) A description of services provided through the grant funds;

“(B) The aggregate number of individuals, businesses, nonprofits, and community-based organization, by recipient type, receiving support from the grantee and the aggregate amount received, by recipient type;

“(C) Except as may be prohibited by federal law, the business name and address for each business receiving support from the grantee and the amount received by each such business; and

“(D) The number of homeowners receiving support from the grantee and the total amount spent to assist District homeowners.

“(3) The Deputy Mayor shall provide to the Council a report based on the information required by paragraph (2) of this subsection, along with a summary analysis of the efficacy and benefits of the grants issued by the grantee, by November 1, 2021.”.

Sec. 2053. Section 47-4665 of the District of Columbia Official Code is amended as follows:

(a) The lead-in language of subsection (b) is amended by striking the phrase “shall receive,” and inserting the phrase “may receive” in its place.

(b) The lead-in language of subsection (c)(1) is amended by striking the phrase “shall be equal” and inserting the phrase “shall be equal, subject to the availability of funds,” in its place.

(c) Subsection (f) is amended as follows:

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

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

“(2) Notwithstanding paragraph (1) of this subsection, the total combined rebate payments for Fiscal Year 2021 for all occupants under this section shall not exceed \$580,366.”.

SUBTITLE G. TAX ABATEMENTS FOR AFFORDABLE HOUSING

Sec. 2061. Short title.

This subtitle may be cited as the “Tax Abatements for Affordable Housing in High-Need Areas Emergency Amendment Act of 2020”.

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Sec. 2062. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-860. Tax abatement for affordable housing in high-need affordable housing areas.”.

(b) A new section 47-860 is added to read as follows:

“§ 47-860. Tax abatement for affordable housing in high-need affordable housing areas.

“(a) Real property tax imposed by § 47-811 on real property certified as eligible pursuant to subsection (d) of this section shall be abated for the period set forth in subsection (c) of this section; provided, that:

“(1) The real property is located in a high-need affordable housing area;

“(2) The real property is designated by the Mayor pursuant to subsection (b) of this section;

“(3) For the duration of the period set forth in subsection (c) of this section, at least one third of the housing units developed or redeveloped on the real property are affordable to and rented by households earning on average 80% or less of the median family income; provided, that during such period no such household earn more than 100% of the median family income;

“(4) The developer files a covenant in the land records of the District, binding on the developer and all of its successors in interest with respect to the property, covenanting to comply with the requirements of paragraph (3) of this subsection;

“(5) The developer enters into an agreement with the District that requires the developer to, at a minimum, contract with certified business enterprises for at least 35% of the contract dollar volume of the construction and operations of the project, in accordance with section 2346 of the CBE Act (D.C. Official Code § 2-218.46);

“(6) The developer enters into a First Source Agreement for the operations of the project; and

“(7) The developer enters into an agreement with the Mayor setting forth the requirements of this subsection and such other terms and conditions as the Mayor considers appropriate.

“(b) The Mayor may, through a competitive process, designate real property to be eligible to receive a tax abatement under this section; provided, that the total amount of the tax abatements associated with real property designated by the Mayor pursuant to this subsection shall not exceed \$200,000 in Fiscal Year 2024 and shall not exceed \$4 million annually thereafter.

“(c) The tax abatement provided for by this section shall begin in the tax year immediately following the tax year during which the certificate of occupancy was issued for the final housing unit counted toward satisfying the affordability requirement of subsection (a)(3) of this section and shall continue until the end of the 30th tax year after the tax year during which

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such certificate of occupancy is issued; provided, that the Mayor may opt to continue the tax abatement provided for by this section until the end of the 40th tax year after the tax year during which such certificate of occupancy is issued; provided further, that the tax abatement provided for by this section shall not begin before October 1, 2023.

“(d)(1) The Mayor shall certify to the Office of Tax and Revenue a real property’s eligibility for the abatement provided by this section. The Mayor’s certification shall include:

“(A) A description of the real property by street address, square, suffix, and lot;

“(B) The date the certificate of occupancy was issued for the final housing unit counted toward satisfying the affordability requirements of subsection (a)(3) of this section;

“(C) The date the tax abatement begins and ends under subsection (c) of this section;

“(D) A statement that the conditions specified in subsection (a) of this section have been satisfied; and

“(E) The amount of abatement allocated to the property pursuant to subsection (b) of this section; and

“(F) Any other information that the Mayor considers necessary or appropriate.

“(2) If at any time the Mayor determines that the real property has become ineligible for the abatement provided by this section, the Mayor shall notify the Office of Tax and Revenue and shall specify the date that the property became ineligible. The entire property shall be ineligible for the abatement on the first day of the tax year following the date when the ineligibility occurred.

“(e) The tax abatement provided by this section shall be in addition to, not in lieu of, any other tax relief or assistance from any other source.

“(f) The requirements of the First Source Act shall not apply to the construction or development of a project developed on real property designated by the Mayor pursuant to subsection (b) of this section.

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

“(1) “CBE Act” means the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

“(2) “Certified business enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

“(3) “Developer” means the owner of housing units on real property eligible for a tax abatement under this section.

“(4) “First Source Act” means the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

“(5) “First Source Agreement” means an agreement with the District governing certain obligations of the Developer pursuant to section 4 of the First Source Act (D.C. Official

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Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment.

“(6) “High-need affordable housing area” means the 4 planning areas identified in the District’s Housing Equity Report, published in October 2019, with the highest dedicated affordable housing production goals (Rock Creek West, Rock Creek East, Capitol Hill, and Upper Northeast), plus 1,000 feet in any direction beyond any of those 4 planning area boundaries.

“(7) “Median Family Income” has the meaning set forth in section 101(5) of the Inclusionary Zoning Implementation Amendment Act of 2006, effective September 23, 2017 (D.C. Law 16-275; D.C. Official Code § 6-1041.01(5)).”.

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

SUBTITLE H. HEALTHCARE WORKFORCE PARTNERSHIP

Sec. 2071. Short title.

This subtitle may be cited as the “Healthcare Workforce Partnership Establishment Emergency Act of 2020”.

Sec. 2072. Definitions.

(1) “HWI grant” means the grant awarded to the Intermediary pursuant to section 2073.

(2) “Intermediary” means the entity selected to be the Healthcare Workforce Intermediary pursuant to section 2073.

(3) “Partnership” means the Healthcare Workforce Partnership established pursuant to section 2075.

(4) “Training” means occupational skills training for occupations in the healthcare sector.

(5) “WIC” means the Workforce Investment Council.

(6) “WIOA” means the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*).

Sec. 2073. Establishment of a Healthcare Workforce Intermediary.

(a)(1) By December 1, 2020, the WIC shall select, through award of a grant, the Healthcare Workforce Intermediary to establish, convene, and assist the Healthcare Workforce Partnership.

(2) Consistent with Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the WIC shall issue multi-year grants for a period of 4 years, subject to the availability of funds.

(b) The entity selected to be the Intermediary shall:

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- (1) Be a nonprofit organization, industry association, or community-based organization;
- (2) Have a proven track record of success convening healthcare sector employers or have a significant role in the healthcare sector;
- (3) Have existing relationships with training providers; and
- (4) Have a proven track record of successful fundraising.

(c) Over the course of the HWI grant, the WIC shall:

- (1) Provide technical assistance to the Partnership through the Intermediary, which may include:
 - (A) Assisting the Partnership in obtaining data and information from District agencies;
 - (B) Providing the Partnership with customized labor market and economic analysis;
 - (C) Providing the Partnership with education and guidance on WIOA; and
 - (D) Providing the Partnership with information on the number of District residents that training providers have the capacity to train in healthcare occupations;
- (2) Submit to the Partnership for feedback the proposed statement of work for any grant solicitation for the provision of training at least 30 days before issuing the request for proposals; and
- (3) Use the Partnership’s Healthcare Occupations Reports to align District government funded workforce development training with current and future healthcare sector hiring needs in the District.

Sec. 2074. Intermediary duties.

The Intermediary shall:

- (1) By July 1, 2021:
 - (A) Appoint members to the Partnership consistent with the criteria specified in section 2075(b)(3);
 - (B) Convene at least 4 Partnership meetings;
 - (C) Compose and transmit to the WIC the Partnership’s first Healthcare Occupations Report, as described in section 2075(e);
- (2) For the duration of the grant:
 - (A) Provide administrative support to the Partnership;
 - (B) Convene Partnership meetings at least quarterly;
 - (C) Compile and transmit to the WIC feedback from the Partnership on any statement of work for a proposed grant solicitation for the provision of training no more than 15 days after receiving the statement of work pursuant to section 2073(d)(2);
 - (D) Work with the Partnership to coordinate and ensure provision of career coaching, screening and referral services, practice interviews, and job fairs for healthcare sector employment for qualified District training graduates;

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(E) Facilitate requests for professional development and learning opportunities for training providers and training participants at healthcare facilities;

(F) Annually, compose and transmit the Partnership's Healthcare Occupations Report, as described in section 2075(e); and

(G) Perform additional duties on behalf of the Partnership consistent with the purposes of this subtitle and as funds permit; and

(3) During the fourth year of the HWI grant, raise private funds equal to the value of the HWI grant for that year, which the Intermediary shall reserve for use until after the expiration of the HWI grant in order to sustain the Partnership without dedicated District government funding.

Sec. 2075. Healthcare Workforce Partnership.

(a) The Intermediary shall establish the Healthcare Workforce Partnership, which shall work to increase the number of District residents employed in the healthcare sector and to meet the staffing needs of District healthcare employers, particularly of hospitals that receive District government funds.

(b)(1) The Director of the WIC, or the Director's designee, shall serve as a member of the Partnership.

(2) The Intermediary shall serve as a member of the Partnership and shall appoint community members in consultation with the WIC.

(3) Community members, the majority of which shall be healthcare sector employers, shall consist of the following:

(A) At least 5 employer representatives of the District's healthcare sector, which shall represent a variety of healthcare disciplines;

(B) At least one representative of a healthcare industry trade association;

(C) At least one representative from a labor organization that represents healthcare workers;

(D) At least one representative from a nonprofit organization that offers training programs; and

(E) At least one representative from an adult education integrated education and training program, as defined in 34 C.F.R. § 463.35, in the healthcare sector.

(c) Community members shall serve for the duration of the HWI grant and may be reappointed.

(d) The Partnership shall meet at least once each quarter for the duration of the HWI grant.

(e) No later than July 1, 2021, and annually thereafter in advance of the start of a new fiscal year, the Partnership shall submit to the WIC, through the Intermediary, its Healthcare Occupations Report, which shall contain the following:

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- (1) Recommendations of 3 to 5 healthcare occupations requiring less than a bachelor's degree, which may include occupations for which incumbent workers may be upskilled, in which the District should invest in training;
- (2) A summary of the occupational hiring needs of hospitals receiving or committed to receive District government funds, including an estimate of the number of workers needed, disaggregated by healthcare occupation;
- (3) A recommendation of the number of District residents the WIC should train in the occupations identified pursuant to paragraph (1) of this subsection;
- (4) A list of occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;
- (5) Recommendations of curricula for training in the occupations identified pursuant to paragraph (1) of this subsection;
- (6) An explanation of the feasibility of providing virtual training or distance learning, and recommendations to implement virtual training;
- (7) Customized healthcare career pathway maps for the occupations identified pursuant to paragraph (1) of this subsection;
- (8) Recommendations of strategies and tactics to increase the capacity of training providers to train District residents; and
- (9) Recommendations to attract District residents to, and retain District residents in, the occupations identified pursuant to paragraph (1) of this subsection, including necessary tactics to increase candidates' hard and soft skills and to reduce barriers to employment.

Sec. 2076. Establishment of a healthcare training program.

(a) By September 1, 2021, the WIC shall establish a healthcare training program ("program") to fund or arrange for training of District residents in a minimum of 2 healthcare occupations identified in the Partnership's first Healthcare Occupations Report, issued pursuant to section 2075(e), which may include one occupation for upskilling of incumbent workers.

(b) To provide training, the WIC may:

(1) Issue healthcare training grants ("grants") to train providers, pursuant to section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)); or

(2) Partner with the University of the District of Columbia Community College or Office of the State Superintendent of Education.

(c)(1) If the program includes a grant, subject to availability of funds, each grant shall be for not less than \$100,000 per year for 3 years to provide training for District residents.

(2) To be eligible for a grant, a grantee shall:

(A) Be licensed by the Higher Education Licensure Commission as a post-secondary institution, degree or non-degree seeking;

(B) Agree to utilize the training curricula recommended by the Partnership pursuant to section 2075(e)(5); and

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(C) Demonstrate consistent successful attainment of the following benchmarks for its training participants:

- (i) Completion of training;
- (ii) Credential attainment;
- (iii) Unsubsidized employment in the occupation of training; and
- (iv) Retention of employment for 6 months or longer in the

occupation of training.

(3) Preference shall be given to grant applicants utilizing an integrated education and training model, as defined 34 C.F.R. § 463.35.

(d)(1) The WIC shall utilize WIOA common performance measures to track program performance.

(2) The WIC shall report on the performance of the program as required by section 102 of the Workforce Development System Transparency Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-95; D.C. Official Code § 32-1622).

(e) The WIC shall make its best effort to use WIOA Title I funds to issue any grants authorized in this section.

Sec. 2077. Monitoring and evaluation.

By August 1, 2021, and annually thereafter, the WIC shall transmit to the Mayor and the Council the Healthcare Occupation Report developed by the Partnership pursuant to section 2075(e).

SUBTITLE I. DC INFRASTRUCTURE ACADEMY EMPLOYER ENGAGEMENT

Sec. 2081. Short title.

This subtitle may be cited as the “DC Infrastructure Academy Employer Engagement Emergency Amendment Act of 2020”.

Sec. 2082. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-241) is amended as follows:

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

“(1A) “Committees” means the Industry Advisory Committees established pursuant to section 2f.”.

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

“(2A) “DCIA” means the DC Infrastructure Academy established by the Mayor.”.

(b) Section 2a(a-2) (D.C. Official Code § 32-242(a-2)) is repealed.

(c) New sections 2e and 2f are added to read as follows:

“Sec. 2e. DC Infrastructure Academy.

“(a) In addition to duties the Mayor prescribes, the DCIA shall:

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“(1) Provide occupational skills training (“skills training”) annually in industries for which there is significant demand regionally or by a major employer, including construction, infrastructure, and information technology;

“(2) Provide occupational skills training designed to meet the needs of employers by:

“(A) Aligning skills training, where appropriate, with the annual recommendations the committees submit to the DCIA pursuant to section 2f(c);

“(B)(i) Submitting a proposed curriculum, at least 30 calendar days prior to the start of any skills training taught by DCIA staff, to the relevant committee for its feedback; and

“(ii) Taking into consideration any feedback from a committee when implementing any skills trainings taught by DCIA staff;

“(C)(i) Submitting to the relevant committee, at least 30 calendar days before soliciting applications or bids on a grant or contract to provide skills training, a request that the committee review a grant or contract solicitation’s proposed scope of work; and

“(ii) Considering any feedback received from a committee when preparing statements of work for grants and contracts to provide skills training; and

“(D) For any customized skills training provided specifically for a particular employer, seeking input from the employer consistent with the requirements outlined in subparagraphs (B) and (C) of this paragraph;

“(3) Provide test preparation sessions and practice exams to ready participants to obtain the occupational credentials the committees identify in their annual reports pursuant to section 2f(c)(4); and

“(4) Provide job referrals, as defined in 20 C.F.R. § 651.10, to employers in the industry sectors in which training is offered pursuant to paragraph (1) of this subsection for all qualified graduates of DCIA training programs.

“(b) DCIA skills training may include:

“(1) Training services enumerated in section 134(c)(3)(D) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1529; 29 U.S.C. § 3174(c)(3)(D));

“(2) Supportive services, as defined in 20 C.F.R. § 651.10;

“(3) Integrated education and training, as defined in 34 C.F.R. § 463.35;

“(4) Workforce preparation activities, as defined in 34 C.F.R. § 463.34; and

“(5) Job development, as defined in 20 C.F.R. § 651.10.

“(c)(1) At least 66% of the participants receiving skills training through the DCIA each fiscal year shall be trained in occupations that pay an average wage that is at least 150% of the minimum wage specified in section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003).

“(2) At least 25% of the value of each grant or contract with a skills training provider shall be contingent on the provider achieving at least one of the following results:

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“(A) At least 75% of the provider’s participants receive an industry-recognized credential; and

“(B) At least 80% of the provider's participants enter permanent, unsubsidized employment in the occupation of training.

“Sec. 2f. Industry advisory committees.

“(a)(1) The Director shall establish industry advisory committees to advise DCIA on occupational skills training offerings with the goal of aligning DCIA’s trainings with industry hiring needs.

“(2) There shall be one committee per industry sector in which DCIA offers occupational skills training pursuant to section 2e(a)(1).

“(3) Each committee shall consist of representatives of at least 2 employers from the relevant industry sector, whom the Director shall appoint.

“(4)(A) The Director shall make initial appointments to the committees within 30 days of the effective date of this subtitle.

“(B) Committee members shall disclose all existing and potential conflicts of interest to the Director. No committee member may, in any manner, directly or indirectly, participate in a deliberation upon, or the determination of, any question affecting the financial interest of any corporation, partnership, or association in which the member or a member of the member’s family is directly or indirectly interested. Committee members shall disclose the nature of any financial or personal relationships with any training providers by completing a conflict of interest form.

“(b) No later than December 15, 2020, and annually thereafter in advance of the start of a new fiscal year, each Committee shall submit written recommendations to DCIA, which shall contain the following:

“(1) Recommendations of 2 to 4 specific occupational skills trainings DCIA should offer;

“(2) The number of District residents DCIA should train in the occupations identified pursuant to paragraph (1) of this subsection;

“(3) Occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;

“(4) A description of tools, equipment, and services necessary to conduct trainings to acquire the skills identified in paragraph (3) of this subsection;

“(5) Industry-recognized credentials required for obtaining employment in the occupations identified pursuant to paragraph (1) of this subsection, when appropriate; and

“(6) The feasibility of providing virtual training or distance learning and recommendations to implement virtual training.

“(c) After receiving a proposed training curriculum from the DCIA pursuant to section 2e(a)(2)(B)(i), a Committee shall provide the DCIA with a written explanation of recommended modifications, if any.

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“(d) Within 30 calendar days after receiving a proposed scope of work for a grant or contract from DCIA pursuant to section 2e(a)(2)(C)(i), the Committee shall provide DCIA with a written explanation of recommended modifications, if any.”.

SUBTITLE J. WORKPLACE LEAVE NAVIGATORS

Sec. 2091. Short title.

This subtitle may be cited as the “Workplace Leave Navigators Program Establishment Emergency Amendment Act of 2020”.

Sec. 2092. Definitions.

For the purposes of this subtitle, the term:

- (1) “Director” means the director of DOES.
- (2) “DOES” means the Department of Employment Services.
- (3) “Family and medical leave” means leave available under the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).
- (4) “Paid sick leave” means leave available under 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.*).
- (5) “Universal paid leave” means leave benefits available under the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).
- (6) “Workplace leave” means universal paid leave, paid sick leave, family and medical leave, or any other job-protected leave to which an individual may be entitled under federal or District law.

Sec. 2093. Workplace Leave Navigators Program.

(a) There is established a Workplace Leave Navigators Program (“Program”), which the Director shall administer.

(b) The Program shall be funded with monies from the Universal Paid Leave Administration Fund, established pursuant to section 1153 of the Universal Paid Leave Implementation Fund Act of 2016, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867).

(c) The Program shall provide funds to:

- (1) Organizations with demonstrated experience representing employees in matters related to workplace leave solely for the purpose of specific assistance to individuals in obtaining their workplace leave and benefits; and
- (2) Nonprofit organizations, businesses, or professional or trade associations with experience representing or assisting employers with the administration or understanding of

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workplace leave laws for the purpose of providing assistance to employers to share best practices or guidance regarding how to:

(A) Coordinate and accommodate different types of workplace leave, along with employer-sponsored disability plans; and

(B) Ensure compliance with workplace leave laws.

(d)(1) Program funds issued to organizations for the purposes described in subsection (c)(1) of this section:

(A) Shall be used solely to assist individuals with:

(i) Filing an initial claim for universal paid leave;

(ii) Determining the type of workplace leave or employer-offered leave, including an employer-sponsored disability plan, for which an individual may be eligible;

(iii) Filing an administrative complaint related to the provision of workplace leave, including a complaint of retaliation;

(iv) Responding to or appealing an initial administrative decision or determination related to workplace leave; or

(v) Providing an employer with appropriate documentation supporting a request for workplace leave; and

(B) May be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws pertaining to documentation supporting the need for leave.

(2) Program funds issued to non-profits, businesses, or professional or trade associations assisting employers for the purposes described in subsection (c)(2) of this section:

(A) Shall be used to:

(i) Assist employers with coordinating the employer’s workplace leave programs, including employer-sponsored disability plans, with workplace leave laws; provided, that Program funds shall not be used to decide an employee’s eligibility for a workplace leave program or for the pre-adjudication of a workplace leave claim;

(ii) Provide guidance, including best practices, to an employer on what an employer must do to comply with District and federal workplace leave laws and regulations;

(iii) Aid employers in responding to DOES’s request for information from the employers, including requests related to claim determinations made by DOES;

(iv) Responding to an administrative complaint related to the provision of workplace leave; provided, that Program funds shall not be used to respond to a complaint of retaliation;

(v) Responding to or appealing an initial administrative decision or determination related to workplace leave; and

(B) May be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws.

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(e) Funds for the Program may not be used to prosecute or defend claims in a lawsuit related to the provision of workplace leave.

(f)(1) The Director shall issue Program funds through competitive grants administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and section 2(b-1) of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05(b-1)).

(2) The Director shall issue an initial Request for Applications no later than October 31, 2020, and annually thereafter. The Director may issue multi-year grants, subject to the availability of appropriations.

(3) In a fiscal year, the amount of grants the Director issues for the purposes described in subsection (c)(1) and (2) of this section shall account for the need for each such purpose, based on the potential numbers of employees and employers to be served.

SUBTITLE K. SCHOOL YEAR INTERNSHIP PILOT PROGRAM

Sec. 2101. Short title.

This subtitle may be cited as the “School Year Internship Pilot Program Emergency Amendment Act of 2020”.

Sec. 2102. Section 2a(a) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-242(a)), is amended by adding a new paragraph (2A) to read as follows:

“(2A) School year internship pilot. —

“(A) In Fiscal Year 2021, a pilot program called the School Year Internship Pilot Program (“Program”) for 250 District high school students to provide work-based learning opportunities during the school year.

“(B)(i) High school students including students from public schools, public charter schools, private schools, and students who are homeschooled, may apply to the Department of Employment Services (“DOES”) to be matched with an internship host through the Program; provided, that a student may not otherwise participate in an internship, in-school youth employment, or a work-readiness program.

“(ii) DOES shall give the applications of at-risk students priority over all other applications.

“(iii) For the purposes of this subparagraph the term “at-risk” means a public school, public charter school, private school, or homeschool student who is identified as one or more of the following:

“(I) Homeless;

“(II) In the District’s foster care system;

“(III) Qualifies for the Temporary Assistance for Needy Families program or the Supplemental Nutrition Assistance Program; or

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“(IV) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.

“(C) DOES shall notify students of their placement with an internship host by January 5, 2021.

“(D) Interns shall remain matched with their internship host between January 2021 and June 2021.

“(E) DOES shall pay interns a training rate of \$10 per hour, which it shall pay by way of a debit card provided to the intern or by direct deposit.

“(F)(i) Internship hosts may be nonprofit organizations, public schools or public charter schools, government agencies, or private businesses.

“(ii) Prospective internship hosts shall submit applications to participate in the Program no later than December 1, 2020. The application shall include a detailed job description that identifies specific tasks, projects, or duties that the intern will perform and the name and job title of the individual who will directly supervise the intern.

“(iii) DOES shall review internship host applications and shall give priority to applications that will engage an intern in work experience activities, rather than work readiness activities, for the majority of an intern’s time.

“(G) DOES shall implement the Program through public-private partnerships between the District government and an internship host that has the ability to employ youth under the Program, subject to all federal and District laws, rules, and regulations relating to the procurement and award of contracts, grants, or other government assistance.

“(H)(i) DOES shall develop benchmarks for interns’ growth and development in work readiness, which internship hosts shall utilize to assess an intern’s work readiness.

“(ii) An internship host shall provide its written assessment of an intern’s work readiness to DOES within 30 days after the end of the internship.”.

Sec. 2103. The Department of Employment Services Local Job Training Quarterly Outcome Report Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 32-771), is amended by adding a new section 2083 to read as follows:

“Sec. 2083. Department of Employment Services annual report on year-round youth programs.

“(a) Starting December 15, 2020, and annually thereafter, the Department of Employment Services (“Department”) shall publish on its website and submit to the Council a report on the operations of its year-round youth programs, including:

- “(1) The In-School Youth Program;
- “(2) The Out-of-School Youth Program;
- “(3) The Marion Barry Youth Leadership Institute;
- “(4) Pathways for Young Adults Program;
- “(5) Youth Earn and Learn Program;

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- “(6) The High School Internship Program;
- “(7) In-School Youth Innovation Grants; and
- “(8) In-school DCHR internship program.

“(b) The report shall include the following information for each program from the previous fiscal year:

- “(1) The number of participants newly enrolled;
- “(2) The total number of participants, disaggregated by ward, grade, school, age, and, if known, at-risk status;
- “(3) Each program’s total expenditures, disaggregated by fund type (federal, local, intra-District, or special purpose revenue funds); and
- “(4) The names of any vendors, grantees, host employers (including public schools and public charter schools for the High School Internship Program), host sites, or other organizations providing services to youth.

“(c) The Department may withhold from the report required pursuant to subsection (b) of this section any information precluded from release by federal law, rule, or policy; provided, that, if at a later time, such information may be released, the Department shall supplement the next annual report following the date on which the information may be shared with the withheld information.

“(d) For the purposes of this section, the term “at-risk” means a public school, public charter school, private school, or homeschool student who is identified as one or more of the following:

- “(1) Homeless;
- “(2) In the District’s foster care system;
- “(3) Qualifies for the Temporary Assistance for Needy Families program or the Supplemental Nutrition Assistance Program; or
- “(4) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.”.

SUBTITLE L. UNEMPLOYMENT INSURANCE MODERNIZATION

Sec. 2111. Short title.

This subtitle may be cited as the “Unemployment Insurance Modernization Requirements Emergency Act of 2020”.

Sec. 2112. Unemployment insurance modernization requirements.

(a) The Department of Employment Services (“DOES”) shall launch an integrated, fully modernized, and fully functioning unemployment insurance information technology benefits and tax system (“benefits system”) for public use no later than September 30, 2022.

(b) The benefits system shall include an internet accessible public interface that:

- (1) Can be accessed from all major internet browsers and used on mobile devices and personal computers;

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(2) Is accessible to people with disabilities in compliance with section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 337; 42 U.S.C. § 12131 *et seq.*); and

(3) Complies with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(c)(1) The Office of Contracting and Procurement (“OCP”), in consultation with DOES, should issue a Request for Proposals for the full modernization of the benefits system, consistent with the requirements of subsections (a) and (b) of this section, no later than October 30, 2020.

(2) The OCP should award a contract for the full modernization of the benefits system no later than January 15, 2021.

Sec. 2113. (a) Beginning no later than 15 days after the effective date of this subtitle, on any day when American Job Centers are closed (excluding weekends, holidays, and staff training days), the Department of Employment Services (“DOES”) shall provide the following materials at its headquarters from 8:30 a.m. to 5:00 p.m.:

(1) Hard copies of unemployment insurance benefits applications, with hard copies of all instructions that are available online for completing the application;

(2) Hard copies of DOES complaint forms for violations of District labor laws, including wage and hour, accrued paid sick time, and workers’ compensation laws, with hard copies of all instructions that are available online for completing each form;

(3) Envelopes individuals may use in submitting their applications and complaint forms, with space on the outside to identify the form being submitted; and

(4) A locked box with a slot into which individuals may deposit their completed applications and complaint forms.

(b) The DOES shall make the materials identified in subsection (a) of this section available in a location at its headquarters that is publicly and handicap accessible.

SUBTITLE M. TRANSGENDER AND NON-BINARY EMPLOYMENT STUDY

Sec. 2121. Short title.

This subtitle may be cited as the “District Government Transgender and Non-Binary Employment Study Emergency Act of 2020”.

Sec. 2122. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new Title VII-B to read as follows:

“TITLE VII-B GENDER IDENTITY STUDY

“Sec. 760. Definitions.

“For the purposes of this title, the term:

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“(1) “Cisgender” means individuals whose sex assigned at birth matches the individual’s perceived gender.

“(2) “Gender identity” means an individual’s internal sense of the individual’s gender, which may be the same as or different from sex assigned at birth and can include male, female, neither, or both.

“(3) “Non-binary” includes individuals whose gender identity is neither entirely male nor entirely female, or varies between the two.

“(4) “Transgender” includes individuals whose gender identity or expression is different from that typically associated with their assigned sex at birth.

“Sec. 761. Study of transgender and non-binary employment.

“(a) The Mayor shall contract with an entity to conduct a study of employment data, hiring and recruitment practices, and workplace climate in District government agencies in relation to people who are transgender or non-binary. At a minimum, the study shall include:

“(1) A census of employees who identify as transgender or non-binary, including information on the employees’ race and ethnicity, gender identity, and age;

“(2) A review of District government agencies’ transgender and non-binary inclusion policies, including policies developed under the Human Rights Act of 1977, effective December 13, 1977, (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*) (“Human Rights Act”), and any regulations promulgated pursuant to the Human Rights Act, and an evaluation of the extent to which District government agencies have implemented such policies and how transgender and non-binary employees experience such policies;

“(3) An evaluation of District government agencies’ actual recruitment, hiring, retention, and promotion practices related to prospective and current transgender and non-binary employees;

“(4) An analysis of any disparities in earnings, title, pay grade, length of time in position, and educational attainment between employees who identify as transgender or non-binary and employees who identify as cisgender;

“(5) An assessment of transgender and non-binary employees’ workplace experiences as employees of District government agencies, including experiences of discrimination, harassment, or mistreatment on the job;

“(6) An evaluation of data, including participant demographics and program outcomes, for transgender or non-binary participants in the Department of Employment Services’ job training programs; and

“(7) Recommendations for District government agencies on improving employment and hiring practices as they relate to individuals who are transgender or non-binary.

“(b) The contractor may survey employees to gather data for the purposes of the study.

“(c) The contractor completing the study shall:

“(1) Have, or partner with another entity with, experience studying and knowledge of sexual orientation and gender identity;

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“(2) Include a statement in requests for information and surveys sent to employees explaining that providing information is voluntary;

“(3) Ensure the privacy, dignity, and confidentiality of employees;

“(4) Not disclose, or retain after the study is complete, personally identifiable information gathered in the course of the study; and

“(5) Consult with the Office of Human Rights in developing a detailed proposed plan of the study, surveys to be administered, and any resulting recommendations from the entity.

“(d) The Mayor may use electronic communication tools, including e-mail, to facilitate the contractor’s outreach to District government employees.

“(e) The Mayor shall:

“(1) Review the contractor’s proposals and recommendations to ensure they are consistent with the Human Rights Act;

“(2) Review data, with personally identifiable information removed, on harassment and discrimination complaints filed by transgender and non-binary employees against District government agencies since January 1, 2015;

“(3) Provide the contractor with the information necessary to facilitate subsection (a) of this section; and

“(4) Submit a final report with findings and recommendations to the Council no later than December 31, 2021. The final report submitted to the Council shall not contain any personally identifiable information.”.

SUBTITLE N. TIPPED WAGE WORKERS FAIRNESS CLARIFICATION

Sec. 2131. Short title.

This subtitle may be cited as the “Tipped Workers Fairness Clarification Emergency Amendment Act of 2020”.

Sec. 2132. The Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; D.C. Official Code § 32-161 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-161) is amended as follows:

(1) Subsection (a)(1) is amended as follows:

(A) The lead-in language is amended by striking the phrase “By April 1, 2020” and inserting the phrase “Within 120 days after the date this section becomes applicable” in its place.

(B) Subparagraph (F) is repealed.

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

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

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(i) The lead-in language is amended by striking the phrase “By April 1, 2020” and inserting the phrase “Within 120 days after the date this section becomes applicable” in its place.

(ii) Subparagraph (B) is amended to read as follows:

“(B) The following text formatted in a large font and for maximum readability, including the use of bullet points to call out each specified right on a separate line:

“EMPLOYEE RIGHTS IN THE DISTRICT OF COLUMBIA: Do you know your rights as an employee working in Washington, D.C.? Employees have the right:

- To be paid at least the minimum wage;
- To be paid on time;
- To receive a detailed pay stub;
- To accrue and use paid sick and safe leave;
- To request time off to attend a child’s school-related activities;
- To qualify for unpaid family and medical leave;
- To be compensated for work-related illness or injury;
- To remain free from discrimination;
- To be accommodated in the workplace during pregnancy;
- To remain free from employer retaliation for discussing or exercising any of these rights; and
- To file a complaint for violation of workplace rights with the Department of Employment Services (DOES) or the Office of Human Rights (OHR),

To learn about these and other workplace rights, visit the website below. This notice does not create, expand, or limit rights under District or federal law.”.

(B) Paragraph (2) is amended by striking the phrase “The poster” and inserting the phrase “Below the text required pursuant to paragraph (1)(B) of this subsection, the poster” in its place.

(3) Subsection (d)(6) is repealed.

Sec. 2133. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 10a (D.C. Official Code § 32-1009.01) is amended as follows:

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

“(a)(1) As of January 1, 2020, the third-party payroll businesses required pursuant to section 9(a-1) to process payroll for an employer that employs a tipped worker and hotel employers that employ a tipped worker shall submit a quarterly wage report for the preceding calendar quarter to the Mayor no later than 30 days after the end of each calendar quarter.

“(2) Each quarterly wage report shall certify that each tipped worker was paid at least the required minimum wage, including gratuities, and shall include the following:

“(A) Itemized, for each tipped worker, the worker’s:

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- “(i) Name;
- “(ii) Average hourly wage received per week during the quarter;
- “(iii) Total hours worked at or above the minimum hourly wage established under section 4(f) per week;
- “(iv) Gross wages received per week; and
- “(v) Total gratuities received per week.
- “(B) For a hotel employer, a certification that all of the information in the report is accurate;
- “(C) For a third-party payroll business, a certification that the information in the report was generated using the same payroll data used to generate the information required to be furnished to employees pursuant to section 9(b); and
- “(D) If tips were shared, a copy of the employer’s tip-sharing policy used during the quarter, unless the third-party payroll business and the employer have agreed that the employer will submit the tip-sharing policy, in which case, a certification that such an agreement was in place during the calendar quarter.
- “(3)(A) An employer that agrees to submit its tip-sharing policy directly to the Mayor shall submit the policy to the Mayor no later than 30 days after the end of each calendar quarter.
- “(B) If the Mayor does not receive the tip-sharing policy of an employer that employs a tipped worker by the submission deadline for quarterly wage reports, the Mayor shall presume that the employer did not have a tip-sharing policy in place during the calendar quarter.”.
- (2) Subsection (b)(2) is amended to read as follows:
- “(2) A person required to submit documents pursuant to subsection (a) of this section shall submit the documents online through the Internet-based portal, unless the Mayor exempts the person from online reporting because it creates a hardship for the person, in which case, the person shall submit the documents in hard-copy form.”.
- (3) A new subsection (d) is added to read as follows:
- “(d) For the purposes of this section the term “tipped worker” means an employee paid in accordance with section 4(f).”.
- (b) Section 12(d)(1) (D.C. Official Code § 32-1011(d)(1)) is amended by adding a new subparagraph (E-i) to read as follows:
- “(E-i) \$500 against an employer for each failure to timely submit the quarterly wage report required pursuant to section 10a, in its entirety, unless the employer proves that it used a third-party payroll business to process the relevant quarter’s payroll for the employer.”.

SUBTITLE O. UNIVERSAL PAID LEAVE FUND

Sec. 2141. Short title.

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This subtitle may be cited as the “Universal Paid Leave Fund Emergency Amendment Act of 2020”.

Sec. 2142. The Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended as follows:

(a) A new section 1151a is added to read as follows:

“Sec. 1151a. Definitions.

“For the purposes of this subtitle, the term “Act” means the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*)”.

“(b) Section 1152 (D.C. Code § 32-551.01) is amended as follows:

“(1) The section heading is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

“(2) Subsection (a) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(3) Subsection (b) is amended to read as follows:

“(b) Money in the Fund shall be used to:

(1) Pay benefits provided under the Act; and

(2) Fund the Universal Paid Leave Administration Fund established pursuant to section 1153(a) in the following amounts:

“(A) No more than 8.75% of money in the Fund for the purposes described in section 1153(c)(1);

“(B) No more than .75% of the money in the Fund for the purposes described in section 1153(c)(2); and

“(C) No more than 0.5% of the money in the Fund for the purposes described in section 1153(c)(3).

(c) A new section 1153 is added to read as follows:

“Sec. 1153. Universal Paid Leave Administration Fund.

“(a) There is established as a special fund the Universal Paid Leave Administration Fund (“Fund”), which shall be administered by the Department of Employment Services (“DOES”) in accordance with subsections (c), (d), (e), and (f) of this section.

“(b) Pursuant to section 1152(b)(2), amounts appropriated from the Universal Paid Leave Fund annually for the purposes described in subsection (c) of this section shall be deposited in the Fund.

“(c) Money in the Fund shall be used for the following purposes:

“(1) Administration of the Act by DOES, including public education pursuant to section 106(j) of the Act (D.C. Official Code § 32-541.06(j)); provided, that no more than 6% of the money appropriated annually for administration may be used for public education and of those public education funds, at least \$500,000 shall be used to fund the Workplace Leave Navigators Program established pursuant to section 2093 of the Workplace Leave Navigators

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Program Establishment Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867);

“(2) Enforcement of section 108(e) and section 110(a) and (b) of the Act by the Office of Human Rights, which may include education and outreach on individuals’ rights under the Act; and

“(3) Hearing of appeals of claim determinations by the Office of Administrative Hearings, pursuant to section 108(a), (b), and (c) of the Act (D.C. Official Code § 32-541.08(a), (b), and (c)).

“(d) Beginning no later than October 1, 2020, and by October 1 annually thereafter, DOES shall execute a Memorandum of Understanding with the Office of Human Rights for the intradistrict transfer of funds appropriated, pursuant to subsection (c)(2) of this section, for enforcement; provided, that DOES shall transfer funds appropriated for enforcement to the Office of Human Rights no later than October 2 of any year even if the agencies fail to execute a Memorandum of Understanding by October 1 of that year.

“(e) Beginning no later than October 1, 2020 and by October 1 annually thereafter, DOES shall execute a Memorandum of Understanding with the Office of Administrative Hearings for the intradistrict transfer of funds appropriated, pursuant to subsection (c)(3) of this section, for hearing of appeals of claim determinations; provided, that DOES shall transfer funds appropriated for hearing of appeals of claim determinations to the Office of Administrative Hearings no later than October 2 of any year even if the agencies fail to execute a Memorandum of Understanding by October 1 of that year.

“(f) Money deposited into the Fund but not expended in a fiscal year shall revert to the Universal Paid Leave Fund, established pursuant to section 1152.”.

Sec. 2143. Conforming amendments.

The Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*), is amended as follows:

(a) Subsection 101 (D.C. Official Code § 32-541.01) is amended as follows:

(1) Paragraph (10)(A) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(2) Paragraph (21) is amended by striking the phrase ““Universal Paid Leave Implementation Fund” means the Uniform Paid Leave Implementation Fund” and inserting the phrase ““Universal Paid Leave Fund” means the Universal Paid Leave Fund” in its place.

(b) Section 103 (D.C. Official Code § 32-541.03) is amended as follows:

(1) The section heading is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(2) Subsection (a) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(3) Subsection (b) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

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(4) Subsection (c) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(5) Subsection (d) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(6) Subsection (e) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(7) Subsection (f) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(c) Section 104(g)(6)(A) (D.C. Official Code § 32-541.04(g)(6)(A)) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(d) Section 105(a)(2) (D.C. Official Code § 32-541.05(a)(2)) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(e) Section 106(j)(1) (D.C. Official Code § 32-541.06(j)(1)) is amended to read as follows:

“(j)(1) The Mayor shall conduct a public-education campaign, which shall be paid for out of the Universal Paid Leave Administration Fund, pursuant to section 1153(c)(1) of the Universal Paid Leave Implementation Fund Act of 2016, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867), to inform individuals of the benefits provided for in this act. The Workplace Leave Navigators Program, established pursuant to section 2093 of the Workplace Leave Navigators Program Establishment Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867), shall be a component of the Mayor’s public-education campaign.”

(f) Section 109(c) (D.C. Official Code § 32-541.09(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Universal Paid Leave Implementation” and inserting the phrase “Universal Paid Leave” in its place.

(2) Paragraph (2) is amended by striking the phrase “Universal Paid Leave Implementation” both times it appears and inserting the phrase “Universal Paid Leave” in its place.

SUBTITLE P. SHARED WORK COMPENSATION PROGRAM

Sec. 2151. Short title.

This subtitle may be cited as the “Shared Work Compensation Program Clarification Emergency Amendment Act of 2020”.

Sec. 2152. The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

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

(1) Paragraph (4) is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(4) If the employer provides health and retirement benefits to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee’s usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee’s compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan that is equally applicable to employees who are not participating in the plan and to participating employees does not violate a certification made pursuant to this paragraph;

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

“(6) Agree to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(1) Complies with the requirements of section 4; and

“(2) Has filed all reports required to be filed under the employment security law for all past and current periods, and:

“(A) Has paid all contributions and benefit cost payments; or

“(B) If the employer is a reimbursing employer, has made all payments in lieu of contributions due for all past and current periods.

“(c) Except as provided in subsection (d) of this section, the Director may not approve a shared work plan:

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

“(2) If the employer’s unemployment insurance account has a negative unemployment experience rating;

“(3) If the employer’s unemployment insurance account is taxed at the maximum tax rate in effect for the calendar year;

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“(4) For employers who have not qualified to have a tax rate assigned based on actual experience; or

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

“(d) During the effective period of a shared work plan entered into during a public health emergency, subsection (c) of this section shall not apply. During a public health emergency, the Director may not approve a shared work plan:

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

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

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

“(e) For the purposes of this section, the term “public health emergency” means the public health emergency declared in the Declaration of Public Health Emergency (Mayor’s Order 2020-046), declared on March 11, 2020, and any extensions thereof.”

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

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

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

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

“(c) An employer may terminate a shared work plan at any time upon written notice to the Director, participating employees, and a collective bargaining representative for the participating employees. After receipt of such notice from the employer, the Director shall issue to the employer, the appropriate collective bargaining representative, and participating employees an Acknowledgment of Voluntary Termination, which shall state the date the shared work plan terminated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(2) Notwithstanding any other provision of the employment security law relating to availability for work and actively seeking work, the participating employee was available for the individual’s usual hours of work with the shared work employer, which may include availability to participate in training to enhance job skills approved by the Director, such as employer-sponsored training or training funded under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

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

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

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

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

“(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51-107(g)(1)(H)) (“Act”), for purposes of eligibility to receive extended benefits pursuant to section 7(g) of the Act (D.C. Official Code § 51-107(g)), and, if otherwise eligible under that section, shall be eligible to receive extended benefits.

“(f) Shared work benefits shall be charged to employers’ experience rating accounts in the same manner as unemployment compensation is charged under the employment security law, unless waived by federal or District law. Employers liable for payments in lieu of contributions

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shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed, unless waived by federal or District law.”.

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

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

“(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a participating employee shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the participating employee’s usual weekly hours of work.

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

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

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

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

(2) Subsection (b) is repealed

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

“(c) A participating employee who is not provided any work during a week by the shared work employer or any other employer and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

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

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SUBTITLE Q. EQUITABLE IMPACT ASSISTANCE FOR LOCAL BUSINESS

Sec. 2161. Short title.

This subtitle may be cited as the “Equitable Impact Assistance for Local Businesses Emergency Act of 2020”.

Sec. 2162. Definitions.

For the purposes of this subtitle, the term:

(1) “Economically disadvantaged individual” shall have the same meaning as set forth in section 2302(7) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(7)).

(2)(A) “Eligible business” means an equity impact enterprise that has \$2 million or less in annual revenue and certifies in writing that the business is unable to obtain conventional financing or is a business enterprise that cannot reasonably be expected to qualify for financing under the standards of commercial lending.

(B) For the purposes of this paragraph, the phrase “unable to obtain conventional financing” means that the business has attempted but failed in the attempt to obtain financing from conventional sources.

(3) “Equity impact enterprise” shall have the same meaning as set forth in section 2303(8A) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(8A)).

(4) “Fund” means the Equity Impact Fund established in section 2163.

(5) “Fund Manager” means a private financial organization selected by the Mayor pursuant to section 2164.

(6) “Private financial organization” means a partnership, corporation, trust, limited liability company, Community Development Financial Institution, or a consortium of partnerships, corporations, trusts, limited liability companies, or Community Development Financial Institutions, whether organized on a profit or not-for-profit basis, that has as its primary activity the investment of capital into businesses.

Sec. 2163. Establishment of the Equity Impact Fund.

(a)(1) There is established a fund outside the General Fund of the District of Columbia, designated as the Equity Impact Fund (“Fund”), which shall be managed by a Fund Manager selected by the Mayor.

(2) The Deputy Mayor for Planning and Economic Development shall provide, upon selection of the Fund Manager, \$1.25 million in the aggregate in Fiscal Year 2021 for deposit into the Fund (“District’s initial investment”).

(b) The Fund shall be funded by money appropriated for the purposes of the Fund, other amounts, if any, received by the District or Fund Manager for deposit into the Fund, and any monies received as gifts, grants, donations, and awards.

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(c) Money in the Fund shall be used for the following purposes:

- (1) To facilitate investment in businesses that lack access to capital;
- (2) To make investments into eligible businesses based on an investment strategy determined by the Fund Manager; and
- (3) To administer the Fund, including the provision of technical assistance to eligible businesses; provided, that no more than 15% of the District's initial investment may be used annually for this purpose.

Sec. 2164. Fund Manager selection.

(a) The Mayor shall solicit applications, in a form determined by the Mayor, for the position of Fund Manager from private financial organizations. The application shall contain description of:

- (1) The qualifications of the applicant, including demonstrable experience in investing in small businesses, businesses owned by economically disadvantaged individuals, businesses owned by individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities, or businesses that otherwise meet the definition of, or are similar to, an equity impact enterprise;
- (2) How the applicant will structure the Fund and investment criteria to achieve the goals and objectives of the Fund;
- (3) The ability and plans of the applicant to provide or raise sufficient funds to provide matching contributions for the Fund;
- (4) The ability of the applicant to maintain a sufficient fund balance to administer the Fund;
- (5) The type of businesses to be targeted for priority investment from the Fund;
- (6) A demonstrable ability to offer a variety of financing vehicles, including equity financing, revenue-based financing, royalty financing, and debt financing;
- (7) The investment strategies the applicant will employ to achieve the goals and objectives of the Fund; and
- (8) Other criteria that the Mayor considers necessary or appropriate.

(b) The Fund Manager shall be selected from among the applicants for the position based on a scoring rubric established by the Mayor; provided, that:

- (1) A preference be given to applicants that are at least 51% owned, operated, or controlled by economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and
- (2) If the applicant manages an existing investment fund, the existing fund not exceed \$100,000,000 in total investments.

Sec. 2165. Minimum requirements for investment.

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(a) The Fund Manager shall source, underwrite, and monitor all investments placed pursuant to this subtitle. Except as otherwise provided by this subtitle, the Mayor shall not determine the recipient, amount, interest rate, or any other requirement related to an investment made pursuant to this subtitle.

(b) The following requirements shall apply to any investment in an eligible business made from the Fund using the District's initial investment or interest earned on the initial investment:

(1) The Fund Manager shall begin accepting applications from eligible businesses seeking investment, on a rolling basis, within 30 days of being selected for the position by the Mayor.

(2) For the Fund Manager to provide an investment from the Fund, the eligible business must agree, in writing, to participate in technical assistance training.

(3) The Fund Manager shall establish, for each selected eligible business, a 12-month individualized business plan. Investments shall be distributed to the eligible business in installments based upon completion of specific milestones clearly described in the business's individualized business plan. The individualized business plan shall include technical assistance, provided at no cost to the business, which shall include education on the management and scale of a business through live training or guided recorded sessions. All eligible businesses that receive an investment from the Fund shall be required to participate in at least 3 months of technical assistance training.

Sec. 2166. Reporting requirements.

The Fund Manager shall submit to the Mayor, on a quarterly basis, a report on the activities of the Fund. The report shall include, at a minimum:

(1) The aggregate amount of dollars invested in eligible businesses during the reporting period;

(2) The number of eligible businesses receiving an investment, including the name and business address for each;

(3) A copy of the individualized business plan for each eligible business, including a description of the technical assistance training provided; and

(4) The aggregate amount of funds in the Fund and a breakdown of the amount of the funds in the Fund used for each of the following, with each amount reported as a percentage of the aggregate amount of the Fund:

(A) The percentage used for technical training assistance;

(B) The percentage used for administration costs; and

(C) The percentage used to compensate the Fund Manager.

Sec. 2167. Recovery of District investment.

The Mayor shall reserve the right to recover the amount of its initial investment into the Fund and may exercise this right if the Fund Manager does not, within a reasonable period, as

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determined by the Mayor, place investments into eligible businesses in an amount equal to the amount of the District's initial investment into the Fund.

SUBTITLE R. AFFORDABLE HOUSING LOAN FUND AUTHORIZATION

Sec. 2171. Short Title.

This subtitle may be cited as the "Affordable Housing Loan Fund Authorization Emergency Amendment Act of 2020".

Sec. 2172. The Department of Housing and Community Development is authorized to submit an application for the program offered by the U.S. Department of Housing and Urban Development, pursuant to section 108 of the Housing and Community Development Act of 1974, approved August 22, 1974 (88 Stat. 647; 42 U.S.C. § 5308), to provide a gap subsidy resource source for Community Development Block Grant-eligible affordable housing acquisition and rehabilitation projects in Fiscal Year 2021 that also meet the criteria for the use of money in the Housing Preservation Fund, established by section 2032 of the Housing Preservation Fund Establishment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 1-325.351), or the Housing Production Trust Fund, established by section 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802).

Sec. 2173. Section 2009(d) of the Department of Housing and Community Development Unified Fund Establishment Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(d)), is amended as follows:

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

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

"(2) Costs associated with the application or implementation of projects pursuant to the Affordable Housing Loan Fund Authorization Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867), shall not be considered project-delivery costs for purposes of paragraph (1) of this subsection."

Sec. 2174. Section 3(b)(10) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(10)), is amended as follows:

(a) The existing text is designated as subparagraph (A).

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

"(B) Costs associated with the application or implementation of projects pursuant to the Affordable Housing Loan Fund Authorization Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867), shall not be considered administration of the Fund for purposes of this paragraph."

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SUBTITLE S. RENT STABILIZATION EXTENSION

Sec. 2181. Short Title.

This subtitle may be cited as the “Rent Stabilization Extension Emergency Amendment Act of 2020”.

Sec. 2182. Section 907 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3509.07), is amended by striking the phrase “shall terminate on December 31, 2020” and inserting the phrase “shall terminate on December 31, 2030” in its place.

SUBTITLE T. EXPENDITURES FROM THE PUBLIC HOUSING AND STRUCTURAL TRANSFORMATION CAPITAL ACCOUNT

Sec. 2191. Short title.

This subtitle may be cited as the “Expenditures from the Public Housing and Structural Transformation Capital Account Emergency Act of 2020”.

Sec. 2192. Expenditures from the Public Housing and Structural Transformation capital account.

(a) The District of Columbia Housing Authority (“Authority”) shall not obligate or expend any money from capital project DHA21C unless the expenditure, or planned expenditure in the case of an obligation, is part of a proposed spending plan submitted by the Authority to the Mayor, to the Council, and to the chairperson of the Council committee with oversight of the District of Columbia Housing Authority.

(b) Each proposed spending plan submitted by the Authority to the Mayor shall include detailed information on each project for which the Authority proposes to expend funds from capital project DHA21C. At a minimum, the information provided for a project shall include:

- (1) The proposed location of the project;
- (2) A detailed proposed scope of the project;
- (3) A detailed proposed line-item budget for the project;
- (4) A detailed proposed timeline for the project; and
- (5) A statement of whether the implementation of the proposed project will

require the relocation of tenants and, if such relocation is required, a detailed proposed relocation plan.

(c)(1) For each solicitation of a contract valued at \$100,000 or more that is funded with money from capital project DHA21C, the Authority shall:

(A) Award preferences to certified business enterprises as provided in section 2343 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.43); and

(B) Exercise its contracting and procurement authority for contracts funded by capital project DHA21C so as to meet, on an annual basis, the goals of procuring and

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contracting at least 50% of the dollar volume of such contracts (“CBE dollar volume”) with certified business enterprises and at least 50% of the CBE dollar volume with small business enterprises.

(2) For the purposes of this subsection, the term:

(A) “Certified business enterprise” shall have the meaning set forth in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)).

(B) “Small business enterprise” shall have the meaning set forth in section 2302(16) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(16)).

SUBTITLE U. DC CENTRAL KITCHEN FACILITY GRANT

Sec. 2201. Short title.

This subtitle may be cited as the “DC Central Kitchen Facility Grant Emergency Act of 2020”.

Sec. 2202. Notwithstanding section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)), and the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), in Fiscal Year 2021, the Workforce Investment Council shall award DC Central Kitchen a grant in the amount of \$1,000,000 to build a new training facility that will provide culinary training services and community nutrition programming and to aid in the relocation of its headquarters.

SUBTITLE V. C&O CANAL GRANT

Sec. 2211. Short title.

This subtitle may be cited as the “C&O Canal Grant Emergency Act of 2020”.

Sec. 2212. (a) In Fiscal Year 2021, the Office of Planning shall award a grant of not less than \$500,000 to an organization partnering with the National Park Service to complete concept design plans for the Chesapeake and Ohio Canal in Georgetown.

(b) A grant awarded pursuant to this section shall be in addition to any other grant awarded by the Office of Planning for design work for the Chesapeake and Ohio Canal.

TITLE III. PUBLIC SAFETY AND JUSTICE**SUBTITLE A. CRIMINAL CODE REFORM COMMISSION**

Sec. 3001. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Emergency Amendment Act of 2020”.

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Sec. 3002. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

(a) Section 3122(c)(1) (D.C. Official Code § 3-151(c)(1)) is amended by striking the phrase “, or until the Commission is dissolved pursuant to section 3127, and” and inserting the phrase “, and” in its place.

(b) Section 3123 (D.C. Official Code § 3-152) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 3123. Duties of the Criminal Code Reform Commission.”

(2) The lead-in language of subsection (a) is amended by striking the phrase “By September 30, 2020” and inserting the phrase “By March 31, 2021” in its place.

(3) Subsection (d) is amended by striking the phrase “provide, upon request by the Council, a legal analysis of proposed legislation concerning criminal offenses, including” and inserting the phrase “provide, upon request by the Council or on its own initiative, a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms, including” in its place.

(4) Subsection (e) is amended by striking the phrase “regarding criminal code reform to advance” and inserting the phrase “to advance” in its place.

(c) The lead-in language of section 3124(a) (D.C. Official Code § 3-153(a)) is amended by striking the phrase “section 3123” and inserting the phrase “section 3123(a)” in its place.

(d) Section 3125 (D.C. Official Code § 3-154) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The Commission” and inserting the phrase “Until March 31, 2021, the Commission” in its place.

(2) Subsection (b) is amended by striking the phrase “The Commission shall file an annual report with the Council before March 31 of each year” and inserting the phrase “Before March 31, 2021, the Commission shall file a report with the Council” in its place.

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

“(c) Before March 31, 2022, and annually thereafter, the Commission shall file an annual report with the Council of its activities during the previous calendar year.”

(e) Section 3127 (D.C. Official Code § 3-156) is repealed.

SUBTITLE B. RESTORATIVE JUSTICE COLLABORATIVE

Sec. 3011. Short title.

This subtitle may be cited as the “Restorative Justice Collaborative Emergency Amendment Act of 2020”.

Sec. 3012. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended as follows:

(1) Subsection (a) is amended as follows:

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

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

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

“(4) The Restorative Justice Collaborative, which shall serve as a centralized hub to coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations.”.

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

(A) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(7) Coordinating and fostering restorative justice programming and practices within the District government and by and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population.”.

(b) Section 102(a)(3) (D.C. Official Code § 7-2412(a)(3)) is amended by striking the phrase “programming; and” and inserting the phrase “and restorative justice programming; and” in its place.

SUBTITLE C. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT

Sec. 3021. Short title.

This subtitle may be cited as the “Emergency Medical Services Transport Contract Authority Emergency Amendment Act of 2020”.

Sec. 3022. Section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended by striking the date “September 30, 2021” and inserting the date “September 30, 2023” in its place.

SUBTITLE D. SENIOR POLICE OFFICERS PROGRAM

Sec. 3031. Short title.

This subtitle may be cited as the “Senior Police Officers Retention Emergency Amendment Act of 2020”.

Sec. 3032. Section 2(h)(1) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)(1)), is amended by striking the date “October 1, 2020” and inserting the date “October 1, 2023” in its place.

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SUBTITLE E. OFFICE ON RETURNING CITIZEN AFFAIRS

Sec. 3041. Short title.

This subtitle may be cited as the “Moving the Office on Returning Citizen Affairs Emergency Amendment Act of 2020”.

Sec. 3042. Section 3022 of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191), is amended as follows:

(a) Subsection (c) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) Be responsible for providing guidance and support to, and coordination of, public safety, justice, and returning citizen agencies within the District of Columbia government, including the Office on Returning Citizen Affairs, established by section 3 of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302);”.

(2) Paragraph (2) is amended to read as follows:

“(2) Ensure accountability through general oversight over public safety, justice, and returning citizen agencies, as well as the programs under the jurisdiction of the Office;”.

(3) Paragraph (3) is amended by striking the phrase “public-safety and justice services” and inserting the phrase “public safety, justice, and returning citizen services” in its place.

(4) Paragraph (4) is amended by striking the phrase “criminal justice or public-safety issues, in the coordination, planning, and implementation of public-safety and justice matters” and inserting the phrase “public safety, justice, or returning citizen issues, in the coordination, planning, and implementation of public safety, justice, and returning citizen matters” in its place.

(5) Paragraph (5) is repealed.

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

“(e) For the purposes of this section, the term “returning citizens” shall have the same meaning as provided in section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)).”.

Sec. 3043. Section 3(a) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1302(a)), is amended by striking the phrase “established the Office on Returning Citizen Affairs” and inserting the phrase “established, as a subordinate Executive agency within the Public Safety and Justice cluster, the Office on Returning Citizen Affairs” in its place.

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SUBTITLE F. CONCEALED PISTOL LICENSING REVIEW BOARD

Sec. 3051. Short title.

This subtitle may be cited as the “Concealed Pistol Licensing Review Board Membership Emergency Amendment Act of 2020”.

Sec. 3052. Section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase “7 members” and inserting the phrase “11 members” in its place.

(2) Subparagraph (D) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) Subparagraph (E) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Three public” and inserting the phrase “Seven public” in its place.

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

(C) Sub-subparagraph (ii) is amended by striking the period and inserting a semicolon in its place.

(D) New sub-subparagraphs (iii), (iv), and (v) are added to read as follows:

“(iii) Two District residents with professional experience in the field of gun violence prevention;

“(iv) One District resident with professional experience in the field of victim services or advocacy; and

“(v) One District resident attorney in good standing with the District of Columbia Bar with professional experience in criminal law.”.

(b) Subsection (c) is amended by striking the phrase “section. Each hearing panel shall contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.” and inserting the phrase “section.” in its place.

SUBTITLE G. LITIGATION SUPPORT FUND AND GRANT-MAKING AUTHORITY

Sec. 3061. Short title.

This subtitle may be cited as the “Litigation Support Fund and Grant-Making Authority Emergency Amendment Act of 2020”.

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Sec. 3062. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b (D.C. Official Code § 1-301.86b) is amended as follows:

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

(A) Paragraph (1)(B) is amended by striking the phrase “Funding staff positions, up to a maximum amount of \$4 million” and inserting the phrase “Funding staff positions, personnel costs, and employee retirement and separation incentives, up to a maximum amount of \$6 million” in its place.

(B) Paragraph (2) is amended to read as follows:

“(2) Beginning in Fiscal Year 2020, up to \$7 million deposited into the Fund each fiscal year may be used for the purposes of crime reduction, violence interruption, and other public safety initiatives.”.

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

“(3) In Fiscal Year 2021, the first \$500,000 deposited into the Fund shall be transferred to the Office of Victim Services and Justice Grants for victim services grants.”.

(2) Subsection (d)(3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “\$10 million” both times it appears and inserting the phrase “\$17 million” in its place.

(B) Subparagraph (B) is amended by striking the phrase “\$11.6 million in the Fund until September 30, 2020” and inserting the phrase “\$19.1 million in the Fund until September 30, 2021” in its place.

(3) A new subsection (f) is added to read as follows:

“(f) Notwithstanding any other provision of this section, \$12,039,659.91 of the amount to be received by the District in Fiscal Year 2021 in settlement of *District of Columbia v. Monsanto Co.*, Superior Court of the District of Columbia Case No. 2020 CA 002445 B, shall be deposited in the Fund and allocated as follows:

“(1) \$7,339,659.91 shall be paid in attorney’s fees and costs to May Firm/EKM Association on PCBs for legal services received pursuant to Contract No. DCCB-2019-C-0008; and

“(2) \$4,700,000 shall be used for the authorized purposes of the Fund pursuant to subsection (c) of this section.”.

(b) Section 108c (D.C. Official Code § 1-301.88f) is amended as follows:

(1) The section heading is amended by striking the phrase “reduction and violence interruption” and inserting the phrase “reduction, violence interruption, and assistance to victims of crime and other vulnerable residents” in its place.

(2) Subsection (a) is amended by striking the phrase “reduction and violence interruption” and inserting the phrase “reduction, violence interruption, and assistance to victims of crime and other categories of vulnerable residents served by the Office of the Attorney General, including seniors, children, individuals protected from discrimination under the Human

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Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), and individuals previously involved in the criminal justice system” in its place.

Sec. 3063. Applicability.

This subtitle shall apply as of July 31, 2020.

SUBTITLE H. CHIEF OF POLICE TERM OF OFFICE

Sec. 3071. Short title.

This subtitle may be cited as the “Chief of Police Term of Office Emergency Amendment Act of 2020”.

Sec. 3072. Section I of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended by adding a new subsection (e) to read as follows:

“(e)(1) Effective May 2, 2017, the term of office for Chief of Police shall be 4 years; except, that the Mayor may earlier terminate a Chief of Police with or without cause during that Chief of Police’s term of office.

“(2) In the event a Chief of Police leaves office prior to the expiration of a 4-year term, the successor Chief nominated by the Mayor and confirmed by the Council shall serve a new 4-year term of office, subject to removal during that term by the Mayor in accordance with paragraph (1) of this subsection.”.

SUBTITLE I. MONSANTO SETTLEMENT ALLOCATION

Sec. 3081. Short title.

This subtitle may be cited as the “Monsanto Settlement Allocation Emergency Act of 2020”.

Sec. 3082. Notwithstanding any other provision of law, the \$52 million to be received by the District in Fiscal Year 2021 in settlement of *District of Columbia v. Monsanto Co.*, Superior Court of the District of Columbia Case No. 2020 CA 002445 B, shall be recognized as revenue and allocated as follows:

(1) \$7,339,659.91 shall be deposited in the Litigation Support Fund, established pursuant to section 106b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b) (“Litigation Support Fund”), to pay attorney’s fees and costs to May Firm/EKM Association on PCBs for legal services received pursuant to Contract No. DCCB-2019-C-0008;

(2) \$4,700,000 shall be deposited into the Litigation Support Fund and used for the authorized purposes of that fund;

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(3) \$30,000,000 shall be deposited into the Clean Land Fund, established pursuant to section 308 of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-633.08), to be used for the authorized purposes of that fund; and

(4) \$9,960,340.09 shall be deposited as local funds into the General Fund and shall be made available as set forth in the approved Fiscal Year 2021 Budget and Financial Plan.

Sec. 3083. Applicability.

This subtitle shall apply as of July 28, 2020.

SUBTITLE J. ETHICS ENFORCEMENT

Sec. 3091. Short title.

This subtitle may be cited as the “Ethics Enforcement Emergency Amendment Act of 2020”.

Sec. 3092. The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 215 (D.C. Official Code § 1-1162.15) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by striking the phrase “the United States Attorney for the District of Columbia for enforcement or prosecution;” and inserting the phrase “the prosecutorial authority with jurisdiction for enforcement or prosecution; or” in its place.

(B) Paragraph (3) is repealed.

(2) Subsection (b) is amended to read as follows:

“(b) The Board may refer information concerning an alleged violation of the Code of Conduct or of this title to the prosecutorial authority with jurisdiction for enforcement or prosecution after the presentation of evidence by the Director of Government Ethics to the Board as provided in section 212(b), 213(e), or 214(a).”.

(b) Section 221 (D.C. Official Code § 1-1162.21) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than \$5,000” in its place.

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

“(1A) The fine set forth in paragraph (1) of this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).”.

(C) Paragraph (2) is amended to read as follows:

“(2) Prosecutions of violations of this subsection shall be brought by the Attorney General for the District of Columbia.”.

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

“(3) For the purposes of this subsection and section 222(a), violations of the following provisions of the Code of Conduct substantially threaten the public trust:

“(A) Section 223; and

“(B) Section 416 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16).”.

(2) Subsection (d) is amended by striking the phrase “the Board, the Attorney General of the District of Columbia, or of the United States Attorney for the District of Columbia” and inserting the phrase “the Board or the Attorney General of the District of Columbia” in its place.

TITLE IV. PUBLIC EDUCATION SYSTEMS

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA INCREASE

Sec. 4001. Short title.

This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools Increase Emergency Amendment Act of 2020”.

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104(a) (D.C. Official Code § 38-2903(a)) is amended by striking the phrase “\$10,980 per student for Fiscal Year 2020” and inserting the phrase “\$11,310 per student for Fiscal Year 2021” in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2021
“Pre-Kindergarten 3	1.34	\$15,155
“Pre-Kindergarten 4	1.30	\$14,703
“Kindergarten	1.30	\$14,703
“Grades 1-5	1.00	\$11,310
“Grades 6-8	1.08	\$12,215
“Grades 9-12	1.22	\$13,798

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“Alternative program	1.445	\$16,343
“Special education school	1.17	\$13,233
“Adult	0.89	\$10,066

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

“Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Level 1: Special Education	Eight hours or less per school week of specialized services	0.97	\$10,971
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$13,572
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$22,281
“Level 4: Special Education	More than 24 hours per school week of specialized services, which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$39,472
“Special Education Compliance Funding	Weighting provided in addition to special education level add-on weightings on a per-student basis for special education compliance.	0.099	\$1,120

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“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees.	0.089	\$1,007
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$18,888

“General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“ELL	Additional funding for English Language Learners	0.49	\$5,542
“At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level	0.2256	\$2,552

“Residential Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.37	\$4,185
“Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides	1.34	\$15,155

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	students with room and board in a residential setting		
“Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$32,686
“Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited- and non-English-proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.89	\$32,686
“LEP/NEP - Residential	Additional funding to support the after-hours limited- and non-English-proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$7,555

“Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2021
“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs.	0.063	\$713
“Special Education	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	\$2,567

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Level 2 ESY			
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$5,553
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$5,553

(d) Section 115 (D.C. Official Code § 38-2913) is amended by striking the phrase “Fiscal Year 2022” and inserting the phrase “Fiscal Year 2024” in its place.

SUBTITLE B. EDUCATION FACILITY COLOCATION

Sec. 4011. Short title.

This subtitle may be cited as the “Education Facility Colocation Emergency Amendment Act of 2020”.

Sec. 4012. Section 3422 of the Public School and Public Charter School Facilities Sharing Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 38-1831.01), is amended as follows:

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

“(a) The District of Columbia Public Schools system may allow existing public charter schools that are chartered pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code 38-1800.01 *et seq.*), to utilize space in DCPS facilities, for a period not greater than 15 years, where such facilities are currently or are projected to be underutilized.”.

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

(1) Paragraphs (1) and (2) are amended to read as follows:

“(1) As payment for the space allocation, the public charter school shall pay to DCPS an amount agreeable to the charter school and DCPS.

“(2) The amount of payment shall be agreed upon before relocation of any public charter school into a DCPS facility.”.

(2) Paragraph (3) is repealed.

(c) Subsection (c) is amended by striking the phrase “Board of Education shall” and inserting the phrase “Mayor may” in its place.

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

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“(d)(1) There is established as a special fund the DCPS School Facility Colocation Fund (“Fund”), which shall be administered by DCPS in accordance with paragraph (3) of this subsection.

“(2) All payments received from public charter schools under this section shall be deposited in the Fund.

“(3) Money in the Fund shall be used for the following purposes:

“(A) To fund additional school programming, supplemental staff, special initiatives, and other activities and programs at DCPS schools in which charter schools are colocated; and

“(B) For maintenance of, or improvements to, DCPS schools in which charter schools are colocated.

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

“(B) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

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

“(e) Any funds received by a DCPS school pursuant to this section shall be supplemental to any funds budgeted for the school from the Uniform Per Student Funding Formula or other fund source. A school’s school-based budget shall not be reduced based on funds received pursuant to this section.”.

SUBTITLE C. CHILD CARE GRANTS

Sec. 4021. Short title.

This subtitle may be cited as the “Grantmaking Authority to Expand Access to Quality Child Care Emergency Amendment Act of 2020”.

Sec. 4022. Child care grantmaking authority.

Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (30) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (31)(C) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (32) is added to read as follows:

“(32) Have the authority to issue grants, from funds under its administration, to non-profit and community-based organizations to increase access to, the affordability of, and the quality of child care in the District.”.

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**SUBTITLE D. UNIVERSITY OF THE DISTRICT OF COLUMBIA
FUNDRAISING MATCH**

Sec. 4031. Short title.

This subtitle may be cited as the “University of the District of Columbia Fundraising Match Emergency Act of 2020”.

Sec. 4032. (a) In Fiscal Year 2021, of the funds allocated to the Non-Departmental agency, \$1, up to a maximum of \$1.5 million, shall be transferred to the University of the District of Columbia (“UDC”) to match dollar-for-dollar the amount UDC raises from private donations by April 1, 2021.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less than one-third of the funds shall be deposited into UDC’s endowment fund.

**SUBTITLE E. ADULT AND RESIDENTIAL PUBLIC CHARTER SCHOOL
STABILIZATION**

Sec. 4041. Short title.

This subtitle may be cited as the “Adult and Residential Public Charter School Funding Stabilization Emergency Amendment Act of 2020”.

Sec. 4042. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02), is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) Notwithstanding subsections (b), (c), (d), and (g) of this section, for School Year 2020-2021, the annual payment pursuant to the Funding Formula for each adult education program and each residential public charter school shall equal the total estimated costs for the number of District resident students projected to be enrolled in the adult education program or the residential public charter school, during School Year 2020-2021, including the costs of all add-on components provided in sections 106 and 106a, based on the program or school’s enrollment projections contained in the Mayor’s Fiscal Year 2021 proposed budget, as modified pursuant to section 107(e).

“(2)(A) The first quarterly payment shall be 35% of a school’s annual payment.

“(B) A school’s October 25, January 15, and April 15 payments shall each equal 1/3 of the school’s total remaining annual payment after the first quarterly payment is made.

“(3) For the purposes of this subsection, the term:

“(A) “Adult education program” means a public charter school or a program in a public charter school that, during School Year 2019-2020, was identified as an adult education performance management framework school by the District of Columbia Public Charter School Board.

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“(B) “Residential public charter school” means a public charter school that, during School Year 2019-2020, provided a majority of its students with room and board in a residential setting, in addition to their instructional program.”.

Sec. 4043. Applicability.

This subtitle shall apply as of July 31, 2020.

SUBTITLE F. SCHOOL FINANCIAL TRANSPARENCY

Sec. 4051. Short title.

This subtitle may be cited as the “School Financial Transparency Emergency Amendment Act of 2020”.

Sec. 4052. Section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), is amended as follows:

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

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

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

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

“(10)(A) By May 31, 2021, establish common financial reporting standards for the non-capital budgets and expenditures of District of Columbia Public Schools and public charter schools. The common financial reporting standards shall:

“(i) Include categories for reporting budgets and expenditures for instructional staff, school administrators, instructional supports, educational materials, and non-educational administrative costs;

“(ii) Permit meaningful and accurate budget and expenditure comparisons, including comparisons of budgets and expenditures for at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), between all public schools and between all local education agencies;

“(iii) Ensure full and accurate disclosure of administrative costs for each local education agency; and

“(iv) Make it possible to collect comparable data by school campus.

“(B) For the purposes of this paragraph, the term:

“(i) “Local education agency” means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

“(ii) “Public schools” includes public charter schools.”.

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

“(f)(1) To support the establishment of common financial reporting standards required pursuant to subsection (b)(10) of this section, the Deputy Mayor for Education may issue grants not to exceed \$200,000, in Fiscal Year 2021.

“(2) Grants issued pursuant to this subsection shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*)”.

Sec. 4053. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a new paragraph (3A) to read as follows:

“(3A) Beginning in May 2024, and annually thereafter, electronically publish for each public school and public charter school the previous school year’s expenditures, based on the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)), in a manner that permits the public to easily compare expenditures between individual schools and between local education agencies.”.

Sec. 4054. The Board of Education Continuity and Transition Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-211; D.C. Official Code §§ 38-2831 and 38-2951 *et seq.*), is amended as follows:

(a) Section 6 (D.C. Official Code § 38-2831) is amended as follows:

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

(A) Paragraph (1) is amended to read as follows:

“(1) All funds budgeted for each school, including a summary statement or table of the local-funds budget for each school, by revenue source for activities and service levels, and by revenue source for comptroller source group by activities and service levels;”

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

(C) Paragraph (3)(B) is amended by striking the period and inserting a semicolon in its place.

(D) New paragraphs (4) and (5) are added to read as follows:

“(4) The methodology used to determine each school’s local funding; and

“(5) For each school’s individual budget, a separate budget line item for funding allocated to at-risk students, as defined in section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)), as coded in the District’s current official financial system of record.”.

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

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“(g) By December 1, 2023, and annually thereafter, the Mayor shall transmit a report of the previous school year’s actual expenditures, for each school, to the Office of the State Superintendent of Education. The report shall conform to the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).”.

(b) A new section 6a is added to read as follows:

“Sec. 6a. District of Columbia Public Schools school-level budget model.

“As part of the District of Columbia Public Schools’ (“DCPS”) regular multi-year strategic planning and goal setting, DCPS shall include, and make publicly available, an analysis of the model used to determine school-level budgets for DCPS schools. The analysis shall include the following:

“(1) A summary of DCPS costs, including personnel costs;

“(2) Research in education and education finance;

“(3) A discussion of budget alignment with DCPS priorities; and

“(4) Recommendations for changes, if applicable.”.

Sec. 4055. Section 106a of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 1998, effective February 22, 2014 (D.C. Law 20-87; D.C. Official Code § 38-2905.01), is amended by adding a new subsection (d) to read as follows:

“(d) Beginning December 31, 2023, and annually thereafter, every local education agency that is allocated funds pursuant to this section shall provide the Office of the State Superintendent of Education with data related to expenditures of such funds consistent with reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).”.

Sec. 4056. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1802.01 *et seq.*), is amended as follows:

(a) Section 2204(c) (D.C. Official Code § 38-1802.04(c)), is amended by adding a new paragraph (23) to read as follows:

“(23) *School expenditures and budgets.* —

“(A) Beginning July 29, 2022, and annually thereafter, the Board of Trustees of each public charter school shall prepare and submit to the Public Charter School Board and OSSE, for each campus under its control, the following data:

“(i) Actual expenditures for the prior school year;

“(ii) The current school year’s budget; and

“(iii) A draft budget for the following school year.

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“(B) The data submitted pursuant to subparagraph (A) of this paragraph shall conform to the common financial reporting standards established by the Department of Education pursuant to section 202(b)(10) of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191(b)(10)).

“(C) The Public Charter School Board shall electronically publish the data it receives pursuant to subparagraph (A) of this paragraph in a uniform manner for each school by November 1 each year.”.

(b) Section 2205 (D.C. Official Code § 38-1802.05) is amended by adding a new subsection (e) to read as follows:

“(e) *Open meetings.* — All meetings of a Board of Trustees shall be subject to the requirements of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)”.

Sec. 4057. The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 404(3) (D.C. Official Code § 2-574(3)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “agency, or” and inserting the phrase “agency, the board of trustees of a public charter school, or” in its place.

(2) Subparagraph (C) is repealed.

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

(1) Paragraph (10) is amended by striking the semicolon and inserting the phrase “; or of public charter school personnel, where the public body is the board of trustees of a public charter school;” in its place.

(2) Paragraph (11) is amended by striking the phrase “obtained from outside the government” and inserting the phrase “obtained from outside the government or public body” in its place.

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

(4) Paragraph (14) is amended by striking the period and inserting a semicolon in its place.

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

“(15) To discuss matters involving personally identifiable information of students;
and

“(16)(A) When the public body is the board of trustees for a public charter school, to meet with the staff of an eligible chartering authority, for the purpose of being evaluated by the eligible chartering authority.

“(B) Subparagraph (A) of this paragraph shall not be construed to permit the board of trustees for a public charter school to close a meeting that would otherwise be open merely because the staff of an eligible chartering authority is participating.”.

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(c) Section 406(3) (D.C. Official Code § 2-576(3)) is amended by striking the phrase “subsection, notice” and inserting the phrase “subsection, except for meetings of boards of trustees for public charter schools, notice” in its place.

(d) Section 408(b)(1) (D.C. Official Code § 2-578(b)(1)) is amended by striking the period and inserting the phrase “, or in the case of a board of trustees for a public charter school, no later than 30 business days after the meeting.”.

SUBTITLE G. HEALTHY SCHOOLS FUND RESTORATION

Sec. 4061. Short title.

This subtitle may be cited as the “Healthy Schools Fund Restoration Emergency Amendment Act of 2020”.

Sec. 4062. Section 102(f) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02(f)), is amended by striking the phrase “Beginning on October 1, 2019, an amount of \$5,110,000” and inserting the phrase “Beginning on October 1, 2020, an amount of \$5,590,000” in its place.

SUBTITLE H. WILKINSON SCHOOL DISPOSITION PROCESS

Sec. 4071. Short title.

This subtitle may be cited as the “Wilkinson School Disposition Process Emergency Amendment Act of 2020”.

Sec. 4072. Section 2209(b)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-125; D.C. Official Code § 38-1802.09(b)(1)), is amended by adding a new subparagraph (B-ii) to read as follows:

“(B-ii) Notwithstanding subparagraph (A) of this paragraph, the Mayor may give the right of first offer to purchase, lease, or otherwise use the former Wilkinson Elementary School building to:

“(I) A charter school facility incubator that leased the former Birney Elementary School Building as of October 1, 2020; or

“(II) A public charter school that occupied all, or a portion of, the former Birney Elementary School building as of October 1, 2020.”.

Sec. 4073. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (a)(1) is amended by striking the number “20” and inserting the number “15” in its place.

(b) A new subsection (b-6) is added to read as follows:

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“(b-6)(1) Notwithstanding subsections (a-1)(4) and (b-2) of this section, for the disposition of the former Wilkinson Elementary School in Ward 8 (“Wilkinson real property”), the Mayor shall hold at least one public hearing on the finding that the Wilkinson real property is no longer required for public purposes and to obtain community input on the proposed disposition of the Wilkinson real property before submitting the proposed surplus resolution and proposed disposition resolution to the Council pursuant to this section.

“(2) The hearing required by paragraph (1) of this subsection shall be held at an accessible evening or weekend time and in an accessible location in the vicinity of the Wilkinson real property. The Mayor shall provide at least 30 days written notice of the hearing to the affected Advisory Neighborhood Commission and publish notice of the hearing in the District of Columbia Register at least 15 days before the hearing.”.

SUBTITLE I. ACADEMIC MIDDLE MENTORING INITIATIVE

Sec. 4081. Short title.

This subtitle may be cited as the “Academic Middle Mentoring Initiative Emergency Act of 2020”.

Sec. 4082. In Fiscal Year 2021, the Office of the State Superintendent of Education shall award, on a competitive basis, a grant of \$200,000 to support a mentoring program that mentors low-income high school students and low-income, first generation college students in the academic middle, who are enrolled in or who graduated from a District public or public charter school, to provide the students with the skills and experiences needed to successfully complete college and excel in the workforce.

SUBTITLE J. TRUANCY PREVENTION AND LITERACY PILOT FUNDING EXTENSION

Sec. 4091. Short title.

This subtitle may be cited as the “Truancy Prevention and Literacy Pilot Funding Extension Emergency Amendment Act of 2020”.

Sec. 4092. Section 403(g) of the Community Schools Incentive Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Official Code § 38-754.03(g)), is amended by adding a new paragraph (4) to read as follows:

“(4) Any funds awarded pursuant to paragraph (1) of this subsection but not expended in Fiscal Year 2020 shall be available to the grant recipients until September 30, 2021.”.

SUBTITLE K. DCPS AUTHORITY FOR SCHOOL SECURITY

Sec. 4101. This subtitle may be cited as the “DCPS Authority for School Security Emergency Amendment Act of 2020”.

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Sec. 4102. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

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

“(1B) “MOA” means the Memorandum of Agreement into which DCPS and MPD enter pursuant to section 104.”.

(2) Paragraph (4) is repealed.

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

“(5) “School security personnel” means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.”.

(4) A new paragraph (5A) is added to read as follows:

“(5A) “Security-related contract” means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.”.

(5) Paragraph (6) is repealed.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “security for the District of Columbia Public Schools” and inserting the phrase “school resource officers to the DCPS schools and public charter schools” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) The School Safety Division shall:

“(1) Hire and train school resource officers;

“(2) Deploy school resource officers to:

“(A) DCPS schools, consistent with the terms of the MOA; and

“(B) Public charter schools;

“(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

“(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.”.

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows:

(1) The section heading is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(2) The lead-in language is amended by striking the phrase “security personnel providing security for DCPS” and inserting the phrase “resource officers” in its place.

(3) Paragraph (7) is amended by striking the phrase “laws and regulations, including Board of Education regulations” and inserting the phrase “laws and regulations” in its place.

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(4) Paragraph (8) is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(d) New sections 103a and 103b are added to read as follows:

“Sec. 103a. DCPS responsibilities for school security.

“(a) By October 1, 2020, DCPS shall be responsible for school security personnel within DCPS schools, and shall:

“(1) Oversee the hiring or contracting of school security personnel for DCPS;

“(2) Deploy school security personnel to DCPS schools;

“(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

“(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

“(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

“Sec. 103b. Training for school security personnel.

“(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel.

“(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

“(1) Child and adolescent development;

“(2) Effective communication skills;

“(3) Behavior management;

“(4) Conflict resolution, including restorative justice practices;

“(5) De-escalation techniques;

“(6) Behavioral health issues for youth and families;

“(7) Child sexual abuse and gender-based violence prevention, identification, and response;

“(8) Availability of social services for youth;

“(9) District of Columbia laws and regulations;

“(10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and

“(11) Violence prevention, including gang and crew dynamics.”.

(e) Section 104 (D.C. Official Code § 5-132.04) is amended to read as follows:

“Sec. 104. Coordination of school security efforts between DCPS and MPD.

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“By October 1, 2020, DCPS and MPD shall enter into an MOA for the purpose of coordinating the agencies’ respective security obligations at DCPS schools. The MOA shall:

“(1) Reflect DCPS’s role as the administrator of any security-related contract;

“(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

“(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school’s principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan, as defined by section 2(1A) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A));

“(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

“(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.”

(f) Section 105 (D.C. Official Code § 5-132.05) is amended to read as follows:

“Sec. 105. Authority to issue RFPs for school security-related contracts.

“(a)(1) By October 1, 2020, DCPS shall be responsible for administering and funding any security-related contract effective during the 2020-2021 school year.

“(2) MPD shall transfer to DCPS all personnel, property, funds, or records necessary for DCPS to administer and fund any security-related contract effective during the 2020-2021 school year.

“(b) Responsibility for the issuance of a Request for Proposals (“RFP”) for any security-related contract for DCPS for a contract term to begin June 30, 2021, or later shall transfer from the MPD to DCPS as of the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, passed on emergency basis on July 23, 2020 (Enrolled version of Bill 23-763). DCPS shall be responsible for awarding, executing, administering, and funding a contract resulting from an RFP issued under this subsection.”

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. MEDICAID HOSPITAL SUPPLEMENTAL AND DIRECTED PAYMENTS

Sec. 5001. Short title.

This subtitle may be cited as the “Medicaid Hospital Supplemental and Directed Payments Emergency Amendment Act of 2020”.

Sec. 5002. The Medicaid Hospital Outpatient Supplemental Payment Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.01 *et seq.*), is amended as follows:

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(a) Section 5062(5) (D.C. Official Code § 44-664.01(5)) is amended by striking the phrase “September 30 of the period 3 fiscal years prior to the fiscal year the fee is assessed” and inserting the phrase “September 30, 2018” in its place.

(b) Section 5063(c)(1) (D.C. Official Code § 44-664.02(c)(1)) is amended by striking the semicolon and inserting the phrase “, either directly or through payments to managed care organizations;” in its place.

(c) Section 5064(a)(1) and (2) (D.C. Official Code § 44-664.03(a)(1) and (2)) is amended to read as follows:

“(1) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for private hospitals applicable to District Fiscal Year 2020, consistent with requirements and approvals from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; plus

“(2) An amount equal to the non-federal share of the total available spending room under the outpatient Medicaid upper payment limit for District operated hospitals applicable to District Fiscal Year 2020, consistent with the federal approval of the authorizing Medicaid State Plan amendment or associated templates and other authorities; plus”.

(d) Section 5065(a) (D.C. Official Code § 44-664.04(a)) is amended by striking the phrase “the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment” and inserting the phrase “the District obtains approvals required by the Centers for Medicare and Medicaid Services for” in its place.

(e) Section 5066 (D.C. Official Code § 44-664.05) is amended to read as follows:

“Sec. 5066. Medicaid outpatient hospital access payments; payments to MCOs.

“(a) For visits and services beginning October 1, 2020, the District shall pay managed care organizations (“MCOs”) at a rate sufficient to support payments to hospitals located in the District for outpatient services at a rate that is not less than 130% of the District Fiscal Year 2020 fee-for-service base rate and shall direct MCOs to pay such rate to their participating hospitals located in the District for such services.

“(b) No payment shall be made under this section until such time that the Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment, associated template, and other authorities authorizing the Medicaid payments described in this section.

“(c) The Medicaid payment methodologies authorized under this section shall not be altered unless such alteration is necessary to gain approval from the Centers for Medicare and Medicaid Services.”.

Sec. 5003. Section 5013(a) of the Medicaid Hospital Inpatient Rate Supplement Act of 2017, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 44-664.13(a)), is amended to read as follows:

“(a)(1) Beginning October 1, 2020, and except as provided in subsection (b) of this section and section 5087, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

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“(2) The fee shall be charged at a uniform rate necessary to generate no more than \$8,454,038 to support inpatient Medicaid Fee-for-Service and managed care rates at the District Fiscal Year 2015 level of not less than 98% of cost to non-specialty hospitals.

“(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5083.”.

SUBTITLE B. MEDICAL MARIJUANA PROGRAM ADMINISTRATION

Sec. 5011. Short title.

This subtitle may be cited as the “Medical Marijuana Program Administration Emergency Amendment Act of 2020”.

Sec. 5012. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1671.01), is amended as follows:

(1) Paragraphs (1), (1A), (1B), and (1C) are redesignated as paragraphs (1B), (1C), (1D), and (1E), respectively.

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

“(1) “ABC Board” means the Alcoholic Beverage Control Board.”.

“(1A) “ABRA” means the Alcoholic Beverage Regulation Administration.

(3) Paragraph (3)(B) is amended by striking the phrase “with the Department” and inserting the phrase “with ABRA” in its place.

(4) Paragraph (5) is amended by striking the phrase “with the Mayor” and inserting the phrase “with ABRA” in its place.

(5) Paragraph (6) is repealed.

(6) Paragraph (7) is amended by striking the phrase “with the Mayor” and inserting the phrase “with ABRA” in its place.

(7) Paragraph (19) is amended by striking the phrase “if the Department” and inserting the phrase “if ABRA” in its place.

(8) Paragraph (21) is amended by striking the phrase “by the Department” and inserting the phrase “by ABRA” in its place.

(b) Section 3 (D.C. Official Code § 7-1671.02) is amended as follows:

(1) Subsection (c)(1)(B) is amended by striking the phrase “with the Mayor” and inserting the phrase “with ABRA” in its place.

(2) Subsection (d) is amended by striking the phrase “with the Mayor” and inserting the phrase “with ABRA” in its place.

(c) Section 5(b)(2) (D.C. Official Code § 7-1671.04(b)(2)) is amended by striking the phrase “by the Mayor” and inserting the phrase “by ABRA” in its place.

(d) Section 6 (D.C. Official Code § 7-1671.05) is amended as follows:

(1) The lead-in language is amended by striking the phrase “The Program shall be

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administered by the Mayor and shall” and inserting the phrase “The Program shall” in its place.

(2) Paragraph (1)(A) is amended by striking the phrase “with the Department” and inserting the phrase “with ABRA” in its place.

(3) Paragraph (4)(A) is amended as follows:

(A) Subparagraph (iv) is amended by striking the phrase “by the Department” and inserting the phrase “by the ABC Board” in its place.

(B) Subparagraph (v) is amended by striking the phrase “by the Mayor” and inserting the phrase “by ABRA” in its place.

(4) Paragraph (5A) is amended as follows:

(A) The lead-in language is amended by striking the phrase “by the Department” and inserting the phrase “by the ABC Board” in its place.

(B) Subparagraph (C) is amended by striking the phrase “by the Department” and inserting the phrase “by the ABC Board” in its place.

(5) Paragraph (5B)(D) is amended by striking the phrase “that the Department” and inserting the phrase “that ABRA” in its place.

(6) Paragraph (7) is amended by striking the phrase “if the Mayor determines” and inserting the phrase “if the ABC Board determines” in its place.

(7) Paragraph (10)(A) is amended by striking the phrase “apply to the Mayor” and inserting the phrase “apply to the ABC Board” in its place.

(8) Paragraph (14) is amended by striking the phrase “notify the Department” and inserting the phrase “notify ABRA” in its place.

(e) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

(1) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “with the Mayor” and inserting the phrase “with ABRA” in its place.

(B) Paragraph (3)(A) is amended by striking the phrase “determined by rulemaking” and inserting the phrase “determined by the Mayor by rules issued in accordance with section 14” in its place.

(C) Paragraph (4) is amended by striking the phrase “The Mayor” and inserting the phrase “The ABC Board” in its place.

(D) Paragraph (5) is amended to read as follows:

“(5)(A) An application for registration of a dispensary, cultivation center, or testing laboratory submitted by a medical cannabis certified business enterprise, or applicant eligible to be a medical cannabis certified business enterprise, shall be awarded a preference point equal to 50 points or 20% of the available points, whichever is more.

“(B) A medical cannabis certified business enterprise shall:

“(i) Have one or more owners who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual

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qualities and who are District residents and individually or collectively own at least 60% of the licensed business enterprise;

“(ii) Have one or more owners whose income does not exceed \$349,999, who are residents of the District, and whose net worth, excluding the value of their residence, does not exceed \$1 million, and individually or collectively own at least 60% of the licensed business enterprise;

“(iii) Have a chief executive officer and its highest-level managerial employees perform their managerial functions in a principal office located in the District;

“(iv) Have at least 50% of its employees be residents of the District;

“(v) Have at least 50% of its contractors be residents of the District; and

“(vi) Have at least 80% of the assets of the certified business enterprise, including bank accounts, be in the District.

“(C) An applicant seeking to qualify as a medical cannabis certified business enterprise shall submit with the application for registration of a dispensary, cultivation center, or testing laboratory, an affidavit attesting to:

“(i) The number of owners of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities;

“(ii) The ownership interest of any owners of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities;

“(iii) The number of employees of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities; and

“(iv) The number of contractors of the applicant who are economically disadvantaged individuals or individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

“(D) For the purpose of this paragraph, the term:

“(i) “Economically disadvantaged individual” shall have the same meaning as set forth in section 2302(7) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(7)).

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“(ii) “Medical cannabis certified business enterprise” means a certified business enterprise, as that term is defined in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)), that operates a medical cannabis business as a dispensary, cultivation center, or testing laboratory.”.

(2) Subsection (e)(3) is amended by striking the phrase “that the Mayor may allow” and inserting the phrase “that the ABC Board may allow” in its place.

(3) Subsection (g-2) is amended by striking the phrase “the Mayor” and inserting the phrase “the ABC Board” in its place.

(4) Subsection (g-3) is amended by striking the phrase “the Mayor” and inserting the phrase “the ABC Board” in its place.

(5) Subsection (j) is amended by striking the phrase “the Mayor” and inserting the phrase “the ABC Board” in its place.

(f) Section 8(a) (D.C. Official Code § 7-1671.07) is amended by striking the phrase “to the Department” and inserting the phrase “to ABRA” in its place.

(g) A new section 9a is added to read as follows:

“Sec. 9a. Medical Cannabis Administration Fund.

“(a) There is established as a special fund the Medical Cannabis Administration Fund (“Fund”), which shall be administered by ABRA in accordance with subsection (c) of this section.

“(b) All funds received from medical cannabis licensing, permitting, and registration fees shall be deposited into the Fund.

“(c) Money deposited in the Fund shall be used by ABRA for the purpose of administering the medical marijuana program.

“(d)(1) The money deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

“(e) Funds received from penalties and fines imposed under section 9 shall be credited to the unassigned fund balance of the General Fund of the District of Columbia.”.

(h) Section 14 (D.C. Official Code § 7-1671.13) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Pursuant to the transfer of functions of the Department of Health to ABRA by D.C. Official Code § 25-204.02, the Mayor shall issue rules in accordance with subsection (b) of this section, which rules shall allow registered dispensaries to provide medical marijuana to qualifying patients through delivery, curbside pickup, and at-the-door options.”.

Sec. 5013. Chapter 2 of Title 25 of the District of Columbia Official Code is amended as follows:

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

“25-204.02. Medical marijuana program; transfer of functions of the Department of Health.”

(b) A new section 25-204.02 is added to read as follows:

“§ 25-204.02. Medical marijuana program; transfer of functions of the Department of Health.

“(a) The Board and ABRA shall be responsible for carrying out the responsibilities assigned to them by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*) (“Medical Marijuana Act”), and for any responsibilities of the Mayor under the Medical Marijuana Act that the Mayor delegates to the Board or ABRA.

“(b)(1) Except as provided in paragraph (2) of this subsection, all personal property, assets, records, including both electronic and physical files, licensing agreements, and contracts, equipment, computer software, obligations, and unexpended balances of appropriations, allocations, assets, and liabilities, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration by the Department of Health of the medical marijuana program pursuant to the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), as of September 30, 2020, are transferred to ABRA.

“(2) This subsection shall not apply to the personal property, assets, records, including both electronic and physical files, licensing agreements, and contracts, equipment, computer software, obligations, and unexpended balances of appropriations, allocations, assets, and liabilities, and other funds available or to be made available relating to the powers, duties, functions, operations, and administration by the Department of Health of the medical marijuana program that are within the purview of the Board of Medicine, Board of Nursing, or Board of Dentistry.

“(c) All rules, orders, obligations, determinations, contracts, agreements, and understandings of the Department of Health pertaining to the medical marijuana program shall remain in effect until such time as they may be lawfully amended, modified, or repealed.

“(d) ABRA shall coordinate with the Department of Health regarding the transition of the administration of the medical marijuana program to ABRA.

“(e)(1) The directors of ABRA and the Department of Health shall jointly determine which personnel, if any, of the Department of Health associated with the administration of the medical marijuana program shall be transferred from the Department of Health to ABRA.

“(2) Personnel who are transferred to ABRA pursuant to this subsection shall be subject to the ABRA Director’s personnel authority, pursuant to section 406(b)(21) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(21)), including as it relates to employment classifications and pay scales.”

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**SUBTITLE C. STEVIE SELLOWS DIRECT SUPPORT PROFESSIONALS
QUALITY IMPROVEMENTS**

Sec. 5021. Short title.

This subtitle may be cited as the “Stevie Sellows Direct Support Professionals Quality Improvements Emergency Amendment Act of 2020”.

Sec. 5022. Section 47-1273(a) of the District of Columbia Official Code is amended by striking the figure “5.5%” and inserting the figure “6.0%” in its place.

SUBTITLE D. MEDICAID RESERVE RE-ESTABLISHMENT

Sec. 5031. Short title.

This subtitle may be cited as the “Medicaid Reserve Re-Establishment Emergency Amendment Act of 2020”.

Sec. 5032. The Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.*), is amended as follows:

(a) Section 8a (D.C. Official Code § 7-771.07a), is amended by adding a new subsection (a-3) to read as follows:

“(a-3) For Fiscal Year 2021, the Director may issue grants pursuant to section 8b(b)(4)(B)(ii) and (iii).”

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

“Sec. 8b. Medicaid reserve.

“(a) Beginning October 1, 2020, a Medicaid reserve shall be re-established as paper agency of the Department.

“(b) Notwithstanding D.C. Official Code §§ 47-361, 47-362, 47-363, and 47-365, funds may be transferred from the Medicaid reserve to the Department:

“(1) To pay expenses associated with increased Medicaid enrollment or service utilization upon a determination by the Agency Fiscal Officer that available funds within the Department are projected to be exhausted;

“(2) To pay expenses associated increased costs of Medicaid services upon a determination by the Agency Fiscal Officer that available funds within the Department are projected to be exhausted;

“(3) To satisfy the District’s requirement that sufficient funds be available to support a Department contract or a grant; and

“(4) Provided that sufficient funds are still available within the Medicaid reserve to ensure a deficiency will not occur at the Department, to support the following health innovations within the Department:

“(A) To create a Medicaid Buy-In Program;

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“(B) To fund telehealth programs including:

“(i) Maintaining audio-only telehealth programs after a public health emergency;

“(ii) Funding the Postpartum Coverage Expansion Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled version of Bill 23-326); and

“(iii) Issuing contracts or grants for the purposes of expanding District health care providers’ digital or telehealth capacity, including, for example, such innovations as the creation or expansion of patient care coordination platforms to enable nonprofit entities and practitioners to communicate with Medicaid beneficiaries’ clinical and recovery support care teams in real time to improve continuity of care and ensure proper follow-up, including the purchase of telecommunications services, information services, devices, software, remote patient monitoring tools, and digital health tools;

“(C) To fund reforms to the DC Healthcare Alliance Program, including:

“(i) Allowing eligible District residents to submit Alliance applications electronically, without a face-to-face interview with the Department of Human Services, during a public health emergency;

“(ii) Allowing Alliance clients to submit recertification applications to health care providers approved by the Department, without a face-to-face interview with the Department of Human Services, after a public health emergency;

“(iii) Extending the Alliance eligibility period from 6 months to one year; and

“(D) To award a competitive grant in an amount not to exceed \$150,000 to fund operating expenses associated with the provisions of medical respite care services to individuals who are homeless.

“(c) The Office of the Chief Financial Officer shall notify the Budget Director of the Council of the District of Columbia in writing within 3 business days whenever a transfer is made from the Medicaid reserve pursuant to this section. The notice shall set forth the amount and purpose of the transfer.

“(d) Funds may be reprogrammed from the Medicaid reserve for purposes other than those detailed in subsection (b) of this section, subject to subchapter IV of Chapter 3 of Title 47 of the District of Columbia Official Code; provided, that the Office of the Chief Financial Officer determines that sufficient funds are still available within the Medicaid reserve to ensure a deficiency will not occur at the Department.”.

SUBTITLE E. TELEHEALTH REIMBURSEMENT

Sec. 5041. Short title.

This subtitle may be cited as the “Telehealth Reimbursement Emergency Amendment Act of 2020”.

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Sec. 5042. Section 2(4) of the Telehealth Reimbursement Act of 2013, effective October 17, 2013 (D.C. Law 20-26; D.C. Official Code § 31-3861(4)), is amended by striking the phrase “through audio only telephones, electronic mail messages, or facsimile” and inserting the phrase “through email messages or facsimile” in its place.

SUBTITLE F. HEALTH PROFESSIONAL RECRUITMENT AND RETENTION

Sec. 5051. Short title.

This subtitle may be cited as the “District of Columbia Health Professional Recruitment and Retention Emergency Amendment Act of 2020”.

Sec. 5052. The District of Columbia Health Professional Recruitment Program Act of 2005, effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 7-751.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “recruitment tool” and inserting the phrase “recruitment and retention tool” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) Based on the availability of funds, the Program will pay for, among other expenses, the cost of education necessary to obtain a health professional degree. The Program will pay toward the outstanding principal, interest, and related expense of federal, state, or local government loans and commercial loans obtained by the participant for:

“(1) School tuition and required fees incurred by the participant;

“(2) Reasonable educational expenses; and

“(3) Incentive payments that lead to the retention of existing Program participants to practice in Ward 7 or 8; provided, that retention incentives shall be limited to \$15,000 per participant per year.”

(b) Section 9 (D.C. Official Code § 7-751.08), is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Physicians who specialize and practice in obstetrics and gynecology, psychiatry, or other medical specialties specifically identified by the Director shall be eligible to have 100% of their total debt, not to exceed \$200,000, repaid by the Program over 4 years of service; provided, that the participants provide full-time service in Ward 7 or 8. For each year of participation, the Program will repay loan amounts according to the following schedule:

“(1) For the first year of service, 18% of their total debt, not to exceed \$36,000;

“(2) For the second year of service, 26% of their total debt, not to exceed \$52,000;

“(3) For the third year of service, 28% of their total debt, not to exceed \$56,000;

and

“(4) For the fourth year of service, 28% of their total debt, not to exceed \$56,000.”

(c) Section 16a (D.C. Official Code § 7-751.15a) is amended as follows:

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(1) Subsection (a) is amended by striking the phrase “loan repayments” and inserting the phrase “loan repayments and retention incentives” in its place.

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

“(d) The Department of Health shall segregate the \$1.5 million local funds enhancement provided in the Fiscal Year 2021 budget into a separate subaccount, which shall only be expended for:

“(1) Section 3(b)(3); or

“(2) Section 9(a-1).”.

SUBTITLE G. HEALTH CARE GRANT-MAKING AUTHORITY

Sec. 5061. Short title.

This subtitle may be cited as the “Fiscal Year 2021 Health Care Grant-Making Authority Emergency Amendment Act of 2020”.

Sec. 5062. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding a new subsection (l) to read as follows:

“(l)(1) For Fiscal Year 2021, the Director of the Department of Health shall have the authority to award one or more competitive grants in an amount not to exceed \$250,000 to fund an initiative to connect prenatal care for residents in Wards 7 and 8 to labor and delivery options in other parts of the District.

“(2) In establishing the criteria for the award of grants pursuant to paragraph (1) of this subsection, the Department shall prioritize community-based initiatives that:

“(A) Offer peer support networks;

“(B) Provide co-management of the patient’s treatment;

“(C) Arrange for access to maternal and fetal medicine specialty services;

“(D) Utilize a health information exchange; and

“(E) Furnish financial assistance with transportation needs.”.

Sec. 5063. Section 8a of the Department of Health Care Finance Establishment Act of 2007, effective December 13, 2017 (D.C. Law 22-33; D.C. Official Code § 7-771.07a), is amended by adding a new subsection (a-4) to read as follows:

“(a-4) For Fiscal Year 2021, the Director may:

“(1)(A) Award a competitive grant in an amount not to exceed \$150,000 to fund operating expenses associated with the provision of medical respite care services to individuals who are homeless; provided, that if such a grant is awarded to a Federally Qualified Health Center (“FQHC”), the amount of the grant shall not be offset against the FQHC’s expenses for the purpose of determining its allowable cost in accordance with section 4511.2 of Title 29 of the District of Columbia Municipal Regulations (29 DCMR § 4511.2).

“(B) At a minimum, the selected entity shall possess:

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“(i) The staff capacity and expertise necessary to provide medical respite care, with a particular emphasis on care for women who are homeless; and

“(ii) The ability to provide case management services, including assistance in accessing permanent housing services.

“(2) If a grant is awarded, then by September 30, 2021, the Director shall submit a report to the Council that sets forth:

“(A) Recommendations for the establishment of medical respite care services for homeless individuals, through either:

“(i) An amendment to the District of Columbia Medicaid State Plan; or

“(ii) A waiver pursuant to section 1115 of the Social Security Act, approved July 25, 1962 (76 Stat. 192; 42 U.S.C. § 1315), for home and community-based services;

“(B) The types of services that may be offered to homeless individuals through a medical care respite program; and

“(C) An identification of any potential restrictions on the provision of services identified pursuant to sub-subparagraph (ii) of this subparagraph, including the use of prior authorization.”.

TITLE VI. OPERATIONS AND INFRASTRUCTURE

SUBTITLE A. OPPORTUNITY ACCOUNTS

Sec. 6001. Short title.

This subtitle may be cited as the “Opportunity Accounts Expansion Emergency Amendment Act of 2020”.

Sec. 6002. The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C. Official Code § 1-307.61 *et seq.*), is amended as follows:

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

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

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

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

(2) Paragraph (2) is amended by striking the phrase “per account.” and inserting the phrase “per account, except as provided in paragraph (3) of this subsection; and” in its place.

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

“(3) The Commissioner may waive the requirement in subsection (a) of this section and may provide matching funds of up to \$4 for every dollar the account holder deposits into the opportunity account when adequate federal or private matching funds are not available. For each additional dollar of matching funds that the District provides to an opportunity account

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pursuant to such a waiver, the aggregate matching funds limit set forth in paragraph (2) of this subsection for that account shall be increased by \$1.”.

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

(1) Paragraph (6) is repealed.

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

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

“(9) To pay for any cost, expense, or item authorized by a rule issued pursuant to section 14.”.

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

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

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

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

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

“(4) Making health insurance premium payments in the event of a sudden, unexpected loss of income.”.

(2) Subsection (c) is repealed.

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

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

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

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

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

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

Sec. 6003. Repealer.

Section 301 of the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), is repealed.

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SUBTITLE B. GREEN BUILDING FUND USE EXPANSION

Sec. 6011. Short title.

This subtitle may be cited as the “Green Building Fund Use Expansion Emergency Amendment Act of 2020”.

Sec. 6012. Section 8(c)(2) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.07(c)(2)), is amended as follows:

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

(b) Subparagraph (E) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(F) Costs incurred to make green building materials accessible to low-income residents.”.

SUBTITLE C. GAME OF SKILL MACHINES

Sec. 6021. Short title.

This subtitle may be cited as the “Game of Skill Machines Consumer Protection Emergency Amendment Act of 2020”.

Sec. 6022. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 22-1716 to 22-1718 and 36-601.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 22-1716) is amended by striking the phrase “Monte Carlo night parties,” and inserting the phrase “Monte Carlo night parties, game of skill machines,” in its place.

(b) Section 3 (D.C. Official Code § 22-1717) is amended by striking the phrase “or sports wagering regulated, licensed, or operated by the Office of Lottery and Gaming.” and inserting the phrase “sports wagering regulated, licensed, or operated by the Office of Lottery and Gaming, or game of skill machines licensed and regulated by the Office of Lottery and Gaming.” in its place.

(c) Section 3(a) (D.C. Official Code § 22-1718(a)) is amended by striking the phrase “or the sale, lease, purchase, or possession of tickets, slips, certificates, or cards for sports wagering excepted and permissible pursuant to § 22-1717.” and inserting the phrase “the sale, lease, purchase, or possession of tickets, slips, certificates, or cards for sports wagering excepted and permissible pursuant to § 22-1717, or the manufacture, distribution, servicing, retailing, sale, lease, purchase, or possession of machines, tickets, slips, certificates, or cards for game of skill machines excepted and permissible pursuant to § 22-1717.” in its place.

(d) Section 4 (D.C. Official Code § 36-601.12) is amended as follows:

(1) The section heading is amended to read as follows:

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“Sec. 4. Lottery, Gambling, and Gaming Fund.”

(2) Subsection (a) is amended to read as follows:

“(a) There is established as an enterprise fund the Lottery, Gambling, and Gaming Fund (“Fund”), which shall be administered by the Chief Financial Officer. Revenue from the following sources shall be deposited into the Fund or a division of the Fund, as established by the Chief Financial Officer:

“(1) All funds generated by gambling activities operated or licensed by the Chief Financial Officer; and

“(2) All fees collected pursuant to sections 406 through 409.”

(3) Subsection (c) is amended by striking the word “gambling” and inserting the phrase “gambling and gaming” in its place.

(e) A new Title IV is added to read as follows:

“TITLE IV. GAME OF SKILL MACHINES.

“Sec. 401. Definitions

“For purposes of this title, the term:

“(1) “ABC Board” means the Alcoholic Beverage Control Board.

“(2) “ABRA” means the Alcoholic Beverage Regulation Administration.

“(3) “CFO” means the Chief Financial Officer of the District of Columbia.

“(4) “Centralized accounting system” and “CAS” mean the accounting system linked by a communications network as described in sections 410 and 414.

“(5) “Distributor” means a person licensed under this title to buy, sell, lease, maintain, or service game of skill machines, or any major components or parts of a game of skill machine, for distribution to retailers.

“(6) “Game of skill machine” means a mechanical or electronic gaming device that rewards the winning player or players with cash, a gift card, or a voucher that can be redeemed for cash. The term “game of skill machine” does not include a mechanical or electronic gaming device if:

“(A) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game;

“(B) The outcome of the game can be controlled by a source other than a player playing the game;

“(C) The success of a player is or may be determined by a chance event that cannot be altered by the player’s actions;

“(D) The ability of a player to succeed at the game is impacted by game features not visible or known to a reasonable player; or

“(E) The ability of a player to succeed at the game is impacted by the exercise of skill that no reasonable player could exercise.

“(7) “Gross game of skill machine revenue” means the total of cash or cash equivalents received from a game of skill machine minus the total of:

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“(A) Cash or cash equivalents paid to players as a result of a game of skill machine;

“(B) Cash or cash equivalents paid to purchase annuities to fund prizes payable to players over a period of time as a result of a game of skill machine; and

“(C) The actual cost paid by the license holder for personal property distributed to a player as a result of a game of skill machine, excluding travel expenses, food, refreshments, lodging, and services.

“(8) “Licensed establishment” means an on-premises retail establishment licensed by the ABC Board to sell, serve, and allow for the consumption of alcoholic beverages.

“(9) “Licensed premises” means the physical location of a licensed establishment that is authorized by the Office to offer game of skill machines.

“(10) “Licensee” means a person who possesses a game of skill manufacturer, distributor, supplier, or retailer license issued by the Office.

“(11) “Manufacturer” means a person that is licensed under this title and that manufactures or assembles game of skill machines for sale or lease to distributors.

“(12) “Office” means the Office of Lottery and Gaming.

“(13) “Retailer” means a person that is licensed under this title to offer game of skill machines on its licensed premises.

“(14) “Supplier” means a person that is licensed under this title to supply major components or parts of game of skill machines to licensed manufacturers or distributors.

“Sec. 402. Authorization of game of skill machines.

“The operation of game of skill machines shall be lawful in the District if conducted in accordance with this title and the rules issued pursuant to this title.

“Sec. 403. Game of skill machine license requirements; prohibition.

“(a) Except as provided in subsection (f) of this section, no person may offer or allow a game of skill machine in the District unless all the licenses required by this title, or by a rule issued pursuant to this title, have been duly obtained.

“(b)(1) The Office shall issue the following categories of game of skill machine licenses:

“(A) Manufacturer;

“(B) Distributor;

“(C) Supplier; and

“(D) Retailer.

“(2) The Office shall not grant a license listed in paragraph (1) of this subsection until it has determined that each person that possesses 10% or greater beneficial or proprietary interest in the applicant has been approved for licensure in accordance with this title and rules issued pursuant to this title.

“(c)(1) An applicant for an initial manufacturer, distributor, or supplier license shall be subject to District and national criminal history background checks.

“(2) The applicant shall submit an application to the Office, in a form determined by the Office, for fingerprints for a national criminal records check by the Metropolitan Police

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Department and the Federal Bureau of Investigation of all individuals required to be named in the application and a signed authorization of each individual submitting fingerprints for the release of information by the Metropolitan Police Department and the Federal Bureau of Investigation.

“(3) In the case of an application for license renewal, the Office may require additional background checks.

“(d) The Office shall require proof of good standing pursuant to D.C. Official Code § 29-102.08 of an applicant for a license pursuant to this title and may, in addition, require certification that the Citywide Clean Hands Database indicates that the proposed licensee is current with its District taxes.

“(e) Proprietary information, trade secrets, financial information, and personal information about a person in an application submitted to the Office pursuant to this title shall not be a public record and shall not be made available under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), or any other law.

“(f)(1) A retailer shall display its license as required by section 411(d) and shall make the license immediately available for inspection upon request by an employee of the Office, the Metropolitan Police Department, or ABRA.

“(2) When present at a licensed establishment, an employee of a distributor shall carry a copy of its license and make it readily available for inspection by an employee of the Office, the Metropolitan Police Department, or ABRA.

“(g) A licensed establishment that applied for and obtained a game of skill machine endorsement from the ABC Board pursuant to D.C. Official Code § 25-113.01(e) prior to the effective date of the Game of Skill Machines Consumer Protection Act of 2020, passed on 2nd reading on July 28, 2020 (Enrolled version of Bill 23-760) (“permanent legislation”), shall have 180 calendar days after the effective date of the permanent legislation to come into compliance with this title or rules issued pursuant to this title. Failure to do so may result in the Office taking action against the licensed establishment in accordance with section 417.

“Sec. 404. License prohibitions; suspensions and revocation of licenses.

“(a) An applicant convicted of a disqualifying offense shall not be licensed. The Office shall define disqualifying offenses by a rule issued pursuant to this title.

“(b) No Office or ABRA employee, or immediate family member of an Office or ABRA employee, may be an applicant for, have an interest in, or obtain a license issued pursuant to this title.

“(c) Failure of an applicant or licensee to notify the Office of a change to the information provided in its application for license or renewal within 10 days after the change may result in the Office suspending or revoking the licensee’s license, denying the applicant’s license, or issuing a fine.

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“(d)(1) The Office shall not grant a license pursuant to this title, and shall revoke a license previously granted, if evidence satisfactory to the Office exists that the applicant or licensee has:

“(A) Knowingly made a false statement of a material fact to the Office;

“(B) Had a license revoked by a governmental authority responsible for regulation of games of skill;

“(C) Been convicted of a felony and has not received a pardon or been released from parole or probation for at least 5 years; or

“(D) Been convicted of a gambling-related offense or a theft or fraud offense.

“(2) The Office may deny a license to an applicant or suspend or revoke a license of a licensee if the applicant or licensee:

“(A) Has not demonstrated, to the satisfaction of the Office, financial responsibility sufficient to adequately meet the requirement of the proposed activity;

“(B) Is not the true owner of the licensed business or has not disclosed the existence or identity of another individual or entity that has an ownership interest in the business; or

“(C) Is a corporation that sells more than 5% of a licensee’s voting stock, more than 5% of the voting stock of a corporation that controls the licensee, or sells a licensee’s assets to an individual or entity not already determined by the Office to have met the qualifications of a licensee pursuant to this title, or is a non-corporate entity where a person not already determined by the Office to have met the qualifications of a licensee pursuant to this title holds more than 10% interest in the non-corporate entity.

“Sec. 405. Conflicts of interest.

“(a) Before issuing, authorizing the transfer to a new owner of, or renewing a license, the Office shall determine that the applicant is not disqualified because of a conflicting interest in another license.

“(b) In making a determination regarding a conflicting interest, the following standards shall apply:

“(1) No licensee under a supplier’s license shall hold a license in another license issued under this title.

“(2) No licensee under a distributor’s license shall hold a license in another license issued under this title; except, that the holder of a distributor’s license may also hold a manufacturer’s license.

“(3) No licensee under a manufacturer’s license shall hold another license issued under this title; except, that the holder of a manufacturer’s license may also hold a distributor’s license.

“Sec. 406. Manufacturer licensure.

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“(a) A person may not manufacture a game of skill machine in the District unless the person has a valid manufacturer’s license issued under this title. A manufacturer may only sell game of skill machines for use in the District to persons having a valid distributor’s license.

“(b) A person applying for a manufacturer’s license shall do so on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

“(2) The mailing address of the applicant and, if the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

“(4) Any other information the Office considers necessary.

“(c) In considering whether to approve an application for a distributor’s license, the Office may consider evidence the distributor submitted to the Office of an existing license as a distributor from another jurisdiction that the Office has determined has licensing requirements similar to those required by the District.

“(d) An applicant for a manufacturer’s license shall pay a nonrefundable application fee of \$10,000 with the application.

“(e) A manufacturer’s license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a \$5,000 renewal fee.

“Sec. 407. Distributor licensure.

“(a) A person may not buy, sell, distribute, lease, maintain, market, or service a game of skill machine or a major component or part of a game of skill machine for distribution in the District unless the person has a valid distributor’s license issued by the Office.

“(b) A licensed distributor may buy, sell, distribute, lease, maintain, market, or service a game of skill machine or any major component or part of a game of skill machine for distribution in the District to a licensed establishment that possesses a retailer’s license from the Office and a game of skill machine endorsement from the ABC Board pursuant to D.C. Official Code § 25-113.01(e). No distributor may give anything of value, including a loan or financing agreement, to a licensed establishment as an incentive or inducement to locate a game of skill machine in the establishment.

“(c) A person applying for a distributor’s license shall do so on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

“(2) The mailing address of the applicant and, if the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

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“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

“(4) Any other information the Office considers necessary.

“(d) In considering whether to approve an application for a distributor’s license, the Office may consider evidence the distributor submitted to the Office of an existing license as a distributor from another jurisdiction that the Office has determined has licensing requirements similar to those required by the District.

“(e) An applicant for a distributor’s license shall demonstrate that the equipment, system, or device that the applicant plans to offer to retailers conforms to standards established pursuant to this title, rules issued pursuant to this title, and other applicable law.

“(f) An applicant for a distributor’s license shall pay a nonrefundable application fee of \$10,000 with the application.

“(g) A distributor’s license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a \$5,000 renewal fee.

“(h) A distributor shall submit to the Office, at such times as are established by the Office by rule, a list of all game of skill machines sold, delivered, or offered to a retailer. All such equipment shall be tested and approved by an independent testing laboratory approved by the Office.

“Sec. 408. Supplier licensure.

“(a) A person shall not sell parts or components for a game of skill machine or provide services related to a game of skill machine unless the person has a valid supplier’s license. A supplier may only provide parts and components for a game of skill machine or services related to a game of skill machine for use in the District to a person having a valid manufacturer’s or distributor’s license.

“(b) A person applying for a supplier’s license shall do so on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

“(2) The mailing address of the applicant and, if the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

“(4) Any other information the Office considers necessary.”.

“(c) In considering whether to approve an application for a supplier’s license, the Office may consider evidence the supplier submitted to the Office of an existing license as a supplier from another jurisdiction that the Office has determined has licensing requirements similar to those required by the District.

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“(d) An applicant for a supplier’s license shall demonstrate that the equipment, components, or parts that the applicant plans to offer to manufacturers or distributors conform to standards established pursuant to this title, rules issued pursuant to this title, and other applicable law.

“(e) An applicant for a supplier’s license shall pay a nonrefundable application fee of \$2,000 with the application.

“(f) A supplier’s license shall be renewed annually; provided, that the licensee has continued to comply with all statutory and regulatory requirements and pays upon submission of its renewal application a \$1,000 renewal fee.

“(g) A supplier shall submit to the Office, at such times as are established by the Office by rule, a list of all components or parts for game of skill machines sold, delivered, or offered to a manufacturer or operator. All such equipment shall be tested and approved by an independent testing laboratory approved by the Office.

“Sec. 409. Retailer licensure; registration of game of skill machines.

“(a)(1) A person may not own, lease, maintain, install, make available, or offer or allow another to play a game of skill machine in the District unless the person:

“(A) Is a licensed establishment;

“(B) Possesses a retailer’s license from the Office and a game of skill machine endorsement from ABRA in accordance with D.C. Official Code § 25-113.01(e); and

“(C) Has entered into a written use agreement with a licensed distributor for the placement or installation of a game of skill machine on the licensed premises.

“(2) A person convicted of violating this subsection shall be subject to a fine not to exceed \$5,000 or imprisonment not to exceed 6 months, or revocation of the retailer’s license, or all of the foregoing.

“(b)(1) Each game of skill machine located on a retailer’s licensed premises shall be registered with the Office by the retailer before the game of skill machine is installed on the licensed premises.

“(2) A retailer may register and operate up to 5 game of skill machines on the licensed premises at any time. The registration fee for each game of skill machine shall be \$100.

“(3) The Office shall issue to the retailer a registration sticker for placement on each registered game of skill machine.

“(c) A person shall apply for a retailer’s license on a form prescribed by the Office. The form shall require:

“(1) The name of the applicant;

“(2) The mailing address of the applicant and, if the applicant is a corporation, the name of the state in which it is incorporated, the location of its principal place of business, and the names and addresses of its directors;

“(3) A report of the applicant’s financial activities, including evidence of financial stability, such as bank statements, business and personal income and disbursement schedules, and tax returns; and

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“(4) Any other information the Office considers necessary.

“(d) An applicant for a retailer’s license shall pay a nonrefundable application fee of \$300 with the application.

“(e) A retailer’s license shall be renewed annually; provided, that the licensee continued to comply with the statutory and regulatory requirements and pays upon submission of its renewal application a \$300 renewal fee.

“(f) The Office shall require a retailer to be bonded, in such amounts and in such manner as determined by the Office, and to agree, in writing, to indemnify and hold harmless the District government against any actions, claims, and demands of whatever kind or nature that the District may incur by reason of or in consequence of issuing the retailer’s license to the retailer.

“Sec. 410. Minimum requirements of game of skill machines.

“(a)(1) Every game of skill machine offered for play shall first be tested and approved pursuant to this title and rules issued pursuant to this title.

“(2) The Office shall utilize the services of an accredited independent outside testing laboratory to test and assess each game of skill machine.

“(3) The applicant shall be responsible for paying the fees associated with testing the game of skill machines.

“(b) Every game of skill machine offered in the District shall meet the minimum standards approved by the Office, including that a game of skill machine:

“(1) Conform to all requirements of federal law and regulations, including the Federal Communications Commission’s Class A emissions standards;

“(2) Pay out a mathematically demonstrable percentage during the expected lifetime of the machine of all amounts played, which shall not be less than 80%;

“(3) Display an accurate representation of the game outcome;

“(4) Not automatically alter pay tables or any function of the game of skill machine based on an internal computation of a hold percentage or have a means of manipulation that affects the random selection process or probabilities of winning a game;

“(5) Not be negatively affected by static discharge or other electromagnetic interference;

“(6) Be capable of displaying the following during idle status: “power reset”; “door open”; or “door closed”;

“(7) Be able to detect and display the game’s complete play history and winnings for the previous 10 games;

“(8) Not have a theoretical payback percentage capable of being changed without making a hardware or software change in the machine itself;

“(9) Be designed so that the replacement of parts or modules required for normal maintenance does not necessitate replacement of the electromechanical meters;

“(10) Contain a non-resettable meter that shall be located in a locked area of the machine that is accessible only by a key;

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“(11) Be capable of storing the meter information required by paragraph (10) of this subsection for a minimum of 180 days after a power loss to the machine;

“(12) Have accounting software that keeps an electronic record that includes:

“(A) Total cash inserted into the game of skill machine;

“(B) The value of winning tickets awarded to players by the game of skill machine;

“(C) The total credits played on the game of skill machine;

“(D) The total credits awarded by the game of skill machine; and

“(E) The payback percentage credited to players of the game of skill machine;

“(13) Be linked to a centralized accounting system that will allow the Office to activate or deactivate the game of skill machine from the centralized system remotely; and

“(14) Be linked to a centralized accounting system in accordance with section 414 by which all approved game of skill machines shall be connected for the purposes set forth in section 414.

“(c) The CFO may issue rules to establish additional licensing and registration requirements.

“Sec. 411. Registration; display of registration sticker, license, and warning sign; locations of game of skill machines.

“(a) A retailer shall register each of its game of skill machines in the District with the Office before the game of skill machine may be installed at the licensed establishment.

“(b) A retailer shall locate its game of skill machines for play only in specific locations approved by ABRA within the retailer’s licensed establishment.

“(c) A retailer shall affix and maintain a registration sticker issued by the Office to the game of skill machine at all times the game of skill machine is located at the establishment. If the registration sticker is damaged, destroyed, lost, or removed, the retailer shall pay the Office \$75 for a replacement registration sticker.

“(d) A retailer shall post both its retailer’s license and a warning sign, maintained in good repair and in a place clearly visible at the point of entry to the designated areas where the game of skill machines are located. The warning sign shall include:

“(1) The minimum age required to play a game of skill machine;

“(2) The contact information for the District’s gambling hotline; and

“(3) The contact information for the Office for purposes of filing a complaint against the manufacturer, supplier, distributor, or retailer.

“(e) Failure to display the registration sticker, license, or warning sign may result in the Office revoking or suspending the license or issuing a fine against the licensed establishment pursuant to section 416.

“Sec. 412. Cash award.

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“(a) A game of skill machine shall not directly dispense cash awards to a player. If, at the conclusion of the game, a player is entitled to a cash award, the game of skill machine shall dispense a ticket or voucher to the player. The ticket or voucher shall indicate:

“(1) The total amount of the cash award;

“(2) The time of day that the cash award was issued in a 24-hour format showing hours and minutes, the date, the terminal serial number, and the sequential number of the ticket or voucher; and

“(3) An encrypted validation number from which the validity of the cash award may be determined.

“(b) A retailer shall allow a player to take the ticket or voucher to the owner of the licensed establishment or the owner’s designee, who shall be located at the licensed establishment, for payment of the cash award.

“Sec. 413. Game of skill machine use by minors prohibited.

“(a) A licensee shall not permit a person under the age of 18 to use or play a game of skill machine.

“(b) The Office may suspend or revoke a license and issue a fine, in accordance with section 416, against a licensee that knowingly allows a person under the age of 18 to use or play a game of skill machine.

“Sec. 414. Centralized accounting system.

“(a)(1) Within 6 months after the effective date of the Game of Skill Machines Consumer Protection Act of 2020, passed on 2nd reading on July 28, 2020 (Enrolled version of Bill 23-760) (“permanent legislation”), the Office shall issue a solicitation to procure a centralized accounting system, which shall be administered by the Office and designed and operated to allow the monitoring and reading of all game of skill machines for the purpose of compliance with this title and rules issued pursuant to this title.

“(2) When the Office is satisfied with the operation of the CAS, it shall:

“(A) Certify the effective status of the system; and

“(B) Notify all retailers of the date by which the retailer’s game of skill machines must be linked to the CAS.

“(b)(1)(A) A game of skill machine approved prior to the effective date of the permanent legislation shall be connected to the CAS within one year after notification pursuant to subsection (a)(2) of this section.

“(B) A game of skill machine approved on or after the effective date of the emergency act but prior to the deployment of the CAS shall be connected within 6 months after notification pursuant subsection (a)(2) of this section.

“(C) A game of skill machine approved after the effective date of the emergency act and after deployment of the CAS shall be connected to the CAS prior to operation of the game of skill machine.

“(2) After a game of skill machine has been connected to the CAS, it shall remain connected as required by the Office.

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“(c) All game of skill machines registered in the District shall be linked to the CAS for purposes of accounting, reporting, monitoring, and reading machine activities as provided for in this title or rules issued pursuant to this title.

“(d) The CAS shall not provide for the monitoring or reading of personal or financial information concerning patrons of game of skill machines.

“(e) Employees and agents of a contractor or subcontractor of the Office that is engaged in building, operating, maintaining, or contracting to build, operate, or maintain the CAS, and the immediate family members of such employees and agents, shall be prohibited from obtaining a license under this title.

“(f) Unless a retailer’s license is canceled, suspended, or revoked, nothing in this section shall authorize the Office to limit or eliminate a registered game of skill from the CAS.

“Sec. 415. Insurance.

“Each distributor shall maintain liability insurance on all game of skill machines that it places in a licensed establishment in an amount set by the Office by rule issued pursuant to this title.

“Sec. 416. Penalties.

“(a) In the event of a violation of this title or a rule issued pursuant to this title, the Office may:

“(1) Impose a fine of not more than \$50,000;

“(2) Revoke a licensee’s license; or

“(3) Suspend the licensee’s license for up to one year.

“(b) A person that has been fined or whose application has been denied, revoked, or suspended pursuant to this section shall have a right to a hearing before the Office and, in the event of the Office’s affirmation of the fine, denial, revocation, or suspension, the right to appeal the decision of the Office to the Superior Court of the District of Columbia.

“(c) The Office shall notify ABRA within 48 hours after the Office suspends or revokes a retailer’s license.

“Sec. 417. Authority of the Office.

“(a) The Office may enforce the provisions of this title with respect to licensees and any individual or entity not holding a license and offering a game of skill machine in violation of the provisions of this title or rules issued pursuant to this title.

“(b) Subject to subsection (c) of this section, the Office and the Metropolitan Police Department may issue citations for civil violations of this title as set forth in rules issued pursuant to this title.

“(c) A citation for a violation for which the penalty includes the suspension or revocation of a license shall be issued by the Office as a result of an investigation carried out by the Office.

“(d) The Office may request and check the identification of a person who has played, is playing, or is attempting to play a game of skill machine. The Office may seize evidence that substantiates a violation under this title, which may include seizing the tickets, vouchers, or cash

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awards issued to a person under the age of 18 and fake identification documents used by a person under the age of 18.

“(e) The Office may seize a game of skill machine license from an establishment if:

“(1) The game of skill machine license has been suspended, revoked, or canceled by the Office;

“(2) The business is no longer in existence; or

“(3) The business has been closed by another District government agency.

“Sec. 418. Investigations and inspections.

“(a) The Office may conduct investigations, searches, seizures, and perform other duties authorized by this title and rules issued pursuant to this title.

“(b) An applicant for a license and each licensee shall allow an authorized member of the Office, an ABRA investigator, or any member of the Metropolitan Police Department full opportunity to examine at any time during business hours:

“(1) The location on the premises where game of skill machines are available to play; and

“(2) The books and records of the licensee or applicant.

“Sec. 419. Unlawful acts; action by the Attorney General.

“(a)(1) No manufacturer, distributor, supplier, licensed establishment, or employee or agent of a manufacturer, distributor, supplier, or licensed establishment shall intentionally make a false or misleading representation concerning an individual’s chances, likelihood, or probability of winning at playing a game of skill machine.

“(2) An individual or entity claiming to be aggrieved by a fraudulent act or a false or misleading statement by a licensee shall have a cause of action in a court of competent jurisdiction for damages and any legal or equitable relief as may be appropriate.

“(b) The Attorney General for the District of Columbia, in the name of the District of Columbia, may bring an action in the Superior Court of the District of Columbia to enjoin an individual or entity or to seek a civil penalty of up to \$50,000 for a violation of this title or rule issued pursuant to this title.

“Sec. 420. Taxation of game of skill machines.

“(a)(1) On or before the 20th day of each month, each retailer shall:

“(A) File a return, on forms and in the manner prescribed by the CFO, with the CFO indicating the amount of gross game of skill machine revenue for the retailer’s game of skill machines for the preceding calendar month; and

“(B) Pay to the District of Columbia Treasurer 10% of the gross game of skill machine revenue for the preceding month.

“(b) All funds owed to the District under this section shall be held in trust within the boundaries of the District for the District by the retailer until the funds are paid to the District of Columbia Treasurer.

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“(c) A retailer that falsely reports or fails to report the amount due as required by this section may be fined or imprisoned in accordance with Title 22 of the District of Columbia Official Code and shall have its retailer’s license revoked.

“(d) A retailer shall keep a record of the gross game of skill machine revenue, awards, and net income of each game of skill machine in such form as the Office may require.

“(e) A payment required by this section that is not remitted when due shall be assessed a late payment penalty in amount set forth in D.C. Official Code § 47-4213.

“(f) In the case of an underpayment of the tax required by this section, there shall be added to the tax, an amount of interest determined by applying the underpayment rate set forth in D.C. Official Code § 47-4201 to the amount of the underpayment for the period of the underpayment.

“Sec. 421. Deposit of license fees.

“All fees collected under sections 406 through 409 shall be deposited in the Lottery, Gambling, and Gaming Fund, established by section 4 (D.C. Official Code § 36-601.12).”.

“Sec. 422. Rules and regulations governing game of skill machines.

“(a) The CFO, pursuant to section 424(d) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24d), shall issue rules to implement the provisions of this title.

“(b) The rules issued by the CFO pursuant to subsection (a) of this section shall include:

“(1) Standards for conducting inspections of game of skill machines for compliance with industry standards;

“(2) Standards for inspecting licensed establishments for compliance with this title;

“(3) Minimum and maximum payment amounts for playing game of skill machines;

“(4) The maximum amount of allowable winnings per game;

“(5) Requirements relating to how fees and taxes are to be remitted;

“(6) The method of accounting to be used by a licensed establishment where a game of skill machine is authorized;

“(7) Methods of age verification;

“(8) Types of records that shall be required to be maintained by a licensee;

“(9) Posting requirements;

“(10) Advertising guidelines, including specific language concerning individuals under the age of 18;

“(11) Penalties for a violation of this title or rule issued pursuant to this title; and

“(12) Internal control standards for game of skill machines.”.

Sec. 6023. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 25-101 is amended as follows:

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(A) A new paragraph (22B) is added to read as follows:

“(22B) “Game of skill machine” has the meaning set forth in section 401(6) of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867).”.

(B) A new paragraph (53A) is added to read as follows:

“(53A) “Voucher” means a ticket issued by a game of skill machine that is redeemable for cash winnings.”.

(2) Section 25-113a is amended as follows:

(A) The section is redesignated as § 25-113.01.

(B) The section heading is amended to read as follows:

“§ 25-113.01. License endorsements.”.

(C) A new subsection (e) is added to read as follows:

“(e)(1) A licensee under a manufacturer’s license class A or B holding an on-site sales and consumption permit, or an on-premises retailer’s license, class C/R, D/R, C/H, D/H, C/T, D/T, C/N, D/N, C/X, or DX, shall obtain a game of skill machine endorsement from the Board in order to offer a game of skill machine on the licensed premises.

“(2)(A) A game of skill machine shall not be placed on outdoor public or private space; provided, that the Board, in its discretion, may allow for the placement of a game of skill machine on outdoor public or private space if, in the Board’s determination, activity associated with the game of skill machine is:

“(i) Not visible from a public street or sidewalk;

“(ii) Adequately secured against unauthorized entrance; and

“(iii) Accessible only by patrons from within the establishment.

“(B) Subparagraph (A) of this paragraph shall not apply to a licensee operating a passenger-carrying marine vessel in accordance with § 25-113(h).”.

(b) Section 25-401 is amended by adding a new subsection (e) to read as follows:

“(e) An applicant for a game of skill machine endorsement shall submit to the Board with its application:

“(1) A diagram of where the game of skill machines will be placed on the licensed premises; and

“(2) The name of the manufacturer and distributor of the game of skill machines and documentation reflecting that the manufacturer and distributor are licensed to do business and pays taxes in the District of Columbia.”.

(c) Section 25-508 is amended to read as follows:

“25-508. Minimum fee for permits, and manager’s license, and endorsement.

“The minimum fees for permits, manager’s license, and endorsement shall be as follows:

“Tasting permit for class A licensees \$100/year

“Importation permit \$5

“Manager’s license \$100/year

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“On-site sales and consumption permit	\$1,000/year
“Game of skill machine endorsement	\$200”.

(d) Chapter 7 is amended as follows:

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

“25-786. Game of skill machine operating requirements.”.

(2) Section 25-763 is amended by adding a new subsection (g) to read as follows:

“(g) Exterior signs advertising game of skill machines shall be prohibited on the licensed establishment.”.

(3) Section 25-765 is amended by adding a new subsection (c) to read as follows:

“(c) Advertisements related to game of skill machines shall not be placed on the interior or exterior of a window or on the exterior of a door that is used to enter or exit the licensed establishment.”.

(4) A new section 25-786 is added to read as follows:

“§ 25-786. Game of skill machine operating requirements.

“A licensee with a game of skill machine endorsement shall:

“(1) Not allow or permit a person under 18 years of age to play a game of skill machine and shall designate an employee to regularly monitor the designated area where game of skill machines are played to ensure that no person under 18 years of age is playing or attempting to play a game of skill machine;

“(2) Verify that each person playing a game of skill machine is lawfully permitted to do so by checking the person’s government-issued identification document upon entry into either the licensed establishment or the designated area where the game of skill machines are located and where the person seeks to cash out his or her winnings, if any; except, that the failure of a licensee to verify a person’s identification shall not be a violation of this paragraph if the person whose identification was not checked is 18 years of age or older;

“(3) Not allow or permit a person that appears intoxicated or under the influence of a narcotic or other substance to play a game of skill machine;

“(4) Not share revenue from the licensee’s sale of alcohol with a manufacturer or distributor of a game of skill machine, unless approved by the Board as an owner of the license;

“(5) Not allow or permit the placement of a game of skill machine on an outdoor public or private space that has not been approved by the Board;

“(6) Not allow or permit the placement of a game of skill machine outside of the designated areas contained on the applicant’s diagram provided as part of the license application or outside the areas approved by the Board;

“(7) Not have more than 5 game of skill machines on the licensed premises; and

“(8) Install security cameras that are operational and record for 30 days, in the areas designated for game of skill machines, near the cash register or terminal where cash winnings of game of skill machines are processed, and where the licensee’s money is stored.”.

(e) Section 25-801 is amended by adding a new subsection (h) to read as follows:

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“(h) An ABRA investigator may request and check the identification of a person who has played, is playing, or is attempting to play a game of skill machine. An ABRA investigator may seize fake identification used by a person under 18 years of age and may seize such records related to a game of skill machine as the investigator deems appropriate to investigate the playing of a game of skill machine by a person under 18 years of age.”.

Sec. 6024. Section 865 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1331; D.C. Official Code § 22-1704), is amended as follows:

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

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

“(b) It shall be unlawful to install or operate a game of skill machine in the District except as permitted by D.C. Official Code § 25-113.01(e). Whoever shall install or operate a game of skill machine at a location not licensed under Title 25 of the District of Columbia Official Code shall be punished by imprisonment for a term of 180 days or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.”.

SUBTITLE D. PAY-BY-PHONE TRANSACTION FEES FUND

Sec. 6031. Short title.

This subtitle may be cited as the “Pay-By-Phone Transaction Fee Fund Emergency Amendment Act of 2020”.

Sec. 6032. Section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), is amended to read as follows:

“Sec. 9f. Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund.

“(a) There is established the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund (“Fund”), which shall be administered by the director of the District Department of Transportation in accordance with subsection (c) of this section.

“(b) The following revenue shall be deposited in the Fund:

“(1) Notwithstanding section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), all transaction fees imposed upon users who pay for parking, transit fares, Capital Bikeshare trips, and other forms of shared mobility and transportation services with the pay-by-phone system; and

“(2) All money remaining in the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund at the end of Fiscal Year 2020.

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“(c) Money in the Fund shall be used to pay vendors responsible for administering pay-by-phone payment systems for parking, transit fares, Capital Bikeshare trips, and other forms of shared mobility and transportation services.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 6033. Section 3(h)(1) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)(A)), is amended by striking the phrase “to be transferred to the District Department of Transportation Parking Meter Pay-by-phone Transaction Fee Fund and the DC Circulator Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14)” and inserting the phrase “to be transferred to the Parking Meter and Transit Services Pay-by-Phone Transaction Fee Fund, in accordance with section 9f of the Department of Transportation Establishment Act of 2002, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-921.14), and the DC Circulator Fund, in accordance with section 11c of the Department of Transportation Establishment Act of 2002, effective March 6, 2007 (D.C. Law 16-225; D.C. Official Code § 50-921.33)” in its place.

SUBTITLE E. ENVIRONMENTAL SPECIAL PURPOSE REVENUE ACCOUNTS

Sec. 6041. Short title.

This subtitle may be cited as the “Environmental Special Purpose Funds Reestablishment Emergency Amendment Act of 2020”.

Sec. 6042. The Lead-Hazard Prevention and Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; D.C. Official Code § 8-231.01 *et seq.*), is amended by adding a new section 10a to read as follows:

“Sec. 10a. Lead Poisoning Prevention Fund.

“(a) There is established as a special fund the Lead Poisoning Prevention Fund (“Fund”), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

“(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and all interest earned on those monies, shall be deposited into the Fund.

“(c) Money in the Fund shall be used to pay for the costs of implementing this act and may be used to provide low-income residents of the District with assistance to comply with the requirements of section 4, in accordance with rules issued by the Mayor.

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“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 6043. The District of Columbia Underground Storage Tank Management Act of 1990, effective March 8, 1991 (D.C. Law 8-242; D.C. Official Code § 8-113.01 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Underground Storage Tank Regulation Fund.

“(a) There is established as a special fund the Underground Storage Tank Regulation Fund (“Fund”), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

“(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and contributions and monies received as reimbursement, and all interest earned on those monies, shall be deposited into the Fund.

“(c) Money in the Fund shall be used to pay for the costs of implementing this act and may be used for assessment, clean up, and housing and relocation assistance.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

Sec. 6044. The District of Columbia Hazardous Waste Management Act of 1977, effective March 16, 1978 (D.C. Law 2-64; D.C. Official Code § 8-1301 *et seq.*), is amended by adding a new section 21a to read as follows:

“Sec. 21a. Hazardous Waste and Toxic Chemical Source Reduction Fund.

“(a) There is established as a special fund the Hazardous Waste and Toxic Chemical Source Reduction Fund (“Fund”), which shall be administered by the Department of Energy and Environment in accordance with subsection (c) of this section.

“(b) All fees, fines, and penalties received from compliance with and enforcement of this act, and all interest earned on those monies, shall be deposited into the Fund.

“(c) Money in the Fund shall be used to pay for the costs of implementing this act.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

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SUBTITLE F. ALCOHOLIC BEVERAGE SALES AND DELIVERY

Sec. 6051. Short title.

This subtitle may be cited as the “Alcoholic Beverage Sales and Delivery Emergency Amendment Act of 2020”.

Sec. 6052. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Chapter 1 is amended as follows:

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

“(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption (“Convention Center food and alcohol business”) that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out and may deliver beer, wine, or spirits in closed containers to consumers in the District, pursuant to §§ 25-113(a)(3)(C) and 25-113.01(g); provided, that such carry out and delivery orders are accompanied by one or more prepared food items.

“(2) Board approval shall not be required for a registration under this subsection that occurs before April 1, 2021.

“(3) After March 31, 2021, a Convention Center food and alcohol business that does not hold a valid registration under this subparagraph shall be required to obtain a carry out and delivery license as set forth in § 25-113.01(g) to sell beer, wine, or spirits in closed containers to customers to carry out and to sell and deliver to the homes of District residents beer, wine, or spirits in closed containers for delivery .

“(4) A Convention Center food and alcohol business that has been authorized to offer alcoholic beverages for carry out and delivery in accordance with paragraph (1) of this subsection may only offer alcoholic beverages for carry out and delivery between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.”.

(2) Section 25-113(a)(3)(C) is amended to read as follows:

“(C)(i) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week; provided, that each such carry out or delivery order is accompanied by one or more prepared food items.

“(ii) Board approval shall not be required for a registration under this subparagraph that occurs prior to April 1, 2021. After March 31, 2021, an on-premises retailer that does not hold a valid registration under this subparagraph shall be required to obtain a carry out and delivery endorsement as set forth in § 25-113.01(f) in order to sell for carry out and deliver alcoholic beverages.”.

(3) Newly designated section 25-113.01 is amended by adding new subsections

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(f) and (g) to read as follows:

“(f)(1) Effective April 1, 2021, a licensee under an on-premises retailer’s license, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, shall obtain a carry out and delivery endorsement from the Board to be eligible to sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District.

“(2) Carry out sales and delivery shall be authorized under paragraph (1) of this subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

“(3) Each carry out or delivery order of an alcoholic beverage pursuant to paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

“(4) The annual fee for a carry out and delivery endorsement shall be established by the Board in an amount not less than \$200.

“(5) An on-premises retailer licensee that has registered with the Board under § 25-113(a)(3)(C) before April 1, 2021 (“registered licensee”), shall not be required to apply with the Board for an endorsement under this subsection, and the registered licensee shall be granted the carry out and delivery endorsement upon request to the Board, if the registered licensee makes the request and pays the annual fee required by paragraph (4) of this subsection by March 31, 2021.

“(g)(1) Effective April 1, 2021, a Convention Center food and alcohol business that has registered with the Board under § 25-112(h), shall obtain a carry out and delivery license from the Board to be eligible to sell beer, wine, or spirits in closed containers to individuals for carry out, or deliver beer, wine, or spirits in closed containers to consumers in the District.

“(2) Carry out sales and delivery shall be authorized under paragraph (1) of this subsection only between the hours of 6:00 a.m. and 1:00 a.m., 7 days a week.

“(3) Each carry out or delivery order of an alcoholic beverage pursuant to paragraph (1) of this subsection shall be accompanied by one or more prepared food items.

“(4) The annual fee for a carry out and delivery license shall be established by the Board in an amount not less than \$200.

“(5) A Convention Center food and alcohol business that has registered with the Board under § 25-112(h) before April 1, 2021 (“registered Convention Center food and alcohol business”), shall not be required to apply with the Board for a license under this subsection, and the registered Convention Center food and alcohol business shall be granted a carry out and delivery license upon request to the Board, if the registered Convention Center food and alcohol business makes the request and pays the annual fee required by paragraph (4) of this subsection by March 31, 2021.

“(6) Beginning June 30, 2022, and each year thereafter, ABRA shall submit an annual report to the Council on the outcomes of this section, including the number of on-premise licensees participating in the carry-out and delivery option, and the number of on- and off-premise retailer licensees that may have closed after the carry-out and delivery option was implemented”.

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(b) Chapter 7 is amended as follows:

(1) Section 25-721 is amended as follows:

(A) Subsection (a-1) is amended by striking the phrase “7:00 a.m. and 12:00 a.m.” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(B) Subsection (c) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “2:00 a.m. and 8:00 a.m.” and inserting the phrase “2:00 a.m. and 6:00 a.m.” in its place.

(ii) Paragraph (2) is amended by striking the phrase “3:00 a.m. and 8:00 a.m.” and inserting the phrase “3:00 a.m. 6:00 a.m.” in its place.

(C) Subsection (d) is amended by striking the phrase “7:00 a.m. and midnight” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(2) Section 25-722 is amended as follows:

(A) Subsection (a) is amended by striking the phrase “7:00 a.m. and midnight” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(B) Subsection (b) is amended by striking the phrase “7:00 a.m. and midnight” and inserting the phrase “6:00 a.m. and 1:00 a.m.” in its place.

(3) Section 25-723 is amended as follows:

(A) Subsection (b) is amended as follows:

(i) Paragraph (1) is amended by striking the phrase “2:00 a.m. and 8:00 a.m.” and inserting the phrase “2:00 a.m. and 6:00 a.m.” in its place.

(ii) Paragraph (2) is amended by striking the phrase “3:00 a.m. and 8:00 a.m.” and inserting the phrase “3:00 a.m. and 6:00 a.m.” in its place.

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

(i) Subparagraph (C) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(ii) Subparagraph (D) is amended by striking the period and inserting the phrase “; and” in its place.

(iii) A new subparagraph (E) is added to read as follows:

“(E) The Saturday and Sunday adjacent to Veterans Day, Christmas Day, and District of Columbia Emancipation Day as set forth in § 1-612.02(a); except, that if the holiday under this subparagraph occurs on a Tuesday, the extended hours shall occur on the preceding Saturday and Sunday and if a holiday under this subparagraph occurs on a Wednesday or Thursday, the extended hours shall occur on the following Saturday and Sunday.”.

(C) Subsection (e)(1) is amended by striking the phrase “2017, January 14 through January 22” and inserting the phrase “2021, January 9 through January 24” in its place.

Sec. 6053. Repealer.

Section 204(a)(1) and amendatory section 25-113(a)(3)(C) of the District of Columbia Official Code in section 204(a)(2)(A) of the Coronavirus Support Temporary Amendment Act of 2020, enacted on July 7, 2020 (D.C. Act 23-334; 67 DCR 8622), are repealed.

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SUBTITLE G. THIRD-PARTY INSPECTION PLATFORM

Sec. 6061. Short title.

This subtitle may be cited as the “Third-Party Inspection Platform Emergency Amendment Act of 2020”.

Sec. 6062. Section 6d of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code § 6-1405.04), is amended by adding a new subsection (f) to read as follows:

“(f) The Department may establish an online platform that may, at the Director’s discretion, serve as the exclusive mechanism by which an individual or entity may hire a third-party inspector to perform an inspection authorized by this section. The Department may charge a fee for the use of the online platform by an individual or entity and by the third-party inspectors.”.

SUBTITLE H. PARKING RECIPROCITY FEE UPDATE AMENDMENT

Sec. 6071. Short title.

This subtitle may be cited as the “Reciprocity Parking Fee Update Emergency Amendment Act of 2020”.

Sec. 6072. Section 8(d) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1401.02(d)), is amended by striking the figure “\$50” and inserting the figure “\$100” in its place.

SUBTITLE I. TAG TRANSFER FEE UPDATE AMENDMENT

Sec. 6081. Short title.

This subtitle may be cited as the “Tag Transfer Fee Update Emergency Amendment Act of 2020”.

Sec. 6082. Section 2(e) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(e)), is amended as follows:

(a) Paragraph (2) is amended by striking the figure “\$7” and inserting the figure “\$12” in its place.

(b) Paragraph (5) is amended by striking the figure “\$7” and inserting the figure “\$12” in its place.

SUBTITLE J. ATE PROGRAM REPORTING REQUIREMENT AMENDMENT

Sec. 6091. Short title.

This subtitle may be cited as the “ATE Reporting Requirement Emergency Amendment Act of 2020”.

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Sec. 6092. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 905 to read as follows:

“Sec. 905. ATE Reporting to Council.

“Beginning January 1, 2021, the District Department of Transportation, in consultation with the Department of Motor Vehicles, shall report to the Council on a semi-annual basis the following information:

“(1) The top 15 automated traffic enforcement (“ATE”) locations by value of citations generated in the District;

“(2) The breakdown of the jurisdictions where those receiving ATE citations and with outstanding ATE citation debt have their vehicles registered;

“(3) The locations where cameras have been added in the last 6 months and the reasons why those locations were chosen; and

“(4) The amount of ATE citations issued in total and by location.”.

SUBTITLE K. CAPACITY MARKET WITHDRAWAL FEASIBILITY STUDY

Sec. 6101. Short title.

This subtitle may be cited as the “Capacity Market Withdrawal Feasibility Study Emergency Act of 2020”.

Sec. 6102. Feasibility study.

By July 1, 2021, the Department of Energy and Environment shall make publicly available a study that evaluates and makes recommendations regarding the District withdrawing from the PJM capacity market, including outlining the potential advantages and disadvantages of withdrawal, the anticipated effects of *Calpine Corp. v. PJM Interconnection, L.L.C.*, 169 FERC ¶ 61,239 (2019) on the District, and the procedure for withdrawal from the PJM capacity market, including any necessary legislative changes.

SUBTITLE L. COMPETITIVE GRANT

Sec. 6111. Short title.

This subtitle may be cited as the “Competitive Grant Emergency Act of 2020”.

Sec. 6112. The Department of Energy and Environment shall award an annual grant on a competitive basis, in an amount not to exceed \$200,000, to provide wildlife rehabilitation services.

SUBTITLE M. URBAN AGRICULTURE FUNDING

Sec. 6121. Short title.

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This subtitle may be cited as the “Urban Agriculture Funding Emergency Amendment Act of 2020”.

Sec. 6122. The Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-401 *et seq.*), is amended as follows:

(a) Section 3a(d)(1) (D.C. Official Code § 48-402.01(d)(1)) is amended by striking the phrase “base period of 5 years” and inserting the phrase “base period of at least 5 years” in its place.

(b) Section 3b (D.C. Official Code § 48-402.02) is amended to read as follows:

“Sec. 3b. Limitations on expenditures.

“Total real property tax abatements provided for certain urban farms established pursuant to D.C. Official Code § 47-868 and the tax-exempt status conferred by D.C. Official Code § 47-1005(c) shall not exceed \$150,000 each year.”.

Sec. 6123. Section 47-1005(c) of the District of Columbia Official Code is amended by striking the phrase “Department of General Services” and inserting the phrase “Department of Energy and Environment” in its place.

SUBTITLE N. WASTE DISPOSAL FEES

Sec. 6131. Short title.

This subtitle may be cited as the “Waste Disposal Fees Regulation Emergency Amendment Act of 2020”.

Sec. 6132. Section 720.8 of Title 21 of the District of Columbia Municipal Regulations (21 DCMR § 720.8) is amended to read as follows:

“720.8 Beginning on October 1, 2020, the applicable fee for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in §§ 720.5, 720.6, and 720.7, shall be seventy dollars and sixty-two cents (\$70.62) for each ton disposed; provided, that a minimum fee of thirty five dollars and thirty-one cents (\$35.31) shall be imposed on each load weighing one thousand pounds (1,000 lb.) or less.”.

SUBTITLE O. FAST FERRY GRANT

Sec. 6141. Short title.

This subtitle may be cited as the “Fast Ferry Grant Emergency Act of 2020”.

Sec. 6142. (a) In Fiscal Year 2021, the District Department of Transportation (“DDOT”) shall award a grant of not less than \$250,000 to a regional transportation system supporting efforts to establish M-495 Commuter Fast Ferry Service on the Occoquan, Potomac, and Anacostia River system.

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(b) A grant awarded pursuant to this section shall be in addition to any other grant awarded by DDOT for fast ferry service.

TITLE VII. FINANCE AND REVENUE**SUBTITLE A. PERSONAL PROPERTY TAX**

Sec. 7001. Short title.

This subtitle may be cited as the “Personal Property Tax Emergency Amendment Act of 2020”.

Sec. 7002. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1508(a) is amended by adding a new paragraph (13) to read as follows:

“(13)(A) Computer software, unless:

“(i) The software is incorporated as a permanent component of a computer, machine, piece of equipment, or device, or of real property, and the software is not commonly available separately; or

“(ii) The cost of the software is included as part of the cost of a computer, machine, piece of equipment, or device, or of the cost of real property on the books or records of the taxpayer.

“(B) This paragraph shall not be construed to affect the value of a machine, device, piece of equipment, or computer, or the value of real property, or to affect the taxable status of any other property subject to tax under this title.”.

(b) Section 47-1521 is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Computer software” means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.”.

(3) Paragraph (4) is amended by striking the phrase “goods and chattels” and inserting the phrase “goods and chattels, including computer software,” in its place.

Sec. 7003. Applicability.

This subtitle shall apply as of July 1, 2021.

SUBTITLE B. UNINCORPORATED BUSINESS FRANCHISE TAX

Sec. 7011. Short title.

This subtitle may be cited as the “Unincorporated Business Franchise Tax Emergency Amendment Act of 2020”.

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Sec. 7012. Section 47-1808.02(1) of the District of Columbia Official Code is amended by striking the phrase “Internal Revenue Code of 1986.” and inserting the phrase “Internal Revenue Code of 1986. Taxable income shall include gain from the sale or other disposition of any assets, including tangible assets and intangible assets, including real property and interests in real property, in the District, even when such a sale or other disposition results in the termination of an unincorporated business.” in its place.

Sec. 7013. Applicability.

This subtitle shall apply as of January 1, 2021.

SUBTITLE C. BALLPARK REVENUE FUND

Sec. 7021. Short title.

This subtitle may be cited as the “Ballpark Revenue Fund Excess Revenue Emergency Amendment Act of 2020”.

Sec. 7022. Section 102(d) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.02(d)), is amended by striking the phrase “due on the bonds.” and inserting the phrase “due on the bonds; provided, that any excess that accrues during Fiscal Year 2020, Fiscal Year 2021, or Fiscal Year 2022 shall be deposited in the unrestricted fund balance of the General Fund during the fiscal year in which it accrues.” in its place.

Sec. 7023. Applicability.

This subtitle shall apply as of August 1, 2020.

SUBTITLE D. EVENTS DC AUTHORITY

Sec. 7031. Short title.

This subtitle may be cited as the “Events DC Authority Emergency Amendment Act of 2020”.

Sec. 7032. Title II of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 10-1202.03) is amended as follows:

(1) Paragraph (10K) is amended by striking the period and inserting a semicolon in its place.

(2) A new paragraph (10L) is added to read as follows:

“(10L) To issue grants pursuant to section 208(h) to support go-go music in the District of Columbia.”.

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(b) Section 204(m) (D.C. Official Code § 10-1202.04(m)), is amended by striking the phrase “Fiscal Year 2019 or Fiscal Year 2020” and inserting the phrase “Fiscal Year 2020 or Fiscal Year 2021” in its place.

(c) Section 208 (D.C. Official Code § 10-1202.08) is amended by adding a new subsection (h) to read as follows:

“(h) For Fiscal Year 2021, the Authority shall issue not less than \$1 million in grants from the Convention Center Fund to support go-go related programming, branding, tourism, and marketing; provided, that funds are available for such purpose and that the Authority first satisfy its current liabilities and legally required reserves, which shall not include the elective purchase or redemption of outstanding indebtedness, unless such purchase or redemption is for the purpose of securing a lower cost of borrowing and lower debt service payments.”.

**SUBTITLE E. PARKSIDE PARCEL E AND J MIXED-INCOME APARTMENTS
TAX ABATEMENT**

Sec. 7041. Short title.

This subtitle may be cited as the “Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Emergency Amendment Act of 2020”.

Sec. 7042. Section 47-4658 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the number “2020” and inserting the number “2022” in its place.

(b) Subsection (c) is amended by striking the number “2020” and inserting the number “2022” in its place.

Sec. 7043. Applicability.

This subtitle shall apply as of the effective date of this act.

SUBTITLE F. OFF-PREMISES ALCOHOL TAX RATE

Sec. 7051. Short title.

This subtitle may be cited as the “Off-Premises Alcohol Tax Rate Emergency Amendment Act of 2020”.

Sec. 7052. Section 47-2002(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3)(A) is amended by striking the phrase “defined in § 47-2001(g-1)” and inserting the phrase “defined in § 47-2001(g-1) or spirituous or malt liquors, beer, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)” in its place.

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(b) Paragraph (3A) is amended by striking the phrase “where sold” and inserting the phrase “where sold, unless sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)” in its place.

Sec. 7053. Section 47-2202(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (3)(A) is amended by striking the phrase “defined in § 47-2001(g-1)” and inserting the phrase “defined in § 47-2001(g-1) or spirituous or malt liquors, beer, and wine sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)” in its place.

(b) Paragraph (3A) is amended by striking the phrase “where sold” and inserting the phrase “where sold, unless sold by an alcoholic beverage licensee acting under authority of §§ 25-112(h)(1), 25-113(a)(3)(C), or 25-113.01(f) or (g)” in its place.

SUBTITLE G. SUBJECT-TO-APPROPRIATIONS REPEALS AND MODIFICATIONS

Sec. 7061. Short title.

This subtitle may be cited as the “Subject-to-Appropriations Repeals and Modifications Emergency Amendment Act of 2020”.

Sec. 7062. Section 3 of the DC HealthCare Alliance Recertification Simplification Amendment Act of 2017, effective December 13, 2017 (D.C. Law 22-35; 64 DCR 10929), is repealed.

Sec. 7063. Section 3 of the East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-176; 65 DCR 9552), is repealed.

Sec. 7064. Section 301(a) of the Birth-to-Three for All DC Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-179; 65 DCR 9569), is amended by striking the phrase “107(b),” and inserting the phrase “107,” in its place.

Sec. 7065. Section 8 of the Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; 65 DCR 12049), is repealed.

Sec. 7066. The Ensuring Community Access to Recreational Spaces Act of 2018, effective February 22, 2019 (D.C. Law 22-210; D.C. Official Code § 38-431 *et seq.*), is amended as follows:

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(a) Section 4(b) (D.C. Official Code § 38-433(b)) is amended by striking the phrase “Within 180 days after February 22, 2019, the Mayor” and inserting the phrase “The Mayor” in its place.

(b) A new section 7a is added to read as follows:

“Sec. 7a. Applicability.

“(a) Section 4 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

“(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

“(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(2) The date of publication of the notice of the certification shall not affect the applicability of section 4.”.

Sec. 7067. Section 3 of the Boxing and Wrestling Commission Amendment Act of 2018, effective February 22, 2019 (D.C. Law 22-228; 66 DCR 200), is repealed.

Sec. 7068. The Senior Strategic Plan Amendment Act of 2018, effective March 28, 2019 (D.C. Law 22-267; 66 DCR 1428), is amended by adding a new section 3a to read as follows:

“Sec. 3a. Applicability.

“(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

“(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

“(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(2) The date of publication of the notice of the certification shall not affect the applicability of this act.”.

Sec. 7069. Section 5 of the Public Restroom Facilities Installation and Promotion Act of 2018, effective April 11, 2019 (D.C. Law 22-280; 66 DCR 1595), is amended to read as follows:

“Sec. 5. Applicability.

“(a) Section 4 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

“(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

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“(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(2) The date of publication of the notice of the certification shall not affect the applicability of section 4.”.

Sec. 7070. Section 5 of the Sports Wagering Lottery Amendment Act of 2018, effective May 3, 2019 (D.C. Law 22-312; 66 DCR 1402), is repealed.

Sec. 7071. Section 4 of the Mypheduh Films DBA Sankofa Video and Books Real Property Tax Exemption Act of 2019, effective September 11, 2019 (D.C. Law 23-24; 66 DCR 9759), is repealed.

Sec. 7072. Section 3 of the Certificate of Need Fee Reduction Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-60; 67 DCR 568), is repealed.

Sec. 7073. Section 3 of the Electronic Medical Order for Scope of Treatment Registry Amendment Act of 2019, effective March 10, 2020 (D.C. Law 23-62; 67 DCR 574), is repealed.

Sec. 7074. Section 5 of the Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476), is repealed.

Sec. 7075. Section 5 of the Urban Farming Land Lease Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-80; 67 DCR 2494), is repealed.

Sec. 7076. Section 4 of the Office on Caribbean Affairs Establishment Act of 2020, effective May 6, 2020 (D.C. Law 23-87; 67 DCR 3534), is repealed.

Sec. 7077. Section 3 of the Strengthening Reproductive Health Protections Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-90; 67 DCR 3537), is repealed.

Sec. 7078. Section 6 of the Certified Professional Midwife Amendment Act of 2020, effective June 17, 2020, (D.C. Law 23-97; 67 DCR 3912), is repealed.

Sec. 7079. Section 3 of the Leave to Vote Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-110; 67 DCR 5057), is repealed.

Sec. 7080. Section 3 of the Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-113; 67 DCR 5069), is repealed.

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Sec. 7081. Section 3 of the Professional Art Therapist Licensure Amendment Act of 2020, effective June 24, 2020, (D.C. Law 23-115; 67 DCR 5077), is repealed.

Sec. 7082. Section 6 of the Ivory and Horn Trafficking Prohibition Act of 2020, enacted on April 27, 2020 (D.C. Act 23-302; 67 DCR 5060), is repealed.

SUBTITLE H. COUNCIL PERIOD 23 RULE 736 AND OTHER REPEALS

Sec. 7091. Short title.

This subtitle may be cited as the “Council Period 23 Rule 736 and Other Repeals Emergency Amendment Act of 2020”.

Sec. 7092. Section 1013(g) of the Innovation Fund Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-325.222(g)), is repealed.

Sec. 7093. The Health Care Provider Facility Expansion Program Establishment Act of 2018, effective May 5, 2018 (D.C. Law 22-97; D.C. Official Code § 7-1941.01 *et seq.*), is repealed.

Sec. 7094. Section 202 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1602.02), is repealed.

Sec. 7095. The School Health Innovations Grant Program Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-98; D.C. Official Code § 38-671.01 *et seq.*), is repealed.

Sec. 7096. Section 3602(d) of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204(d)), is repealed.

Sec. 7097. Sections 103 and 105(c) of the Employee Transportation Amendment Act of 2012, effective March 5, 2013 (D.C. Law 19-223; D.C. Official Code §§ 50-211.03 and 50-211.05(c)), are repealed.

Sec. 7099. The Exhaust Emissions Inspection Amendment Act of 2017, effective January 25, 2018 (D.C. Law 22-47; 64 DCR 12403) is repealed.

Sec. 7100. The DC Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017, effective February 17, 2018 (D.C. Law 22-62; 65 DCR 9), is repealed.

Sec. 7101. The Ballpark Fee Forgiveness Act of 2017, effective February 28, 2018 (D.C. Law 22-64; 65 DCR 328), is repealed.

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Sec. 7102. Section 2(nn) and (oo) of the Homeless Services Reform Amendment Act of 2017, effective February 28, 2018 (D.C. Law 22-65; 65 DCR 331), is repealed.

Sec. 7103. The East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018, effective March 29, 2018 (D.C. Law 22-81; 65 DCR 1582), is repealed.

Sec. 7104. The Relieve High Unemployment Tax Incentives Act of 2018, effective April 25, 2018 (D.C. Law 22-85; 65 DCR 1805), is repealed.

Sec. 7105. The Telehealth Medicaid Expansion Amendment Act of 2018, effective July 3, 2018 (D.C. Law 22-126; 65 DCR 5110), is repealed.

Sec. 7106. The Expenditure Commission Establishment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

SUBTITLE I. DISTRICT HISTORY GRANT

Sec. 7111. Short title.

This subtitle may be cited as the “District History Grant Emergency Act of 2020”.

Sec. 7112. (a) The Washington Convention and Sports Authority (“Events DC”) shall award a grant to a nonprofit organization occupying space in the Carnegie Library building that is engaged in collecting, interpreting, and sharing the history of the District.

(b) In Fiscal Year 2021, of the funds allocated to the Non-Departmental Account, \$100,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by Events DC in support of historical education and research.

SUBTITLE J. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 7121. Short title.

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Emergency Act of 2020”.

Sec. 7122. National Cherry Blossom Festival Fundraising.

(a) There is established a matching grant program to support the 2021 National Cherry Blossom Festival (“Program”), which shall be administered by the Washington Convention and Sports Authority (“Events DC”). Under the Program, a matching grant shall be awarded to a nonprofit organization that organizes and produces an event or

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events as part of the official, month-long National Cherry Blossom Festival (“Festival”) of up to \$1,000,000 at a rate of \$2 for every dollar that the organization has raised in donations by April 30, 2021.

(b) In Fiscal Year 2021, of the funds allocated to the Non-Departmental Account, \$1,000,000 shall be transferred to Events DC to use for the grant authorized by subsection (a) of this section.

(c) A grant awarded pursuant to this section shall be in addition to any other grant awarded by Events DC in support of the Festival.

SUBTITLE K. MOTOR VEHICLE FUEL TAX

Sec. 7131. Short Title.

This subtitle may be cited as the “Motor Vehicle Fuel Tax Emergency Amendment Act of 2020”.

Sec. 7132. Chapter 23 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2301 is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

“(4) This subsection shall not apply after September 30, 2020.”.

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

“(a-1)(1) The District shall levy and collect a tax and a local transportation surcharge (“surcharge”) on motor vehicle fuels sold or otherwise disposed of by an importer or by a user, or used for commercial purposes.

“(2) As of October 1, 2020:

“(A) The rate of tax shall be \$.235 per gallon; and

“(B) The surcharge shall be \$.053 per gallon;

“(3) As of October 1, 2021, the surcharge shall be \$.103 per gallon, increased annually, beginning with the fiscal year commencing on October 1, 2022, by the cost-of-living adjustment.”.

(3) Subsection (c) is amended to read as follows:

“(c) The Chief Financial Officer of the District of Columbia shall:

“(1) Transfer annually to the District of Columbia Highway Trust Fund the proceeds of the taxes imposed under subsection (a) and (a-1) of this section; and

“(2) Transfer to the Capital Improvements Program the revenue derived from the surcharge under subsection (a-1) to fund the renovation, repair, and maintenance of local transportation infrastructure.”.

(b) Section 47-2302 is amended by adding a new paragraph (24) to read as follows:

“(24)(A) “Cost-of-living adjustment” means the ratio of CPI for the preceding calendar year and the CPI for the base year.

“(B) For the purposes of this paragraph, the term:

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“(i) "Base year" means the calendar year ending December 31, 2020.

“(ii) "CPI" means the average of the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (or such successor metropolitan statistical area that includes the District) for the preceding calendar year.”.

Sec. 7133. Section 102a of the Highway Trust Fund Establishment Act of 1996, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a), is amended by adding a new subsection (c) to read as follows:

“(c) Revenue derived from the local transportation surcharge on motor vehicle fuels sold or otherwise disposed of by an importer or by a user, or used for commercial purposes, pursuant to D.C. Official Code § 47-2301(a-1), shall be transferred to the Capital Improvements Program to fund the renovation, repair, and maintenance of local transportation infrastructure.”.

SUBTITLE L. NEW COMMUNITIES CLARIFICATION

Sec. 7141. Short title.

This subtitle may be cited as the “New Communities Bond Clarification Emergency Amendment Act of 2020”.

Sec. 7142. Section 203(b) of the Housing Production Trust Fund Act of 1988, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 42-2812.03(b)), is amended to read as follows:

“(b)(1) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine.

“(2) The total amount of funds allocated annually from the Housing Production Trust Fund to pay debt service on the bonds shall not exceed \$16 million.”.

SUBTITLE M. QHTC TAX INCENTIVES MODIFICATION

Sec. 7151. Short Title.

This subtitle may be cited as the “QHTC Tax Incentives Modification Emergency Amendment Act of 2020”.

Sec. 7152. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1508(a)(10) is repealed.

(b) Chapter 18 is amended as follows:

(1) Section 47-1803.03(a)(18) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “the lesser of \$25,000 (or \$40,000 in the case of a Qualified High Technology Company (“QHTC”))” and inserting the phrase “the lesser of \$25,000” in its place.

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- (B) Subparagraph (B) is repealed.
- (2) Section 47-1817.01(5)(A)(ii) is amended by striking the number “2” and inserting the number “10” in its place.
- (3) Section 47-1817.02 is repealed.
- (4) Section 47-1817.03 is amended as follows:
- (A) Subsection (a) is amended by striking the phrase “imposed by § 47-1817.06” and inserting the phrase “imposed by § 47-1807.02” in its place.
- (B) Subsection (a-1) is amended by striking the phrase “imposed by § 47-1817.06” and inserting the phrase “imposed by § 47-1807.02” in its place.
- (5) Section 47-1817.04 is amended as follows:
- (A) Subsection (d) is amended by striking the figure “\$20,000” and inserting the figure “\$10,000” in its place.
- (B) Subsection (e) is repealed.
- (6) Section 47-1817.05(c) is repealed.
- (7) Section 47-1817.06 is repealed.
- (8) Section 47-1817.07 is repealed.
- (9) Section 47-1817.07a is amended by striking the phrase “For tax years beginning after December 31, 2018, notwithstanding” and inserting the phrase “For the tax year beginning after December 31, 2018 and ending before January 1, 2020, and for tax years beginning after December 31, 2024, notwithstanding” in its place.
- (10) Section 47-1818.06(3) is repealed.

Sec. 7153. Applicability.

This subtitle shall apply as of the effective date of this act except for Section 7152(a) which shall apply as of July 1, 2021.

SUBTITLE N. ADAMS MORGAN BID**Sec. 7161. Short title.**

This subtitle may be cited as the “Adams Morgan Business Improvement District Emergency Amendment Act of 2020”.

Sec. 7162. Section 206(c) of the Business Improvement District Act of 1996, effective March 8, 2006 (D.C. Law 16-56; D.C. Official Code § 2-1215.56(c)), is amended to read as follows:

“(c) The BID taxes for the taxable properties in the Adams Morgan BID shall not exceed \$.21 for each \$100 in assessed value for all taxable properties and all commercial portions of mixed use properties; provided, that any change in the BID taxes from the current tax year rates shall be made subject to the requirements of section 9.”.

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SUBTITLE O. SKYLAND TAX EXEMPTION

Sec. 7171. This subtitle may be cited as the "Skyland Tax Exemption Emergency Amendment Act of 2020".

Sec. 7172. Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102), is amended as follows:

(a) Paragraph (34) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (35) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new paragraph (36) is added to read as follows:

"(36)(A) Deeds conveying, vesting, granting, or assigning title to, an interest in, a security interest in, or an economic interest in the real property (and any improvements thereon) described as Square 5633, Lots 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 7000, 7009, and 7010 that are recorded between the applicability date of the Skyland Tax Exemption Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867) and December 31, 2020.

"(B) The amount of all taxes, fees, and deposits exempted under this paragraph and D.C. Official Code § 47-902(28), shall not exceed, in the aggregate, \$420,840."

Sec. 7173. Section 47-902 of the District of Columbia Official Code is amended by adding a new paragraph (28) to read as follows:

"(28)(A) Transfers with respect to the real property (and any improvements thereon) described as Square 5633, Lots 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 7000, 7009, and 7010, as evidenced by the recordation of a deed conveying title to the real property between the applicability date of the Skyland Tax Exemption Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-867) and December 31, 2020.

"(B) The amount of all taxes, fees, and deposits exempted under this paragraph and § 42-1102(36), shall not exceed, in the aggregate, \$420,840."

SUBTITLE P. COMBINED REPORTING TAX DEDUCTION DELAY

Sec. 7181. Short title.

This subtitle may be cited as the "Combined Reporting Tax Deduction Delay Emergency Amendment Act of 2020".

Sec. 7182. Section 47-1810.08(b) of the District of Columbia Official Code is amended as follows:

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(a) Paragraph (1) is amended by striking the phrase “beginning with the 10th year of the combined filing” and inserting the phrase “beginning with the 15th year of the combined filing” in its place.

(b) Paragraph (2) is amended by striking the number “2015” and inserting the number “2020” in its place.

SUBTITLE Q. ESTATE TAX ADJUSTMENT

Sec. 7191. Short title.

This subtitle may be cited as the “Estate Tax Adjustment Emergency Amendment Act of 2020”.

Sec. 7192. Section 47-3701 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (4) is amended as follows:

(1) Subparagraph (E) is amended by striking the phrase “dying after December 31, 2017” and inserting the phrase “whose death occurs after December 31, 2017, but before January 1, 2021” in its place.

(2) A new subparagraph (F) is added to read as follows:

“(F) For a decedent whose death occurs after December 31, 2020:

“(i) The maximum amount of credit for state death taxes allowed by section 2011 of the Internal Revenue Code;

“(ii) The amount of the unified credit shall be \$1,545,800, increased annually, beginning with the year commencing on January 1, 2022, by the cost-of-living adjustment; and

“(iii) An estate tax return shall not be required to be filed if the decedent’s gross estate does not exceed the applicable zero bracket amount.”.

(b) Paragraph (14) is amended as follows:

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

(2) Subparagraph (C) is amended as follows:

(A) Strike the phrase “after December 31, 2017” and insert the phrase “after December 31, 2017, but before January 1, 2021” in its place.

(B) Strike the period at the end and insert the phrase “; or” in its place.

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

“(D) For a decedent whose death occurs after December 31, 2020, \$4 million, increased annually, beginning with the year commencing on January 1, 2022, by the cost-of-living adjustment.”.

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**SUBTITLE R. DISTRICT OF COLUMBIA LOW-INCOME HOUSING TAX
CREDIT CLARIFICATION**

Sec. 7201. Short title.

This subtitle may be cited as the “District of Columbia Low-Income Housing Tax Credit Clarification Emergency Amendment Act of 2020”.

Sec. 7202. Chapter 48 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “47-4806. Transfer, sale, or assignment” and inserting the phrase “47-4806. Transfer, sale, assignment, or allocation” in its place.

(b) Section 47-4801 is amended as follows:

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

“(1A) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.”.

(2) Paragraph (3) is amended by striking the phrase “cause the construction of affordable housing” and inserting the phrase “cause the acquisition, rehabilitation, or construction of affordable housing” in its place.

(3) Paragraph (6) is amended by striking the phrase ““Low-Income Housing Tax Credit Program” means the program authorized by section 42 of the Internal Revenue Code of 1986” and inserting the phrase ““Federal low-income housing tax credit” means a tax credit claimed pursuant to section 42 of the Internal Revenue Code of 1986” in its place.

(4) Paragraph (7) is repealed.

(5) Paragraph (8) is amended by striking the phrase “a rental housing development that receives an allocation of federal Low-Income Housing Tax Credits from the Department” and inserting the phrase “a rental housing development in the District that receives an allocation of federal low-income housing tax credits under section 42(h)(1) or (4) of the 1986 Internal Revenue Code (26 U.S.C. § 42(h)(1) or (4)) after October 1, 2021, and receives an executed extended low-income housing commitment pursuant to section 42(h)(6)(B) of the 1986 Internal Revenue Code (26 U.S.C. § 42(h)(6)(B)) from the Department dated on or after October 1, 2021”.

(c) Section 47-4802 is amended as follows:

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

“(a) There is established a District of Columbia low-income housing tax credit.”.

(2) Subsection (b) is repealed.

(3) Subsection (c) is repealed.

(4) Subsection (d) is amended by striking the phrase “tax credit award” and inserting the phrase “tax credit” in its place.

(d) Section 47-4803 is amended as follows:

(1) Subsection (a) is amended to read as follow:

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“(a) An owner of a qualified project may receive a District of Columbia low-income housing tax credit with respect to that qualified project in an amount equal to 25% of the value of the federal low-income housing tax credit received with respect to the qualified project.”

(2) Subsection (b) is amended to read as follows:

“(b)(1) If the owner of a qualified project transfers, sells, or assigns a District of Columbia low-income housing tax credit to another taxpayer, pursuant to § 47-4806, the District of Columbia low-income housing tax credit shall not be taken, pursuant to subsection (c) of this section, against taxes imposed under this title unless the owner has filed with the Department, in a form determined by the Department, an affidavit certifying that:

“(A) The owner of the qualified project received, as consideration for transferring, selling, or assigning the District of Columbia low-income housing tax credit, at least 80% of the per dollar sale price for a federal low-income housing tax credit associated with the qualified project that the owner has transferred, sold, or assigned; and

“(B) The value received by the owner of the qualified project was used to ensure financial feasibility of the qualified project.

“(2) The Department shall deliver to the Chief Financial Officer and the Commissioner an annual report certifying the ongoing eligibility of an eligible project to receive federal low-income housing tax credits.”

(3) Subsection (c) is amended to read as follows:

“(c)(1) The District of Columbia low-income housing tax credit may be claimed against taxes imposed under Chapter 18 of this title or § 47-2608(a)(1).

“(2) The District of Columbia low-income housing tax credit may be claimed equally for 10 years, subtracted from the tax otherwise due for each taxable period and shall not be refundable; provided, that the credit may not be taken against any tax that is dedicated in whole or in part to the Healthy DC and Health Care Expansion Fund established by § 31-3514.02.”

“(3) If the District of Columbia low-income housing tax credit is claimed against taxes imposed under Chapter 18 of this title, any amount of the low-income housing tax credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years for taxes imposed under Chapter 18 of this title. If the District of Columbia low-income housing tax credit is claimed against taxes imposed under § 47-2608(a)(1), any amount of the credit that exceeds the tax due for a taxable year may be carried forward to any of the 10 remaining subsequent taxable years for taxes imposed under § 47-2608(a)(1).”

(4) Subsection (d)(1) is amended by striking the phrase “allocated to parties who are eligible under the provisions of subsection (a) of this section” and inserting the phrase “transferred, sold, assigned, or allocated to parties who are eligible pursuant to Chapter 48 of Title 47 of the District of Columbia Official Code” in its place.

(5) Subsection (e) is amended as follows:

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(A) The lead-in language is amended by striking the phrase “submitted to the Chief Financial Officer as provided in this section” and inserting the phrase “submitted to the Chief Financial Officer and the Commissioner as provided in this section” in its place.

(B) Paragraph (2) is amended by striking the phrase “each taxpayer subject to the recapture” and inserting the phrase “each transferee, purchaser, assignee, or party to whom a credit is allocated” in its place.

(C) Paragraph (3) is amended by striking the phrase “allocated to such taxpayer” and inserting the phrase “allocated to such transferee, purchaser, assignee, or party to whom a credit is allocated” in its place.

(6) Subsection (f)(1) is amended by striking the phrase “A tax credit allowed under this section shall not be denied to the taxpayer with respect to any qualified project” and inserting the phrase “A District of Columbia low-income housing tax credit allowed under this section shall not be denied with respect to any qualified project” in its place.

(e) Section 47-4804 is amended as follows:

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

“(a) The owner of a qualified project eligible for the District of Columbia low-income housing tax credit shall submit a copy of the eligibility statement issued by the Department with respect to the qualified project at the time of filing the return required to be filed by the owner pursuant to § 47-1805.02. In the case of failure to attach the eligibility statement, a credit under this section shall not be allowed with respect to such qualified project for that year until the copy is provided to the Chief Financial Officer and the Commissioner.”.

(2) Subsection (b) is amended by striking the phrase “such qualified District of Columbia project shall also be recaptured” and inserting the phrase “such qualified District of Columbia project shall also be recaptured by the Office of Chief Financial Officer or Commissioner of Insurance, Securities, and Banking” in its place.

(f) Section 47-4805 is amended by striking the phrase “The Chief Financial Officer or the Department may require” and inserting the phrase “The Chief Financial Officer, the Commissioner, or the Department may require” in its place.

(g) Section 47-4806 is amended as follows:

(1) The section heading is amended by striking the phrase “Transfer, sale, or assignment” and inserting the phrase “Transfer, sale, assignment, or allocation” in its place.

(2) Subsection (a) is amended as follows:

(A) The existing language is redesignated as paragraph (1) and amended to read as follows:

“(1) All or any portion of credits issued in accordance with the provisions of this section may be transferred, sold, or assigned to another taxpayer. There is no limit on the total number of transactions for the transfer, sale, or assignment of all or part of the total credit authorized under this section. Collectively, all transfers, sales, assignments, and allocations pursuant to paragraph (2) of this subsection are subject to the maximum credit allowable to a particular qualified project.”.

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

“(2) A tax credit earned or purchased by, or transferred or assigned to, a partnership, limited liability company, S corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity in accordance with the provisions of any agreement among the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the qualified project. A partner, member, or shareholder to whom a tax credit is allocated may further allocate all or part of the allocated credit as provided in this subsection or may transfer, sell, or assign the allocated credit as provided in paragraph (1) of this subsection. There is no limit on the total number of allocations of all or part of the total credit authorized under this section; however, collectively, all transfers, sales, assignments, and allocations, made pursuant to this subsection, are subject to the maximum credit allowable to a particular qualified project.”.

(3) Subsection (b) is amended to read as follows:

“(b) An owner, transferee, purchaser, assignee, or taxpayer to whom a tax credit is allocated pursuant to subsection (a)(2) of this section, desiring to make a transfer, sale, assignment, or allocation pursuant to subsection (a)(2) of this section, shall submit to the Chief Financial Officer and the Commissioner a statement that describes the amount of District of Columbia low-income housing tax credit for which such transfer, sale, assignment, or allocation of District of Columbia low-income housing tax credit is eligible. The owner, transferor, seller, assignor, or taxpayer who is allocating, pursuant to subsection (a)(2) of this section, the tax credit, as applicable, shall provide to the Chief Financial Officer and the Commissioner appropriate information so that the low-income housing tax credit can be properly allocated.”.

(4) Subsection (c)(3) is amended to read as follows:

“(3) Amount of credit previously transferred, sold, assigned, or allocated to such transferee, purchaser, assignee, or taxpayer to whom a credit is allocated.”.

(h) Section 47-4807 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The Department, in consultation with the Chief Financial Officer, shall monitor” and inserting the phrase “The Department, in consultation with the Chief Financial Officer and the Commissioner, shall monitor” in its place.

(2) Subsection (b) is amended by striking the phrase “The Department or the Chief Financial Officer shall report” and inserting the phrase “The Department, the Chief Financial Officer, or the Commissioner shall report” in its place.

SUBTITLE S. EXCLUDED WORKERS

Sec. 7211. Short title.

This subtitle may be cited as the “Excluded Workers Emergency Amendment Act of 2020”.

Sec. 7212. Assistance for excluded workers.

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The Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1201.01 *et seq.*), is amended by adding a new section 203a to read as follows:

“Sec. 203a. Assistance for excluded workers.

“(a) During the public health emergency declared in the Mayor’s order dated March 11, 2020 and any extensions thereof, the Washington Convention and Sports Authority shall issue, subject to the availability of funds, grants or contracts to nonprofit entities to use to provide cash assistance to District residents who are otherwise excluded from District and federal aid related to COVID-19. To qualify for cash assistance from grants or contracts awarded pursuant to this section, a District resident shall:

“(1)(A) Be ineligible for unemployment insurance or federal COVID-19 relief;
and

“(B) Be ineligible for TANF or other government cash assistance programs not related to the COVID-19 pandemic; or

“(2) Be a returning citizen, as defined by section 2(5) of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5)), who would not otherwise qualify under paragraph (1) of this subsection and whose incarceration ended not more than 6 months before receiving assistance.

“(b) Any entity receiving a grant or contract pursuant to this section may use no more than 10% of the grant for administrative expenses incurred from administering the cash assistance program.

“(c) Cash assistance provided to eligible individuals pursuant to this section shall not be considered in determining eligibility for any means-tested programs administered by the District.

“(d) For the purposes of this section the term:

“(1) “COVID-19” means the disease caused by the novel coronavirus SARS-CoV-2.

“(2) COVID-19 relief” means federal monetary assistance, including tax credits, provided under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9001 *et seq.*).”.

Sec. 7213. Non-taxability.

Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended to add a new subparagraph (JJ) to read as follows:

“(JJ) Cash assistance for excluded workers given pursuant to grants awarded by the Washington Convention and Sports Authority in 2020.”.

Sec. 7214. Applicability.

This subtitle shall apply as of the effective date of this act.

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TITLE VIII. SPECIAL PURPOSE AND DEDICATED REVENUE FUNDS

Sec. 8001. Short title.

This subtitle may be cited as the “Designated Fund Transfer Emergency Act of 2020”.

Sec. 8002. (a) Notwithstanding any provision of law limiting the use of funds in the accounts listed in the following chart, the Chief Financial Officer shall transfer in Fiscal Year 2021 and in each fiscal year through Fiscal Year 2024 the following recurring amounts from certified fund balances and other revenue in the identified accounts to the unassigned fund balance of the General Fund of the District of Columbia:

Agency Code	Agency	Fund Detail	Fund Name	FY 2021 -2024
CR0	DCRA	6013	Basic Business License Fund	6,000
CR0	DCRA	6040	Corporate Recordation Fund	12,500
HA0	DPR	0602	Enterprise Fund Account	150,000
HC0	DOH	0605	SHPDA Fees	4,000
HC0	DOH	0632	Pharmacy Protection	5,393
HC0	DOH	0633	Radiation Protection	3,500
HC0	DOH	0643	Board of Medicine	145,493
HC0	DOH	0656	EMS Fees	5,250
KG0	DOEE	0646	Stormwater Fees	2,000
KG0	DOEE	0662	Renewable Energy Development Fund	30,000
KG0	DOEE	6700	Sustainable Energy Trust Fund	40,000
LQ0	ABRA	6017	ABC - Import and Class License Fees	245,368
PO0	OCP	4010	DC Surplus Personal Property Sales Operation	10,000
SR0	DISB	2100	HMO Assessment	17,763
SR0	DISB	2200	Insurance Assessment	120,790
SR0	DISB	2350	Securities and Banking Fund	370,403
SR0	DISB	2800	Captive Insurance	82,741
TC0	DFHV	2400	Public Vehicles for Hire	21,000
Total				1,272,201

(b) The amounts identified in subsection (a) of this section shall be made available as set forth in the approved Fiscal Year 2021 Budget and Financial Plan.

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TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 9001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2020.

Sec. 9002. Fiscal impact statement.

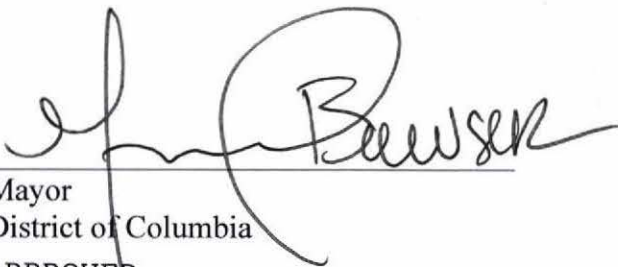
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9003. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 19, 2020

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AN ACT
D.C. ACT 23-405

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 19, 2020

To provide, on an emergency basis, due to congressional review, for the health, safety, and welfare of District residents and support to businesses during the current public health emergency; and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020".

TITLE I. LABOR AND WORKFORCE DEVELOPMENT

Sec. 101. Wage replacement.

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

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

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

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

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

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

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

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

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emergency, as determined by the Mayor, all as demonstrated by reasonable documentation required by the Mayor or the Mayor's designee.

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

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

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

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

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

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

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

Sec. 102. Unemployment insurance clarification.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 103. Family and medical leave.

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

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

“(1) “Employee” means:

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

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

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

“Sec. 3a. COVID-19 leave.

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

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

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

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

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

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

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

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

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

“(3) If the leave is needed because a school, place of care, or childcare provider is unavailable, a statement by the head of the agency, company, or childcare provider stating such closure or unavailability, which may include a printed statement obtained from the institution’s website.

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

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

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

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

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

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

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

“(h) The rights provided to an employee under this section may not be diminished by any collective bargaining agreement or any employment benefit program or plan; except, that this section shall not supersede any clause on family or medical leave in a collective bargaining agreement in force on the applicability date of this section for the time that the collective bargaining agreement is in effect.

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

Sec. 104. Paid public health emergency leave.

(a) 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.*), is amended as follows:

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

(2) A new section 3a (to be codified at D.C. Official Code § 32-531.02a) is added to read as follows:

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

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

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

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

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

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

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

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

“(3) If an employee elects to use paid leave provided under this section after exhausting other paid leave, the employer may reduce the number of hours of paid leave an employee may use under this section by the number of hours of paid leave taken under federal or District law or the employer’s policies.

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

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

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

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

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

“(3) “Health care provider” means any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. The term “health care provider” includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b-1)(1) Notwithstanding subsections (b) and (f) of this section, during the COVID-19 emergency, no more than \$500,000 of the money in the Fund may be used for activities related to enforcement of the paid public health emergency leave requirement contained in section 3a of the Accrued Sick and Safe Leave Act of 2008, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869).

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

TITLE II. BUSINESS AND ECONOMIC DEVELOPMENT

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Sec. 201. Small business microgrants.

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

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

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

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

“Sec. 2316. Public health emergency grant program.

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

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

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

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

“(A)(i) Employee wages and benefits.

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

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

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

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

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

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

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

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

“(2) “Eligible small business” means a business enterprise eligible for certification under section 2332, a nonprofit entity, or an independent contractor or self-employed individual determined ineligible for unemployment insurance by the Director of the Department of Employment Services, unless the independent contractor or self-employed individual is eligible for and receiving unemployment insurance benefits unrelated to their self-employment or independent contractor work and is otherwise eligible for a grant pursuant to this subsection.”.

Sec. 202. Contractor advance payment.

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

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

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

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

Sec. 203. Certified Business Enterprise assistance.

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

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

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

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

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

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

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

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

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

(3) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those declared emergencies.

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

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

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

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

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

(d) Contracts entered into on an emergency basis or that are made in furtherance of, or that are related to, the District's response to the COVID-19 emergency shall not be subject to the requirements of the CBE Act or the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

Sec. 204. Alcoholic beverage regulation.

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

(a) Chapter 1 is amended as follows:

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

"(h)(1) A retailer with commercial street frontage at the Walter E. Washington Convention Center that sells food and is approved by the Washington Convention and Sports Authority to sell alcoholic beverages for on-premises consumption ("Convention Center food and alcohol business") that registers as a Convention Center food and alcohol business with the Board and receives written authorization from ABRA may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed

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containers to the homes of District residents, pursuant to § 25-113(a)(3)(C); provided, that such carry-out or delivery orders are accompanied by one or more prepared food items.

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

(2) Section 25-113(a) is amended as follows:

(A) Paragraph (3) is amended by adding new subparagraphs (C) and (D) to read as follows:

“(C)(i) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or deliver beer, wine, or spirits in closed containers to the homes of District residents; provided, that each such carry out or delivery order is accompanied by one or more prepared food items.

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

“(D)(i) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, that is registered with the Board under subparagraph (C) of this paragraph may also register with the Board to sell, on a temporary basis, beer, wine, or spirits for on-premises consumption indoors and to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from up to 2 additional locations other than the licensed premises.

“(ii) Board approval shall not be required for the additional registration under this subparagraph; provided, that:

“(I) The licensee separately registers with the Board and receives written authorization from ABRA prior to offering beer, wine, or spirits for carryout or delivery or on-premises consumption indoors at the additional location;

“(II) For carry-out and delivery, the licensee, the additional location’s owner, or a prior tenant at the additional location possesses a valid certificate of occupancy for the building used as the additional location, unless the additional location is located on outdoor private space;

“(III) For on-premises consumption indoors, the additional location’s owner or a prior tenant at the additional location possesses a valid certificate of occupancy for a restaurant or other eating or drinking establishment;

“(IV) The licensee has been legally authorized by the owner of the building or the property utilized as the additional location to utilize the space for carryout and delivery, or indoor dining;

“(V)The licensee agrees to follow all applicable District laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section; and

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“(VI) The additional location from which the licensee intends to offer alcoholic beverages for carryout or delivery or on-premises consumption for indoor dining is located in a commercial or mixed-use zone as defined in the zoning regulations for the District.

“(iii) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, may sell, serve, and allow the consumption of beer, wine, or spirits indoors on the premises of the additional location pursuant to sub-subparagraph (i) of this paragraph; provided, that the licensee shall:

“(I) Limit its indoor capacity to no more than 50% of the lowest indoor occupancy load or seating capacity on its certificate of occupancy, excluding employees and any separately registered outdoor seating;

“(II) Place indoor tables so that patrons are at least 6 feet apart from one another;

“(III) Ensure for non-movable communal tables that parties are seated at least 6 feet apart from one another and that the communal table is marked with 6 foot divisions, such as with tape or signage;

“(IV) Ensure that all indoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;

“(V) Prohibit events and activities that would require patrons to be standing, cluster, or be in close contact with one another, including dancing, playing darts, video games, including games of skill, bowling, ping pong, pool, throwing axes, or indoor playgrounds;

“(VI) Prohibit patrons from bringing their own alcoholic beverages;

“(VII) Prohibit self-service buffets;

“(VIII) Have a menu in use containing a minimum of 3 prepared food items available for purchase by patrons;

“(IX) Require the purchase of one or more prepared food items per table;

“(X) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by the District of Columbia Department of Health (“DC Health”);

“(XI) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages indoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

“(XII) Not have more than 6 individuals seated at a table or a joined table;

“(XIII) Require patrons to wait outside at least 6 feet apart until they are ready to be seated or make an on-site reservation;

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“(XIV) Not provide live music or entertainment on the registered indoor space without a waiver from the District of Columbia Homeland Security and Emergency Management Agency, although background or recorded music played at a conversational level that is not heard in the homes of District residents shall be permitted;

“(XV) Not serve alcoholic beverages or food to standing patrons;

“(XVI) Prohibit standing at indoor bars and only permit seating at indoor bars that are not being staffed or utilized by a bartender;

“(XVII) Require a minimum of 6 feet between parties seated at indoor bars, rail seats, or communal tables;

“(XVIII) Provide and require that wait staff wear masks;

“(XIX) Require that patrons wear masks or face coverings when waiting in line outside of the establishment or while traveling to use the restroom or until they are seated and eating or drinking;

“(XX) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

“(XXI) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and

“(XXII) Have its own clearly delineated indoor space and not share tables and chairs with another business.

“(iv) An on-premises retailer licensee shall not offer beer, wine, or spirits for carryout and delivery on public space; except, that an additional location under this subparagraph may include a sidewalk café that has been issued a public space permit by the District Department of Transportation (“DDOT”).

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

“(vi) An on-premises retailer licensee who has been registered to offer beer, wine, or spirits for carryout or delivery or on-premises alcohol consumption for indoor dining in accordance with this subparagraph may do so for no longer than 60 calendar days. The Board may approve a written request from an on-premises retailer licensee to extend carryout or delivery alcohol sales or on-premises alcohol sales and consumption for indoor dining from an additional location pursuant to this subparagraph for one additional 30 calendar-day period. A licensee shall not offer beer, wine, or spirits for carryout or delivery for off-premises consumption or on-premises alcohol sales and consumption for indoor dining from the additional location for more than 90 calendar days unless a completed application to do so has been filed with the Board with notice provided to the public in accordance with § 25-421.

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

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

“(ix) Notwithstanding sub-subparagraph (iii) of this subparagraph, if an on-premises retailer licensee, class C or D, has a settlement agreement governing its operations, the Board shall interpret the settlement agreement language that restricts the indoor sale, service, and consumption of beer, wine, or spirits on-premises as applying only to indoor sales, service, or consumption of beer, wine, or spirits at the licensed premises and not the additional location on a temporary basis because prior to the Coronavirus pandemic this new registration process was not available to eligible licensees.”

“(B) A new paragraph (6) is added to read as follows:

“(6)(A) An on-premises retailer licensee, class C/R, D/R, C/T, D/T, C/H, D/H, C/N, D/N, C/X, or D/X, including a multipurpose facility or private club, or a manufacturer’s licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol business may register with the Board at no cost to sell, serve, and permit the consumption of beer, wine, or spirits on new or expanded temporary ground floor or street level outdoor public or private space not listed on its existing license. Upon registration, Board approval shall not be required; provided, that the licensee:

“(i) Registers with the Board and receives written authorization from ABRA prior to selling, serving, or permitting the consumption of beer, wine, or spirits on the proposed outdoor public or private space;

“(ii) Registers with DDOT prior to operating on any proposed outdoor public space or receives written approval from the property owner prior to utilizing any proposed outdoor private space; and

“(iii) Agrees to follow all applicable District laws, regulations, guidance documents, administrative orders, including Mayor’s Orders, and permit requirements or conditions, which may contain requirements that supersede provisions contained in this section.

“(B) An on-premises retailer licensee, class C or D, or a manufacturer licensee, class A or B, with an on-site sales and consumption permit, or a Convention Center food and alcohol business that has registered with the Board to sell, serve, and permit the consumption of beer, wine, and spirits to seated patrons on outdoor public or private space not listed on its existing license in accordance with subparagraph (A) of this paragraph shall:

“(i) Place tables on outdoor public or private space so that patrons are at least 6 feet apart from one another;

“(ii) Ensure that all outdoor dining customers are seated and place orders and are served food or alcoholic beverages at tables;

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“(iii) Prohibit events and activities that would require patrons to cluster or be in close contact with one another, including dancing, playing darts, video games, or other outdoor games;

“(iv) Prohibit patrons from bringing their own alcoholic beverages;

“(v) Prohibit self-service buffets;

“(vi) Have a menu in use containing a minimum of 3 prepared food items available for purchase by patrons;

“(vii) Require the purchase of one or more prepared food items per table;

“(viii) Ensure that prepared food items offered for sale or served to patrons are prepared on the licensed premises or off-premises at another licensed entity that has been approved to sell and serve food by DC Health;

“(ix) Ensure that the proposed outdoor public or private space is located in a commercial or mixed-use zone as defined in the District’s zoning regulations;

“(x) Restrict its operations, excluding carry-out and delivery, and the sale, service, or the consumption of alcoholic beverages outdoors for on-premises consumption to the hours between 8:00 a.m. and midnight, Sunday through Saturday;

“(xi) Not have more than 6 individuals seated at a table;

“(xii) Require patrons to wait outside at least 6 ft. apart until they are ready to be seated or make an on-site reservation;

“(xiii) Not provide live music or entertainment, except for background or recorded music played at a conversational level that is not heard in the homes of District residents;

“(xiv) Not serve alcoholic beverages or food to standing patrons;

“(xv) Prohibit standing at outdoor bars and only permit seating at outdoor bars that are not being staffed or utilized by a bartender;

“(xvi) Abide by the terms of their public space permit with regard to the allowable placement of alcohol advertising, if any, in outdoor public space;

“(xvii) Provide and require that wait staff wear masks;

“(xviii) Require that patrons wear masks or face coverings while waiting in line outside of the restaurant or while traveling to use the restroom or until they are seated and eating or drinking;

“(xix) Implement a reservation system by phone, on-line, or on-site and consider keeping customer logs to facilitate contact tracing by DC Health;

“(xx) Implement sanitization and disinfection protocols including the provision of single use condiment packages; and

“(xxi) Have its own clearly delineated outdoor space and not share tables and chairs with another business.

“(C) Registration under subparagraph (A) of this paragraph shall be valid until October 25, 2020.

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“(D) The Board may fine, suspend, or revoke an on-premises retailer licensee, class C or D, or a manufacturer licensee, class A or B, with an on-site sales and consumption permit, and shall revoke the registration to sell, serve, or permit the consumption of beer, wine, or spirits on outdoor public or private space not listed on the license, if the licensee fails to comply with subparagraph (A) or (B) of this paragraph.

“(E)(i) Notwithstanding subparagraph (B) of this paragraph, the Board shall interpret settlement agreement language that restricts sidewalk cafés or summer gardens as applying only to those outdoor spaces that are currently licensed by the Board as sidewalk cafés or summer gardens.

“(ii) The Board shall not interpret settlement agreement language that restricts or prohibits sidewalk cafés or summer gardens to apply to new or extended outdoor space, the use of which is now permitted under this paragraph.

“(iii) The Board shall not interpret settlement agreement language that restricts or prohibits the operation of permanent outdoor space to mean prohibiting the temporary operation of sidewalk cafés or summer gardens.

“(iv) The Board shall require all on-premises retailer licenses, class C or D, or manufacturer licenses, class A or B, with an on-site sales and consumption permit, to delineate or mark currently licensed outdoor space from new or extended outdoor space authorized by the DDOT or the property owner.

“(v) With regard to existing outdoor public or private space, parties to a settlement agreement shall be permitted to waive provisions of settlement agreements that address currently licensed outdoor space for a period not to exceed 180 days.

“(E) For purposes of this paragraph, ground floor or street level sidewalk cafés or summer gardens enclosed by awnings or tents having no more than one side shall be considered outdoor space. Areas enclosed by retractable glass walls and other forms of operable walls shall not be considered outdoor dining. Temporary unlicensed rooftops and summer gardens not located on the ground floor or street level are not eligible for registration under subparagraph (A) of this paragraph.

“(F) A manufacturer licensee, class A or B, with an on-site sales and consumption permit or a retailer licensee class C/T, D/T, C/N, D/N, C/X, or D/X, may partner with a food vendor during its operating hours to satisfy the requirement of subparagraph (B)(vi) of this paragraph; provided, that patrons are seated when ordering and ordered food is delivered by the licensee or the food vendor to the seated patron.”.

“(3) Section 25-113a is amended by adding a new subsection (c-1) to read as follows:

“(c-1) Notwithstanding subsection (c) of this section, an on-premises retailer’s licensee, class C or D, or manufacturer’s licensee, class A or B, with an on-site sales and consumption permit may conduct business on ground floor or street level outdoor public or private space, including the sale, service, and consumption alcoholic beverages; provided, that the licensee complies with § 25-113(a)(6).”.

(b) Chapter 4 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

(c) Section 25-791(a)(1) is amended by striking the phrase “21 or more calendar days,” and inserting the phrase “21 or more calendar days, excluding each day during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01,” in its place.

Sec. 205. Third-party food delivery commissions.

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

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

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

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(d) During a public health emergency, at the time a final price is disclosed to a customer for the intended purchase and delivery of food from a restaurant through a third-party food delivery platform and before that transaction is completed by the customer, the third-party food delivery platform shall disclose to the customer, in plain language and in a conspicuous manner, any commission, fee, or any other monetary payment charged to the customer by the third-party food delivery platform.

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

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

(f) For purposes of this section, the term:

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

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

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

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

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

(h) Nothing in this section limits or otherwise impacts the requirement of a third-party food delivery platform to collect and remit sales tax imposed under Chapter 20 of Title 47 of the District of Columbia Official Code.

Sec. 206. Corporate filing extension.

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

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

Sec. 207. Taxes and trade name renewals.

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

(a) Section 47-811(b) is amended by striking the phrase "tax year beginning July 1, 1989, and ending June 30, 1990, the amount of the first and second installments shall reflect and be consistent with the tax rates applicable to that tax year, as provided in § 47-812(b) and (c)" and inserting the phrase "tax year 2020 first installment owing for a real property that is

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commercially improved and occupied and is a hotel or motel, the Chief Financial Officer may waive any penalties and abate interest if the owner pays such installment by June 30, 2020; provided, that the Chief Financial Officer, through the Office of Tax and Revenue, shall issue administrative guidance on the definition of a hotel or motel” in its place.

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

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

“(HH) Public health emergency small business grants awarded pursuant to section 2316 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869).

“(II) Public health emergency grants authorized pursuant to section 16(m)(1) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.13(m)(1)).”.

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

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

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

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

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

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

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

Sec. 208. 8th and O disposition extension.

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

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

“(8)(A) Notwithstanding paragraph (2) of this subsection, for the disposition of the District-owned real property located at 1336 8th Street, N.W., 50% of the affordable units

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shall be for housing for which a low-income household will pay no more than 30% of its income toward housing costs, and 50% of the units shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs, whether or not the units to be constructed are rental units or ownership units.

“(B) The Land Disposition and Development Agreement in the form approved by Council pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498), remains in full force and effect, including, without limitation, the Affordable Housing Covenant attached as an exhibit thereto, which shall be recorded against the property at closing.

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

TITLE III. CONSUMER PROTECTION AND REGULATION

Sec. 301. Opportunity accounts expanded use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Paragraph (6) is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 302. Funeral services consumer protection.

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

“Sec. 4a. Funeral Bill of Rights.

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

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

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

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

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

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

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

(c) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*) is amended as follows:

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

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

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

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

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

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

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

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

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passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869), on any website maintained by the applicant or licensee; or

“(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869), during an initial meeting to discuss or make arrangements for the purchase of funeral goods or services.”.

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

“3110.9 A funeral services establishment shall keep and retain records documenting any required disclosures to consumers, including disclosure of its General Price List, Casket Price List, and Outer Burial Container Price List, and the Funeral Bill of Rights signed by the consumer, as specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869), after the completion or termination of a funeral contract.”.

Sec. 303. Debt collection.

Section 28-3814 of the District of Columbia Official Code is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(2) This subsection shall not apply to:

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

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

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

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

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

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

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

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

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Sec. 304. Emergency credit alerts.

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

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

“Subchapter IV. COVID-19 Emergency Credit Alert.

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

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

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

“(a) If a consumer reports in good faith that he or she has experienced financial hardship resulting directly or indirectly from the public health emergency declared pursuant to § 7-2304.01, a credit reporting agency maintaining a file on the consumer shall accept and include in that file a personal statement, if furnished by the consumer, indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that personal statement along with or accompanying any credit report provided by the agency, beginning on the date of such request, unless the consumer requests that the personal statement be removed.

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

“(c) No user of a credit report shall consider adverse information in a report that was the result of an action or inaction by a consumer that occurred during, and was directly or indirectly the result of, a public health emergency declared pursuant to § 7-2304.01 if the credit report includes a personal statement pursuant to subsection (a) of this section.”

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

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

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

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

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

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

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

“(1) “Consumer;”

“(2) “Credit report;” and

“(3) “Credit reporting agency.

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“(h) This section shall not be construed in a manner inconsistent with the Fair Credit Reporting Act, (15 U.S.C. § 1681 *et seq.*), or any other federal law or regulation.

“(i) This section shall not be enforced until July 1, 2020.”.

Sec. 305. Enhanced penalties for unlawful trade practices.

Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase “by the Department.” and inserting the phrase “by the Department; except, that notwithstanding any other provision of District law or regulation, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, a violation of this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction within the meaning of 16 DCMR § 3200.1(a).”.

Sec. 306. Price gouging and stockpiling.

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

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

“28-4102.01. Stockpiling.”.

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

“(a) It shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold during a public health emergency declared pursuant to § 7-2304.01, or during an emergency resulting from a natural disaster declared pursuant to subsection (b) of this section.”.

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

“§ 28-4102.01. Stockpiling.

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

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

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

“(3) Subject to rationing.”.

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

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

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

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

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Sec. 307. Utility shutoff.

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

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

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

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

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

“(2) For purposes of this subsection, the term “other basic cable operator services” includes only basic broadband internet service and Voice over Internet Protocol service (known as VOIP service).”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 308. Utility payment plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) "Electric company" shall have the same meaning as provided in section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

(4) "Eligible Customer" means a customer that:

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

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

(5) "Gas company" shall have the same meaning as provided in section 3(11) of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(11)).

(6) "Program period" means a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency

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Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) and:

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

(B) For any other utility provider, 6 months thereafter.

(7) "Telecommunications provider" means an entity that provides telecommunications services, whether through a telecommunications system or universal service, as those terms are defined, respectively, in section 2(21) and (22) of the Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154; D.C. Official Code § 34-2001(21) and (22)), or other telecommunication service, whether such service is regulated by the Public Service Commission of the District of Columbia or the Federal Communications Commission, or is currently not regulated by either local or federal law.

(8) "Utility provider" means a cable operator, DC Water, an electric company, a gas company, or a telecommunications provider.

Sec. 309. Composting virtual training.

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

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

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

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

"Sec. 5a. Emergency authority of the Commissioner during a declared public health emergency.

"(a) For the duration of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

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

"(2) Address:

"(A) Submission of claims or proof of loss;

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

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- “(C) Temporary postponement of:
 - “(i) Cancellations;
 - “(ii) Nonrenewals; or
 - “(iii) Premium increases;
- “(D) Modifications to insurance policies;
- “(E) Insurer operations;
- “(F) Filing requirements;
- “(G) Procedures for obtaining nonelective health care services;
- “(H) Time restrictions for filling or refilling prescription drugs;
- “(I) Time frames applicable to an action by the Commissioner under this

section;

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

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

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

“(c)(1) To accomplish the purposes of this section, the Commissioner may issue emergency rulemaking, orders, or bulletins pursuant to this section specifying:

“(A) That the rulemaking, order, or bulletin is effective immediately;

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

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

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

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

Sec. 311. Vacant property designations.

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

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

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

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

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

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

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

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

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

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

TITLE IV. HOUSING AND TENANT PROTECTIONS

Sec. 401. Mortgage relief.

(a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304(b)(15)), and notwithstanding any provision of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1101 *et seq.*), or any other provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Emergency Act”), and for 60 days thereafter, a mortgage lender that makes or holds a residential mortgage loan or commercial mortgage loan in the District shall develop a deferment program for borrowers that, at a minimum:

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

(2) Waives any late fee, processing fee, or any other fee accrued during the period of time for which the Mayor has declared a public health emergency pursuant to the Public Emergency Act; and

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

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

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

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

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

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

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

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

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

(3)(A)(i) A mortgage lender who approves an application for deferment pursuant to this section shall, on or before June 4, 2020, provide to the Commissioner notice of all approved applications on a form prescribed by the Commissioner.

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

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

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

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

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

(g) The provisions of this section shall apply to any lender who makes or holds a commercial mortgage loan in the District, with the exception of national banks and federally chartered credit unions.

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

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

(j) This section shall not apply to a mortgage loan that is a Federally backed mortgage loan, as that term is defined in section 4022(a)(2) of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (134 Stat. 281; 15 U.S.C. § 9056(a)(2)) (“CARES Act”), or a Federally backed multifamily mortgage loan, as that term is defined in section 4023(f)(2) of the CARES Act (15 U.S.C. § 9057(f)(2)).

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

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

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

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

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

Sec. 402. Tenant payment plans.

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

(1) Make a payment plan available to an eligible tenant for the payment of gross rent and any other amounts that come due under the lease during the program period and prior to the cessation of tenancy (“covered time period”), with a minimum term length of one year unless a shorter payment plan term length is requested by the eligible tenant.

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

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

(4) Provide that an eligible tenant does not lose any rights under the lease by entering into the payment plan; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) "Eligible tenant" means a tenant that:

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

(B) Is not a franchisee unless the franchise is owned by a District resident;
and

(C) Has leased from a provider:

(i) A residential property;

(ii) Commercial retail space; or

(iii) Commercial space that is less than 6,500 square feet in size
and that comprises all or part of a commercial building.

(2) "Housing provider" means a person or entity who is a residential landlord, residential owner, residential lessor, residential sublessor, residential assignee, or the agent of any of the foregoing or any other person receiving or entitled to receive the rents or benefits for the use or occupancy of any residential rental unit within a housing accommodation within the District.

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

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

Sec. 403. Residential cleaning.

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

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

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

Sec. 404. Eviction prohibition.

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

(1) Section 16-1501 is amended as follows:

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

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

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

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

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

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

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

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

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

Sec. 405. Residential tenant protections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Paragraph (4) is amended by striking the phrase “or;” and inserting a semicolon in its place.

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

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

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

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

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

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

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

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

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

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

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

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

“(A) The effective date of the rent increase as stated on the notice of rent increase occurs during a period for which a public health emergency has been declared pursuant to the Public Emergency Act, and for 30 days thereafter;

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

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

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

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

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

“(C) The housing provider shall inform tenants in writing that any rent increase notice is null and void pursuant to the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020, passed on emergency basis on July 28, 2020 (Enrolled version of Bill 23-869);

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

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

(8) A new section 911 is added to read as follows:

“Sec. 911. Tolling of tenant deadlines during a public health emergency.

“The running of all time periods for tenants and tenant organizations to exercise rights under this act or under chapters 38 through 43 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR §§ 3800 through 4399) shall be tolled during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.”.

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Sec. 406. Rent increase prohibition.

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

(b)(1) Notwithstanding any other provision of law, a rent increase for a commercial property shall be prohibited during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public 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.

(2) For the purposes of this subsection, the term “commercial property” means:

(A) A commercial retail establishment; or

(B) Leased commercial space that is less than 6,500 square feet in size and that comprises all or part of a commercial building.

(3) Any increase of rent on a commercial property made by a landlord between March 11, 2020, and June 9, 2020, shall be null and void and any excess rent paid by a tenant shall be credited to the tenant.

Sec. 407. Nonprofit corporations and cooperative association remote meetings.

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

(a) Section 29-405.01(e) is amended by striking the phrase “The articles of incorporation or bylaws may provide that an annual” and inserting the phrase “Notwithstanding the articles of incorporation or bylaws, during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), an annual” in its place.

(b) Section 29-910 is amended by striking the phrase “If authorized by the articles or bylaws” and inserting the phrase “During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194, D.C. Official Code § 7-2304.01), regardless of whether remote regular and special meetings of members are authorized by the articles or bylaws” in its place.

Sec. 408. Foreclosure moratorium.

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

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(A) Residential foreclosure may be initiated or conducted under section 539 or section 95 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1274; D.C. Official Code §§ 42-815 and 42-816); or

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

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

(b) Section 313(e) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(e)), is amended by striking the phrase “3 years” and inserting the phrase “3 years, not including any period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 60 days thereafter,” in its place.

TITLE V. HEALTH AND HUMAN SERVICES**Sec. 501. Prescription drugs.**

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

“(g-2)(1) An individual licensed to practice pharmacy pursuant to this act may authorize and dispense a refill of patient prescription medications prior to the expiration of the waiting period between refills to allow District residents to maintain an adequate supply of necessary medication during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

“(2) This subsection shall not apply to any patient prescription for which a refill otherwise would be prohibited under District law.”.

Sec. 502. Homeless services.

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

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

(1) Paragraph (1) is amended by striking the phrase “not to exceed 3 days” and inserting the phrase “not to exceed 3 days; except, that during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Mayor may place the family in an interim eligibility placement for a period not to exceed 60 days” in its place.

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

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

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

(b) Section 9(a)(14) (D.C. Official Code § 4-754.11(a)(14)) is amended by striking the phrase “and other professionals” and inserting the phrase “and other professionals; except, that the Mayor may waive the requirements of this provision for in-person meetings and communications during a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 504. Standby guardianship.

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

(a) A new paragraph (5A) is added to read as follows:

“(5A) “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.”.

(b) Paragraph (6) is amended to read as follows:

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

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

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

(c) Paragraph (10) is amended to read as follows:

“(10) “Incapacity” means:

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

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

(d) Paragraph (13) is amended to read as follows:

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

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

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

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

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

“(iii) Dies; or

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

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

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

“(iii) Dies.”.

Sec. 505. Health status and residence of wards.

Subchapter V of Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

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

“§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward.”

(b) A new section 21-2047.03 is added to read as follows:

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§ 21-2047.03. Duty of guardian to inform certain relatives about the health status and residence of a ward.

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

- “(1) The ward dies;
- “(2) The ward is admitted to a medical facility;
- “(3) The ward is transferred to acute care;
- “(4) The ward is placed on a ventilator;
- “(5) The residence of the ward or the location where the ward lives has changed;

or

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

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

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

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

- “(1) Against whom a protective order is not in effect to protect the ward;
- “(2) Who has not been found by a court or other state agency to have abused, neglected, or exploited the ward; and
- “(3) Who has elected in writing to receive a notice about the ward.

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

“(1) “Relative” means a spouse, parent, sibling, child, or domestic partner of the ward.

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

Sec. 506. Contact tracing hiring requirements.

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

“Sec. 9a. Contact tracing hiring requirements.

“Of the number of persons hired by the Department of Health for positions, whether they be temporary or permanent, under the Contact Trace Force initiative to contain the spread of the novel 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health

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shall establish a goal and make the best effort to hire at least 50% District residents, and for the position of investigator, whether it be a temporary or permanent position, also establish a goal and make the best effort to hire at least 25% graduates from a workforce development or adult education program funded or administered by the District of Columbia.”.

Sec. 507. Public health emergency authority.

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

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

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

- (A) A description of the goods or services procured;
- (B) The source selection method;
- (C) The award amount; and
- (D) The name of the awardee.”.

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

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

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

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

“(16) Notwithstanding any provision of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) (“CMPA”), or the rules issued pursuant to the CMPA, the Jobs for D.C. Residents Amendment Act of 2007, effective February 6, 2008 (D.C. Law 17-108; D.C. Official Code § 1-515.01 *et seq.*), or any other personnel law or rules, the Mayor may take the following personnel actions regarding executive branch subordinate agencies that the Mayor determines necessary and appropriate to address the emergency:

- “(A) Redeploying employees within or between agencies;
- “(B) Modifying employees’ tours of duty;
- “(C) Modifying employees’ places of duty;
- “(D) Mandating telework;
- “(E) Extending shifts and assigning additional shifts;
- “(F) Providing appropriate meals to employees required to work overtime or work without meal breaks;
- “(G) Assigning additional duties to employees;

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“(H) Extending existing terms of employees;

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

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

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

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

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

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

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

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

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

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

(c) A new section 5b to read as follows:

“Sec. 5b. Public health emergency response grants.

“(a) Upon the Mayor’s declaration of a public health emergency pursuant to section 5a, and for a period not exceeding 90 days after the end of the public health emergency, the Mayor may, notwithstanding the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 et seq.), and in the Mayor’s sole discretion, issue a grant or loan to a program or organization to assist the District in responding to the public health emergency, including a grant or loan for the purpose of:

“(1) Increasing awareness and participation in disease investigation and contact tracing;

“(2) Purchasing and distributing personal protective equipment;

“(3) Promoting and facilitating social distancing measures;

“(4) Providing public health awareness outreach; or

“(5) Assisting residents with obtaining disease testing, contacting health care providers, and obtaining medical services.

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

“(c)(1) The Mayor, and any third-party entity chosen pursuant to subsection (b) of this section, shall maintain a list of all grants and loans awarded pursuant to this section with respect to each public health emergency for which grants or loans are issued. The list shall identify, for

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each award, the grant or loan recipient, the date of award, the intended use of the award, and the award amount.

“(2) The Mayor shall publish the list online no later than 60 days after the first grant or loan is issued under this section with respect to a specific public health emergency and shall publish an updated list online within 30 days after each additional grant or loan, if any, is issued with respect to the specific public health emergency.

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

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

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

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

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

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

Sec. 508. Public benefits clarification and continued access.

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

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

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

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

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

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

(b) Notwithstanding any provision of District law, the Mayor may extend the eligibility period for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take such other actions as the Mayor determines appropriate to support continuity of, and access to, any public benefit program, including the DC Healthcare Alliance and Immigrant Children’s program, Temporary Assistance for Needy Families, and Supplemental

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Nutritional Assistance Program, until 60 days after the end of a public health emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), as allowable under federal law.

Sec. 509. Notice of modified staffing levels.

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

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

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

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

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

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

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

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

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

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

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

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

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Sec. 511. Discharge of Long-Term Care residents

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

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

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

or

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

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

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

Sec. 513. Food access study.

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

“Sec. 5a. Food access study.

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

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

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

“(b) For the purposes of this section, the term “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.”.

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Sec. 514. Hospital support funding.

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

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

- (1) An allocation formula based on the number of beds at the eligible hospital; or
- (2) Such other method or formula, as established by the Mayor, that addresses the impacts of COVID-19 on eligible hospitals.

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

- (1) Supplies and equipment related to the COVID-19 emergency, including personal protective equipment, sanitization and cleaning products, medical supplies and equipment, and testing supplies and equipment;
- (2) Personnel costs incurred to respond to the COVID-19 emergency, including the costs of contract staff; and
- (3) Costs of constructing and operating temporary structures to test individuals for COVID-19 or to treat patients with COVID-19.

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

(e) The Mayor shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days after the end of the COVID-19 emergency, whichever is earlier.

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

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

(1) "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

(2) "COVID-19 emergency" means the emergencies declared in the Declaration of Public Emergency (Mayor's Order 2020-045) and the Declaration of Public Health Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of those emergencies.

(3) "Eligible hospital" means a non-profit or for-profit hospital located in the District.

Sec. 515. Contractor reporting of positive cases.

(a) A District government contractor or subcontractor shall immediately provide written notice to the District if it or its subcontractor learns, or has reason to believe, that a covered

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employee has come into contact with, had a high likelihood of coming into contact with, or has worked in close physical proximity to a covered individual.

(b) Notices under subsection (a) of this section shall be made to the District government's contracting officer and contract administrator, or, if a covered individual is in care or custody of the District, to the District agency authorized to receive personally identifiable information. The notices shall contain the following information:

- (1) The name, job title, and contact information of the covered employee;
- (2) The date on, and location at, which the covered employee was exposed, or suspected to have been exposed, to SARS-CoV-2, if known;
- (3) All of the covered employee's tour-of-duty locations or jobsite addresses and the employee's dates at such locations and addresses;
- (4) The names of all covered individuals whom the covered employee is known to have come into contact with, had a high likelihood of coming into contact with, or was in close physical proximity to, while the covered employee performed any duty under the contract with the District; and
- (5) Any other information related to the covered employee that will enable the District to protect the health or safety of District residents, employees, or the general public.

(c) A District government contractor or subcontractor shall immediately cease the on-site performance of a covered employee until such time as the covered employee no longer poses a health risk as determined in writing by a licensed health care provider. The District government contractor shall provide a written copy of the determination to the contract administrator and the contracting officer before the covered employee returns to his or her tour-of-duty location or jobsite address.

(d) The District shall privately and securely maintain all personally identifiable information of covered employees and covered individuals and shall not disclose such information to a third party except as authorized or required by law. District contractors and subcontractors may submit notices pursuant to subsection (a) of this section and otherwise transmit personally identifiable information electronically; provided, that all personally identifiable information be transmitted via a secure or otherwise encrypted data method.

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

- (1) "Covered employee" means an employee, volunteer, subcontractor, or agent of a District government contractor or subcontractor that has provided any service under a District contract or subcontract and has:
 - (A) Tested positive for the novel 2019 coronavirus (SARS-CoV-2);
 - (B) Is in quarantine or isolation due to exposure or suspected exposure to the novel 2019 coronavirus (SARS-CoV-2); or
 - (C) Is exhibiting symptoms of COVID-19.
- (2) "Covered individual" means:
 - (A) A District government employee, volunteer, or agent;
 - (B) An individual in the care of the District, the contractor, or the subcontractor; or

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(C) A member of the public who interacted with, or was in close proximity to, a covered employee while the covered employee carried out performance under a District government contract or subcontract and while the covered employee was at a District government facility or a facility maintained or served by the contractor or subcontractor under a District government contract or subcontract.

(3) "COVID-19" means the disease caused by the novel 2019 coronavirus (SARS-CoV-2).

(4) "District government facility" means a building or any part of a building that is owned, leased, or otherwise controlled by the District government.

(5) "SARS-CoV-2" means the novel 2019 coronavirus.

(f) This section shall apply to all District government contracts and subcontracts that were in effect on, or awarded after March 11, 2020, and shall remain in effect during the period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and for 30 days thereafter.

TITLE VI. EDUCATION

Sec. 601. Graduation requirements.

Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase "shall be satisfactorily completed" and inserting the phrase "shall be satisfactorily completed; except, that this requirement shall be waived for a senior who otherwise would be eligible to graduate from high school in the District of Columbia in the 2019-20 school year" in its place.

(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year" and inserting the phrase "one hundred and twenty (120) hours of classroom instruction over the course of an academic year; except, that following the Superintendent's approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 academic year for any course in which a student in grades 9-12 is enrolled" in its place.

Sec. 602. Out of school time report waiver.

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

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

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requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

Sec. 603. Summer school attendance.

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

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

Sec. 604. Education research practice partnership review panel.

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

Sec. 605. UDC Board of Trustees terms.

Section 201 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1424; D.C. Official Code § 38-1202.01), is amended as follows:

(a) Subsections (d), (e), and (f) are amended to read as follows:

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

“(e) A member of the Board of Trustees who is elected as a holder of a degree pursuant to subsection (c)(3) of this section may be re-elected to serve one additional term, after which he or she may not again be elected pursuant to subsection (c)(3) of this section until at least 5 years have passed following his or her last day of service on the Board.”.

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

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Sec. 606. UDC fundraising match.

Section 4082(a) of the University of the District of Columbia Fundraising Match Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by striking the phrase “for every \$2 that UDC raises from private donations by April 1” and inserting the phrase “to match dollar-for-dollar the amount UDC raises from private donations by May 1” in its place.

TITLE VII. PUBLIC SAFETY AND JUSTICE

Sec. 701. Jail reporting.

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

(a) Paragraph (5)(B) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

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

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

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

“(C) A description of:

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

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

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Sec. 702. Civil rights enforcement.

The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

“Sec. 316a. Civil actions by the Attorney General.

“During a period of time for which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action initiated by the Attorney General for the District of Columbia (“Attorney General”) for violations of this act, or a civil action arising in connection with the PHE, other than an action brought pursuant to section 307:

“(1) The Attorney General may obtain:

“(A) Injunctive relief, as described in section 307;

“(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-1), for each action or practice in violation of this act, and, in the context of a discriminatory advertisement, for each day the advertisement was posted; and

“(C) Any other form of relief described in section 313(a)(1); and

“(2) The Attorney General may seek subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, which shall contain the information described in section 110a(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures described in section 110a(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and (e)); provided, that the subpoenas are not directed to a District government official or entity.”.

Sec. 703. FEMS reassignments.

Section 212 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.12), is amended by adding a new subsection (c) to read as follows:

“(c) It shall not be an unlawful discriminatory practice for the Mayor to reassign personnel of the Fire and Emergency Medical Services Department from firefighting and emergency medical services operations during a period of time for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), based upon the inability of the personnel to wear personal protective equipment in a manner consistent with medical and health guidelines.”.

Sec. 704. Police Complaints Board investigation extension.

Section 5(d-3) of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104(d-3)), is amended as follows:

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(a) Paragraph (1) is amended by striking the phrase “January 1, 2017, through December 31, 2019” and inserting the phrase “August 1, 2019, through January 31, 2020” in its place.

(b) Paragraph (2) is amended by striking the date “April 30, 2021” and inserting the date “September 30, 2021” in its place.

Sec. 705. Extension of time for non-custodial arrestees to report.

Section 23-501(4) of the District of Columbia Official Code is amended by striking the period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.” in its place.

Sec. 706. Good time credits and compassionate release.

(a) Section 3c(c) of the District of Columbia Good Time Credits Act of 1986, effective May 17, 2011 (D.C. Law 18-732; D.C. Official Code § 24-221.01c(c)), is amended by striking the phrase “this section combined” and inserting the phrase “this section combined; except, that during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the Department of Corrections shall have discretion to award additional credits beyond the limits described in this subsection to effectuate the immediate release of persons sentenced for misdemeanors, including pursuant to section 3 and this section, consistent with public safety.”.

(b) An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 696; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(1) A new section 3a-1 is added to read as follows:

“Sec. 3a-1. Good time credit for felony offenses committed before August 5, 2000.

“(a)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; provided, that in the event of a maximum term of life, only the minimum term shall receive good time.

“(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

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“(2) An award of good time credit pursuant to paragraph (1) of this subsection:

“(A) Shall apply to any mandatory minimum term of incarceration; and

“(B) Is not intended to modify how the defendant is awarded good time credit toward any portion of the sentence other than the mandatory minimum.”.

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

“Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

“(a) Notwithstanding any other provision of law, the court may modify a term of imprisonment imposed upon a defendant if it determines the defendant is not a danger to the safety of any other person or the community, pursuant to the factors to be considered in 18 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated, and:

“(1) The defendant has a terminal illness, which means a disease or condition with an end-of-life trajectory;

“(2) The defendant is 60 years of age or older and has served at least 25 years in prison; or

“(3) Other extraordinary and compelling reasons warrant such a modification, including:

“(A) A debilitating medical condition involving an incurable, progressive illness, or a debilitating injury from which the defendant will not recover;

“(B) Elderly age, defined as a defendant who:

“(i) Is 60 years of age or older;

“(ii) Has served at least 20 years in prison or has served the greater of 10 years or 75% of his or her sentence; and

“(iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19;

“(C) Death or incapacitation of the family member caregiver of the defendant's children; or

“(D) Incapacitation of a spouse or a domestic partner when the defendant would be the only available caregiver for the spouse or domestic partner.

“(b) Motions brought pursuant to this section may be brought by the United States Attorney's Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission, or the defendant.

“(c) Although a hearing is not required, to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.

“(d) For the purposes of this section, the term “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

Sec. 707. Healthcare provider liability.

(a) Notwithstanding any provision of District law:

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(1) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from liability in a civil action for damages resulting from such care or treatment of COVID-19, or from any act or failure to act in providing or arranging medical treatment for COVID-19;

(2) A donor of time, professional services, equipment, or supplies for the benefit of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for the family members of such individuals for damages resulting from such donation shall be exempt from liability in a civil action; and

(3) A contractor or subcontractor on a District government contract that has been contracted to provide either health care services or human care services, consistent with section 104(37) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(37)), related to the District government's COVID-19 response shall be exempt from liability in a civil action.

(b) The limitations on liability provided for by subsection (a) of this section shall apply to any healthcare provider, first responder, volunteer, donor, or District government contractor or subcontractor of a District government contractor ("provider"), including a party involved in the healthcare process at the request of a health-care facility or the District government and acting within the scope of the provider's employment or organization's purpose, contractual or voluntary service, or donation, even if outside the provider's professional scope of practice, state of licensure, or with an expired license, who:

(1) Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2017, approved May 30, 2018 (Pub. L. No. 115-176; 132 Stat. 1372).

(2) Provides direct or ancillary health-care services or health care products, including direct patient care, testing, equipment or supplies, consultations, triage services, resource teams, nutrition services, or physical, mental, and behavioral therapies; or

(3) Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health-care services to combat the COVID-19 virus;

(c) The limitations on civil liability provided for by subsection (a) of this section shall not extend to:

(1) Acts or omissions that constitute actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or

(2) Acts or omissions unrelated to direct patient care; provided, that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID-19.

(d) The limitations on liability provided for by subsection (a) of this section extend to acts, omissions, and donations performed or made during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-

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2304.01), and to damages that ensue at any time from acts, omissions, and donations made during the public health emergency.

(e) A healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 shall be exempt from criminal prosecution for any act or failure to act in providing or arranging medical treatment for COVID-19 during a public health emergency, if such action is made in good faith.

(f) The limitations on liability provided for by this section do not limit the applicability of other limitations on liability, including qualified and absolute immunity, that may otherwise apply to a person covered by this section.

(g) For the purposes of this section, the term "COVID-19" means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

TITLE VIII. GOVERNMENT OPERATIONS

Sec. 801. Board of Elections stipends.

Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-1)(10)), is amended by striking the phrase "Chairperson per year" and inserting the phrase "Chairperson per year; except, that for the remainder of 2020 following April 10, 2020, District of Columbia Board of Elections members shall be entitled to compensation at the hourly rate of \$40 while actually in the service of the board, not to exceed \$25,000 for each member per year and \$53,000 for the Chairperson per year" in its place.

Sec. 802. Retirement Board Financial disclosure extension of time.

Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 884; D.C. Official Code § 1-731(a)(1)), is amended by striking the phrase "April 30th" and inserting the phrase "July 30th" in its place.

Sec. 803. Ethics and campaign finance.

(a) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new subsection (c-2) to read as follows:

"(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

"(1) Reports required by this section are to be filed; and

"(2) The names of public officials are to be published pursuant to subsection (c-1) of this section."

(2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new subsection (b-1) to read as follows:

"(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which:

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“(1) Reports required by subsection (a) of this section are to be filed; and
“(2) Reports filed pursuant to subsection (a) of this section shall be reviewed pursuant to subsection (b) of this section.”.

(3) Section 230 (D.C. Official Code § 1-1162.30) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the Board may change the dates by which reports required by subsection (a) of this section shall be filed.”.

(b) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.01 *et seq.*), is amended as follows:

(1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by striking the phrase “in person, although online materials may be used to supplement the training” and inserting the phrase “in person or online” in its place.

(2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its place.

(3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its place.

Sec. 804. Election preparations.

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

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph (31) to read as follows:

“(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, the term “polling place” shall include Vote Centers operated by the Board throughout the District.”.

(b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended as follows:

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

“(9A) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid return envelope;”.

(2) Paragraph (10A) is amended by striking the phrase “7th day after the election” and inserting the phrase “7th day after the election; provided, that for elections held in calendar year 2020, the Board shall accept absentee ballots postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election” in its place.

(c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

(1) Subsection (d)(2) is amended as follows:

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

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(B) Subparagraph (D) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, regularly promote the Board’s revised plans for those elections on the voter registration agencies’ social media platforms, including by providing information about how to register to vote and vote by mail.”.

(2) Subsection (h) is amended by adding a new paragraph (4) to read as follows:

“(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election.”.

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

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

“(3A) For the November 3, 2020, general election:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(g-1) In calendar year 2020:

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

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

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

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

Sec. 805. Absentee ballot request signature waiver.

Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR § 720.7(h)) is amended by striking the phrase “Voter’s signature” and inserting the phrase “Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16, 2020, Ward 2 Special Election, voter’s signature” in its place.

Sec. 806. Overseas ballot extension.

Section 110 of the Uniform Military and Overseas Voters Act of 2012, effective June 5, 2012 (D.C. Law 19-137; D.C. Official Code § 1-1061.10), is amended by striking the phrase “after the election;” and inserting the phrase “after the election; provided, that for elections held in calendar year 2020, the Board shall accept a military-overseas ballot postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 10th day after the election;” in its place.

Sec. 807. Remote notarizations.

The Revised Uniform Law on Notarial Acts Act of 2018, effective December 4, 2018 (D.C. Law 22-189; D.C. Official Code § 1-1231.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

“(2) The notary public:

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

“(B) Has satisfactory evidence of the identity of the individual by means of:

“(i) Personal knowledge or by the individual’s presentation of a current government-issued identification that contains the signature or photograph of the individual to the notary public during the video conference; or

“(ii) A verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify based on a current passport, driver’s license, or government-issued nondriver identification card;

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

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

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

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

“(G) Creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and

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

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

“(d) Notwithstanding any provision of District law, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a notarial act shall be deemed to be performed in the District.”.

Sec. 808. Freedom of Information Act.

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

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

(1) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

(B) Paragraph (2)(A) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

(2) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times it appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

(b) Section 207(a) (D.C. Official Code § 2-537(a)) is amended by striking the phrase “Sundays, and” and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

(c) Section 209 (D.C. Official Code § 2-539) is amended by adding a new subsection (c) to read as follows:

“(c) For the purposes of this title, the term “COVID-19 closure” means:

“(1) A period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01); or

“(2) A period of time during which a public body is closed due to the COVID-19 coronavirus disease, as determined by the personnel authority of the public body.”.

Sec. 809. Open meetings.

The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*), is amended as follows:

(a) Section 405(a) (D.C. Official Code § 2-575(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(2) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its place.

(3) A new paragraph (4) is added to read as follows:

“(4) During a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective

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October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the public body takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.”

(b) Section 406 (D.C. Official Code § 2-576) is amended by adding a new paragraph (6) to read as follows:

“(6) The public posting requirements of paragraph (2)(A) of this section shall not apply during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”

(c) Section 407(a)(1) (D.C. Official Code § 2-577(a)(1)) is amended by striking the phrase “attend the meeting;” and inserting the phrase “attend the meeting, or in the case of a meeting held during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), steps are taken that are reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable.”

(d) Section 408(b) (D.C. Official Code § 2-578(b)) is amended by adding a new paragraph (3) to read as follows:

“(3) The schedule provided in paragraphs (1) and (2) of this subsection shall be tolled during a period for which a public health emergency has been declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”

Sec. 810. Electronic witnessing.

(a) Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-4802 is amended as follows:

(A) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(9B) “Electronic presence” means when one or more witnesses are in a different physical location than the designator but can observe and communicate with the designator and one another to the same extent as if the witnesses and designator were physically present with one another.”

(B) New paragraphs (11A) and (11B) are added to read as follows:

“(11A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(11B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”

(2) Section 16-4803 is amended as follows:

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(A) Subsection (c) is amended by striking the phrase “the adult signs the designation in the presence of the designator” and inserting the phrase “the adult signs the designation in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the designator” in its place.

(B) Subsection (d) is amended by striking the phrase “in the presence of 2 witnesses” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of 2 witnesses” in its place.

(b) Title 21 of the District of Columbia Official Code is amended as follows:

(1) Section 21-2011 is amended as follows:

(A) New paragraphs (5B-i) and (5B-ii) are added to read as follows:

“(5B-i) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(5B-ii) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

(B) New paragraphs (23A) and (23B) are added to read as follows:

“(23A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(23B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 21-2043 is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the signatory.”.

(3) Section 21-2202 is amended as follows:

(A) New paragraphs (3A) and (3B) are added to read as follows:

“(3A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(3B) “Electronic presence” means when one or more witnesses are in a different physical location than the principal but can observe and communicate with the principal and one another to the same extent as if the witnesses and principal were physically present with one another.”.

(B) A new paragraph (6B) is added to read as follows:

“(6B) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.”.

(C) A new paragraph (8) is added to read as follows:

“(8) “Sign” means with present intent to authenticate or adopt a record to:

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“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(4) Section 21-2205(c) is amended by striking the phrase “2 adult witnesses who affirm that the principal was of sound mind” and inserting the phrase “2 adult witnesses who, in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence of the principal, affirm that the principal was of sound mind” in its place.

(5) Section 21-2210(c) is amended is amended by striking the phrase “There shall be at least 1 witness present” and inserting the phrase “There shall be at least one witness present or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, electronically present” in its place.

(c) Title III of the Disability Services Reform Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2131 *et seq.*), is amended as follows:

(1) Section 301 (D.C. Official Code § 7-2131) is amended as follows:

(A) New paragraphs (6A) and (6B) are added to read as follows:

“(6A) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(6B) “Electronic presence” means when one or more witnesses are in a different physical location than the signatory but can observe and communicate with the signatory and one another to the same extent as if the witnesses and signatory were physically present with one another.”.

(B) New paragraphs (9A) and (9B) are added to read as follows:

“(9A) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(9B) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(2) Section 302 (D.C. Official Code § 7-2132) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) With respect to witnesses referred to in subsection (c) of this section, witnesses must be in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence of the signatory.”.

Sec. 811. Electronic wills.

Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“18-813. Electronic wills.”.

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(b) Section 18-103(2) is amended by striking the phrase “in the presence of the testator” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01, the electronic presence, as defined in § 18-813(a)(2), of the testator” in its place.

(c) A new section 18-813 is added to read as follows:

“§ 18-813. Electronic wills.

“(a) For the purposes of this section, the term:

“(1) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“(2) “Electronic presence” means when one or more witnesses are in a different physical location than the testator but can observe and communicate with the testator and one another to the same extent as if the witnesses and testator were physically present with one another.

“(3) “Electronic will” means a will or codicil executed by electronic means.

“(4) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic medium and is retrievable in perceivable form.

“(5) “Sign” means, with present intent to authenticate or adopt a record, to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.

“(b)(1) A validly executed electronic will shall be a record that is:

“(A) Readable as text at the time of signing pursuant to subparagraph (B) of this paragraph; and

“(B) Signed:

“(i) By the testator, or by another person in the testator’s physical presence and by the testator’s express direction; and

“(ii) In the physical or electronic presence of the testator by at least 2 credible witnesses, each of whom is physically located in the United States at the time of signing.

“(2) In order for the electronic will to be admitted to the Probate Court, the testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who supervised the execution of the electronic will shall certify a paper copy of the electronic will by affirming under penalty of perjury that:

“(A) The paper copy of the electronic will is a complete, true, and accurate copy of the electronic will; and

“(B) The conditions in paragraph (1) of this subsection were satisfied at the time the electronic will was signed.

“(3) Except as provided in subsection (c) of this section, a certified paper copy of an electronic will shall be deemed to be the electronic will of the testator for all purposes under this title.

“(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

“(2) An electronic will, or a part thereof, is revoked by:

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“(A) A subsequent will or electronic will that revokes the electronic will, or a part thereof, expressly or by inconsistency; or

“(B) A direct physical act cancelling the electronic will, or a part thereof, with the intention of revoking it, by the testator or a person in the testator’s physical presence and by the testator’s express direction and consent.

“(3) After it is revoked, an electronic will, or a part thereof, may not be revived other than by its re-execution, or by a codicil executed as provided in the case of wills or electronic wills, and then only to the extent to which an intention to revive is shown in the codicil.

“(d) An electronic will not in compliance with subsection (b)(1) of this section is valid if executed in compliance with the law of the jurisdiction where the testator is:

“(1) Physically located when the electronic will is signed; or

“(2) Domiciled or resides when the electronic will is signed or when the testator dies.

“(e) Except as otherwise provided in this section:

“(1) An electronic will is a will for all purposes under the laws of the District of Columbia; and

“(2) The laws of the District of Columbia applicable to wills and principles of equity apply to an electronic will.

“(f) This section shall apply to electronic wills made during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01.”.

Sec. 812. Administrative hearings deadlines.

Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the 90-day time period to request a hearing shall be tolled:

(1) To review an adverse action by the Mayor concerning any new application for public assistance or any application or request for a change in the amount, kind or conditions of public assistance, or a decision by the Mayor to terminate, reduce, or change the amount, kind, or conditions of public assistance benefits or to take other action adverse to the recipient pursuant to section 1009 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-210.09); or

(2) To appeal an adverse decision listed in section 26(b) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-754.41(b)).

Sec. 813. Other boards and commissions.

Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public

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Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

(1) Any requirement for a board, commission, or other public body to meet is waived, unless the Mayor determines that it is necessary or appropriate for the board, commission, or other public body to meet during the period of the public health emergency, in which case the Mayor may order the board, commission, or other public body to meet;

(2) Any vacancy that occurs on a board or commission shall not be considered a vacancy for the purposes of nominating a replacement; and

(3) The review period for nominations transmitted to the Council for approval or disapproval in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), shall be tolled.

Sec. 814. Living will declaration.

The Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-621 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-621) is amended as follows:

(1) A new paragraph (2B) is added to read as follows:

“(2B) “Electronic presence” means when one or more witnesses are in a different physical location than the declarant but can observe and communicate with the declarant and one another by using technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to the same extent as if the witnesses and declarant were physically present with one another.

(2) A new paragraph (5A) is added to read as follows:

“(5A) “Sign” means with present intent to authenticate or adopt a record to:

“(A) Execute or adopt a tangible symbol; or

“(B) Affix to or associate with the record an electronic signature.”.

(b) Section 3 (D.C. Official Code § 7-622) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “Signed in the presence” and inserting the phrase “Signed in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the electronic presence” in its place.

(2) A new subsection (d) is added to read as follows:

“(d) During a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), any signature required by this act may be an electronic signature.”.

(c) Section 5(a)(3) (D.C. Official Code § 7-624(a)(3)) is amended by striking the phrase “in the presence of a witness” and inserting the phrase “in the presence or, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the

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District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), electronic presence of a witness” in its place.

TITLE IX. LEGISLATIVE BRANCH

Sec. 901. Council Rules.

The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Resolution of 2019, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Section 101(31) is amended by striking the phrase “in 2020.” and inserting the phrase “in 2020. For 2020, the summer recess shall be August 1st through September 7th.” in its place

(b) Section 367 is amended by striking the phrase “remote voting or proxy shall” and inserting the phrase “proxy shall” in its place.

(c) Rule VI(c) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by adding a new paragraph (5) to read as follows:

“(5) Notwithstanding any other rule, during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Councilmember may disseminate information about, and connect constituents with, services and offers, including from for-profit entities, that the Councilmember determines is in the public interest in light of the public health emergency.”.

(d) Rule X(f)(1)(C) of the Council of the District of Columbia, Code of Official Conduct, Council Period 23, is amended by striking the phrase “The proposed” and inserting the phrase “Unless the electronic newsletter exclusively contains information relating to a declared public health emergency, the proposed” in its place.

Sec. 902. Grant budget modifications.

(a) The Council approves the acceptance, obligation, and expenditure by the Mayor of the federal, private, and other grants related to the Declaration of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on March 11, 2020, submitted to the Council for approval and accompanied by a report by the Office of the Chief Financial Officer on or before March 17, 2020 pursuant to section 446B(b)(1) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)).

(b) For purposes of section 446B(b)(1)(B) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(B)), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant related to the Declaration of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-046), both declared on March 11, 2020, all or a portion of which is accepted, obligated, and expended for the purpose of addressing a public emergency, if:

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(1) No written notice of disapproval is filed with the Secretary to the Council within 2 business days of the receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)); or

(2) Such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 5 calendar days of the initial receipt of the report from the Chief Financial Officer under section 446B(b)(1)(A) of the District of Columbia Home Rule Act, approved October 16, 2006 (120 Stat. 2040; D.C. Official Code § 1-204.46b(b)(1)(A)).

Sec. 903. Budget submission requirements.

The Fiscal Year 2021 Budget Submission Requirements Resolution of 2019, effective November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended as follows:

(a) Section 2 is amended by striking the phrase “not later than March 19, 2020,” and inserting the phrase “not later than May 18, 2020, unless another date is set by subsequent resolution of the Council” in its place.

(b) Section 3(2) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “the proposed Fiscal Year 2021 Local Budget Act of 2020,” and inserting the phrase “the proposed Fiscal Year 2021 Local Budget Act of 2020, the proposed Fiscal Year 2021 Local Budget Emergency Act of 2020, the proposed Fiscal Year 2021 Local Budget Temporary Act of 2020,” in its place.

(2) Subparagraph (C) is amended by striking the phrase “produced from PeopleSoft on March 19, 2020” and inserting the phrase “produced from PeopleSoft on May 18, 2020” in its place.

Sec. 904. Tolling of matters transmitted to the Council.

(a) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), is amended as follows:

(1) Subsection (c) is amended by striking the phrase “180 days,” and inserting the phrase “180 days, excluding days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place

(2) Subsection (e) is amended by striking the phrase “excluding days of Council recess” and inserting the phrase “excluding days of Council recess and days occurring during a period of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

(3) Subsection (f) is amended by striking the phrase “Council shall have an additional 45 days, excluding days of Council recess,” and inserting the phrase “Council shall have an additional 45 days, excluding days of Council recess and days occurring during a period

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of time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

(b) Notwithstanding any provision of law, during a period time for which the Mayor has declared a public health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), the review period for any matter transmitted to the Council for approval or disapproval, other than nominations transmitted in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), contract approvals, or reprogrammings transmitted in accordance with section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Official Code § 47-363), shall be tolled if not inconsistent with the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

Sec. 905. Advisory Neighborhood Commissions.

The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 1-309.05(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “Candidates for” and inserting the phrase “Except as provided in paragraph (3) of this subsection, candidates for” in its place.

(2) A new paragraph (3) is added to read as follows:

“(3) For the November 3, 2020, general election:

“(A) Candidates for member of an Advisory Neighborhood Commission shall be nominated by a petition signed by not fewer than 10 registered qualified electors who are residents of the single-member district from which the candidate seeks election;

“(B) The petitions of a candidate in subparagraph (A) of this paragraph may be electronically:

“(i) Made available by the candidate to a qualified petition circulator; and

“(ii) Returned by a qualified petition circulator to the candidate; and

“(C) Signatures on a candidate’s petitions shall not be invalidated because the signer was also the circulator of the same petition on which the signature appears.”.

(b) Section 8(d) (D.C. Official Code § 1-309.06(d)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “prior to a general election” both times it appears and inserting the phrase “prior to a general election or during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

(2) Paragraph (6) is amended as follows:

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(A) Subparagraph (A) is amended by striking the phrase “and legal holidays” and inserting the phrase “legal holidays, and days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

(B) Subparagraph (C) is amended by striking the phrase “petitions available,” and inserting the phrase “petitions available, not including days during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

(C) Subparagraph (E) is amended by striking the phrase “or special meeting” and inserting the phrase “or special meeting, not to include a remote meeting held during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

(c) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection (q) to read as follows:

“(q) During a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

“(1) The 30-day written notice requirement set forth in subsection (b) of this section shall be a 51-day written notice requirement; and

“(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of this section shall be a 66-calendar-day notice requirement.”

(d) Section 14(b) (D.C. Official Code § 1-309.11(b)), is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “by the Commission.” and inserting the phrase “by the Commission; provided, that no meetings shall be required to be held during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and the number of meetings required to be held in a given year shall be reduced by one for every 30 days that a public health emergency is in effect during the year.”

(2) A new paragraph (1B) is added to read as follows:

“(1B) Notwithstanding any other provision of law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an Advisory Neighborhood Commissioner may call a meeting and remotely participate in that meeting and vote on matters before the Commission without being physically present through a teleconference or through digital means identified by the Commission for this purpose. Members physically or remotely present shall be counted for determination of a quorum.”

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(e) Section 16 (D.C. Official Code § 1-309.13) is amended as follows:

(1) Subsection (j)(3) is amended by adding a new subparagraph (C) to read as follows:

“(C) Subparagraph (A)(i) of this paragraph shall not apply to the failure to file quarterly reports due during a period of time for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).”.

(2) Subsection (m)(1) is amended by striking the phrase “District government” and inserting the phrase “District government; except, that notwithstanding any provision of District law, during a period for which a public health emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a Commission may approve grants to organizations for the purpose of providing humanitarian relief, including food or supplies, during the public health emergency, or otherwise assisting in the response to the public health emergency anywhere in the District, even if those services are duplicative of services also performed by the District government” in its place.

TITLE X. BORROWING AUTHORITY**SUBTITLE A. GENERAL OBLIGATION NOTES**

Sec. 1001. Short title.

This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes Second Congressional Review Emergency Act of 2020”.

Sec. 1002. Definitions.

For the purposes of this subtitle, the term:

(1) “Additional Notes” means District general obligation notes described in section 1009 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the notes.

(2) “Authorized delegate” means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) “Available funds” means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) “Chief Financial Officer” means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24(a)).

(6) “City Administrator” means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

(7) “Council” means the Council of the District of Columbia.

(8) “District” means the District of Columbia.

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(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1007.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1009 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1003. Findings.

The Council finds that:

(1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to meet appropriations for that fiscal year.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The issuance of general obligation notes in a sum not to exceed \$300,000,000 is in the public interest.

Sec. 1004. Note authorization.

(a) The District is authorized to incur indebtedness, for operating or capital expenses, by issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet appropriations for the fiscal year ending September 30, 2020.

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(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1005. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2021.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes to be issued;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;
- (8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and
- (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

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Sec. 1006. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);
- (3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes. .

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The certificate shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions

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taken as stated in the certificate. A copy of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificate.

Sec. 1007. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes as they become due and payable through required sinking fund payments, redemptions, or otherwise.

(b) The Council shall, in the full exercise of the authority granted in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83) and under any other law, provide in each annual budget for a fiscal year of the District sufficient funds to pay the principal of, and interest on, the notes becoming due and payable for any reason during that fiscal year.

(c) The Mayor shall, in the full exercise of the authority granted to the Mayor under the Home Rule Act and under any other law, take such actions as may be necessary or appropriate to ensure that the principal of, and interest on, the notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

(d) The notes shall evidence continuing obligations of the District until paid in accordance with their terms.

(e) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(f) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

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(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to the effective date of this subtitle, relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 20% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable, to the creditworthiness of the counterparty or counterparties including any rating by a nationally

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recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1008. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow agent,” in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less-than-sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1009. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

(b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the

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District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71), the provisions of section 1007 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement.

Sec. 1010. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1011. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1012. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

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Sec. 1013. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1014. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

SUBTITLE B. TRANs NOTES

Sec. 1021. Short title.

This subtitle may be cited as the "Fiscal Year 2020 Tax Revenue Anticipation Notes Second Congressional Review Emergency Act of 2020".

Sec. 1022. Definitions.

For the purposes of this subtitle, the term:

(1) "Additional Notes" means District general obligation revenue anticipation notes described in section 1029 that may be issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a parity with the notes.

(2) "Authorized delegate" means the City Administrator, the Chief Financial Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(3) "Available funds" means District funds required to be deposited with the Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

(4) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

(5) "Chief Financial Officer" means the Chief Financial Officer established pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

(6) "City Administrator" means the City Administrator established pursuant to section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

(7) "Council" means the Council of the District of Columbia.

(8) "District" means the District of Columbia.

(9) "Escrow Agent" means any bank, trust company, or national banking association with requisite trust powers designated to serve in this capacity by the Chief Financial Officer.

(10) "Escrow Agreement" means the escrow agreement between the District and the Escrow Agent authorized in section 1027.

(11) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Notes" means one or more series of District general obligation

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revenue anticipation notes authorized to be issued pursuant to this subtitle.

(14) "Receipts" means all funds received by the District from any source, including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds that are pledged to debt or other obligations according to section 1029 or that are restricted by law to uses other than payment of principal of, and interest on, the notes.

(15) "Secretary" means the Secretary of the District of Columbia.

(16) "Treasurer" means the District of Columbia Treasurer established pursuant to section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

Sec. 1023. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the Council may authorize, by act, the issuance of general obligation revenue anticipation notes for a fiscal year in anticipation of the collection or receipt of revenues for that fiscal year. Section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) provides further that the total amount of general obligation revenue anticipation notes issued and outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for that fiscal year, as certified by the Mayor pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), as of a date not more than 15 days before each original issuance of the notes.

(2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82), the full faith and credit of the District is pledged for the payment of the principal of, and interest on, any general obligation revenue anticipation note.

(3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), the Council is required to provide in the annual budget sufficient funds to pay the principal of, and interest on, all general obligation revenue anticipation notes becoming due and payable during that fiscal year, and the Mayor is required to ensure that the principal of, and interest on, all general obligation revenue anticipation notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

(4) The Chief Financial Officer has advised the Council that, based upon the Chief Financial Officer's projections of anticipated receipts and disbursements during the fiscal year ending September 30, 2020, it may be necessary for the District to borrow to a sum not to exceed \$200,000,000, an amount that does not exceed 20% of the total anticipated revenue of the District for such fiscal year, and to accomplish the borrowing by issuing general obligation revenue anticipation notes in one or more series.

(5) The issuance of general obligation revenue anticipation notes in a sum not to exceed \$200,000,000 is in the public interest.

Sec. 1024. Note authorization.

(a) The District is authorized to incur indebtedness by issuing the notes pursuant to sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in

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one or more series, in a sum not to exceed \$200,000,000, to finance its general governmental expenses, including operating or capital expenses, in anticipation of the collection or receipt of revenues for the fiscal year ending September 30, 2020.

(b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the costs and expenses of issuing and delivering the notes, including, but not limited to, underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement, marketing and selling the notes, interest or credit fees, and printing costs and expenses.

Sec. 1025. Note details.

(a) The notes shall be known as "District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" and shall be due and payable, as to both principal and interest, on or before September 30, 2020.

(b) The Chief Financial Officer is authorized to take any action necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the notes, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the notes, including any redemptions applicable thereto and a determination that the notes may be issued in book-entry form;
- (2) Provisions for the transfer and exchange of the notes;
- (3) The principal amount of the notes to be issued;
- (4) The rate or rates of interest or the method of determining the rate or rates of interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days elapsed); provided further, that if the notes are not paid at maturity, the notes may provide for an interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the basis of a 365-day year (actual days elapsed);
- (5) The date or dates of issuance, sale, and delivery of the notes;
- (6) The place or places of payment of principal of, and interest on, the notes;
- (7) The designation of a registrar, if appropriate, for any series of the notes, and the execution and delivery of any necessary agreements relating to the designation;
- (8) The designation of paying agent(s) or escrow agent(s) for any series of the notes, and the execution and delivery of any necessary agreements relating to such designations; and
- (9) Provisions concerning the replacement of mutilated, lost, stolen, or destroyed notes.

(c) The notes shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is designated, the registrar shall authenticate each note by manual signature and maintain the books of registration for the payment of the principal of and interest on the notes and perform other ministerial responsibilities as specifically provided in its designation as registrar.

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(d) The notes may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1026. Sale of the notes.

(a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par plus accrued interest from the date of the notes to the date of delivery thereof. The purchase contract or bid form shall contain the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's approval, on behalf of the District, of the final form and content of the notes. The Chief Financial Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the purchase price provided in the purchase contract or bid form.

(b) The Chief Financial Officer may execute, in connection with each sale of the notes, an offering document on behalf of the District, and may authorize the document's distribution in relation to the notes being sold.

(c) The Chief Financial Officer shall take actions and execute and deliver agreements, documents, and instruments (including any amendment of or supplement to any such agreement, document, or instrument) in connection with any series of notes as required by or incidental to:

- (1) The issuance of the notes;
- (2) The establishment or preservation of the exclusion from gross income for federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);
- (3) The performance of any covenant contained in this subtitle, in any purchase contract for the notes, or in any escrow or other agreement for the security thereof;
- (4) The provision for securing the repayment of the notes by a letter or line of credit or other form of credit enhancement, and the repayment of advances under any such credit enhancement, including the evidencing of such a repayment obligation with a negotiable instrument with such terms as the Chief Financial Officer shall determine; or
- (5) The execution, delivery, and performance of the Escrow Agreement, a purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement relating to credit enhancement, if any, including any amendments of any of these agreements, documents, or instruments.

(d) The notes shall not be issued until the Chief Financial Officer receives an approving opinion of Bond Counsel as to the validity of the notes and the exemption from the District income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if issued tax-exempt, the establishment or preservation of the exclusion from gross income for federal income tax purposes of the interest on the notes.

(e) The Chief Financial Officer shall execute a note issuance certificate evidencing the determinations and other actions taken by the Chief Financial Officer for each issue or series of the notes issued and shall designate in the note issuance certificate the date of the notes, the

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series designation, the aggregate principal amount to be issued, the authorized denominations of the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a separate certificate, not more than 15 days before each original issuance of a series, the total anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the total amount of all general obligation revenue anticipation notes issued and outstanding at any time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery of the notes covered by the certificates.

Sec. 1027. Payment and security.

(a) The full faith and credit of the District is pledged for the payment of the principal of, and interest on, the notes when due.

(b) The funds for the payment of the notes as described in this subtitle shall be irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall be used for the payment of the principal of, and interest on, the notes when due, and shall not be used for other purposes so long as the notes are outstanding and unpaid.

(c) The notes shall be payable from available funds of the District, including, but not limited to, any moneys advanced, loaned, or otherwise provided to the District by the United States Treasury, and shall evidence continuing obligations of the District until paid in accordance with their terms.

(d) The Chief Financial Officer may, without regard to any act or resolution of the Council now existing or adopted after the effective date of this subtitle, designate an Escrow Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes" is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the Escrow Agreement. Funds on deposit, including investment income, under the Escrow Agreement shall not be used for any purposes except for payment of the notes or, to the extent permitted by the Home Rule Act, to service any contract or other arrangement permitted under subsections (k) or (l) of this section, and may be invested only as provided in the Escrow Agreement.

(e) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued interest and premium, if any, received upon the sale of the notes.

(f)(1) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds in accordance with the Escrow Agreement at the time and in the amount as provided in the Escrow Agreement.

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(2) If Additional Notes are issued pursuant to section 1029(b), and if on the date set forth in the Escrow Agreement, the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes, less all amounts on deposit, including investment income, under the Escrow Agreement exceeds 90% of the actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), for the period August 15, 2020, until September 30, 2020, beginning on the date set forth in the Escrow Agreement, the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District after the date set forth in the Escrow Agreement, until the aggregate amount of principal and interest payable at maturity on the outstanding notes, including any Additional Notes as described above, is less than 90% of actual receipts of District taxes (other than special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)).

(3) The District covenants that it shall levy, maintain, or enact taxes due and payable during August 1, 2020, through September 30, 2020, to provide for payment in full of the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(g) Before the 16th day of each month, beginning in August 2020, the Chief Financial Officer shall review the current monthly cash flow projections of the District, and if the Chief Financial Officer determines that the aggregate amount of principal and interest payable at maturity on the notes then outstanding, less any amounts and investment income on deposit under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief Financial Officer to be received after such date by the District but before the maturity of the notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and deposit with the Escrow Agent the receipts received by the District on and after that date until the aggregate amount, including investment income, on deposit with the Escrow Agent equals or exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their maturity.

(h) The Chief Financial Officer shall, in the full exercise of the authority granted the Chief Financial Officer under the Home Rule Act and under any other law, take actions as may be necessary or appropriate to ensure that the principal of and interest on the notes are paid when due, including, but not limited to, seeking an advance or loan of moneys from the United States Treasury if available under then current law. This action shall include, without limitation, the deposit of available funds with the Escrow Agent as may be required under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement. Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief

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Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her discretion.

(i) There are provided and approved for expenditure sums as may be necessary for making payments of the principal of, and interest on, the notes, and the provisions of the Fiscal Year 2020 Local Budget Act relating to borrowings are amended and supplemented accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official Code § 1-204.83)).

(j) The notes shall be payable, as to both principal and interest, in lawful money of the United States of America in immediately available or same day funds at a bank or trust company acting as paying agent, and at not more than 2 co-paying agents that may be located outside the District. All of the paying agents shall be qualified to act as paying agents under the laws of the United States of America, of the District, or of the state in which they are located, and shall be designated by the Chief Financial Officer without regard to any other act or resolution of the Council now existing or adopted after the effective date of this subtitle.

(k) In addition to the security available for the holders of the notes, the Chief Financial Officer is hereby authorized to enter into agreements, including any agreement calling for payments in excess of \$1,000,000 during Fiscal Year 2020, with a bank or other financial institution to provide a letter of credit, line of credit, or other form of credit enhancement to secure repayment of the notes when due. The obligation of the District to reimburse the bank or financial institution for any advances made under any such credit enhancement shall be a general obligation of the District until repaid and shall accrue interest at the rate of interest established by the Chief Financial Officer not in excess of 15% per year until paid.

(l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code, shall not apply to any contract that the Chief Financial Officer may from time to time determine to be necessary or appropriate to place, in whole or in part, including:

- (1) An investment or obligation of the District as represented by the notes;
- (2) An investment or obligation or program of investment; or
- (3) A contract or contracts based on the interest rate, currency, cash flow, or other basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap agreements; currency swap agreements; insurance agreements; forward payment conversion agreements; futures; contracts providing for payments based on levels of, or changes in, interest rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure, including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts or other arrangements also may be entered into by the District in connection with, or incidental to, entering into or maintaining any agreement that secures the notes. The contracts or other arrangements shall contain whatever payment, security, terms, and conditions as the Chief Financial Officer may consider appropriate and shall be entered into with whatever party or parties the Chief Financial Officer may select, after giving due consideration, where applicable,

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to the creditworthiness of the counterparty or counterparties including any rating by a nationally recognized rating agency or any other criteria as may be appropriate. In connection with, or incidental to, the issuance or holding of the notes, or entering into any contract or other arrangement referred to in this section, the District may enter into credit enhancement or liquidity agreements, with payment, interest rate, termination date, currency, security, default, remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds of the notes and any money set aside for payment of the notes or of any contract or other arrangement entered into pursuant to this section may be used to service any contract or other arrangement entered into pursuant to this section.

Sec. 1028. Defeasance.

(a) The notes shall no longer be considered outstanding and unpaid for the purpose of this subtitle and the Escrow Agreement, and the requirements of this subtitle and the Escrow Agreement shall be deemed discharged with respect to the notes, if the Chief Financial Officer:

(1) Deposits with an Escrow Agent, herein referred to as the “defeasance escrow agent,” in a separate defeasance escrow account, established and maintained by the Escrow Agent solely at the expense of the District and held in trust for the note owners, sufficient moneys or direct obligations of the United States, the principal of and interest on which, when due and payable, will provide sufficient moneys to pay when due the principal of, and interest payable at maturity on, all the notes; and

(2) Delivers to the defeasance escrow agent an irrevocable letter of instruction to apply the moneys or proceeds of the investments to the payment of the notes at their maturity.

(b) The defeasance escrow agent shall not invest the defeasance escrow account in any investment callable at the option of its issuer if the call could result in less than sufficient moneys being available for the purposes required by this section.

(c) The moneys and direct obligations referred to in subsection (a)(1) of this section may include moneys or direct obligations of the United States of America held under the Escrow Agreement and transferred, at the written direction of the Chief Financial Officer, to the defeasance escrow account.

(d) The defeasance escrow account specified in subsection (a) of this section may be established and maintained without regard to any limitations placed on these accounts by any act or resolution of the Council now existing or adopted after this subtitle becomes effective, except for this subtitle.

Sec. 1029. Additional debt and other obligations.

(a) The District reserves the right at any time to: borrow money or enter into other obligations to the full extent permitted by law; secure the borrowings or obligations by the pledge of its full faith and credit; secure the borrowings or obligations by any other security and pledges of funds as may be authorized by law; and issue bonds, notes, including Additional Notes, or other instruments to evidence the borrowings or obligations.

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(b)(1) The District may issue Additional Notes pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other available funds for payment of the principal of, and the interest on, the Additional Notes issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis with the notes.

(2) The receipts and available funds referred to in subsection (a) of this section shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(3) Any covenants relating to any Additional Notes shall have equal standing and be on a parity with the covenants made for payment of the principal of, and the interest on, the notes.

(4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the provisions of section 1027 shall apply to both the notes and the Additional Notes and increase the amounts required to be set aside and deposited with the Escrow Agent.

(5) As a condition precedent to the issuance of any Additional Notes, the Chief Financial Officer shall deliver a signed certificate certifying that the District is in full compliance with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-aside and deposit of receipts pursuant to section 1027(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 1027(g) applied immediately after the issuance.

Sec. 1030. Tax matters.

At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial Officer shall take all actions necessary to be taken so that the interest on the notes will not be includable in gross income for federal income tax purposes.

Sec. 1031. Contract.

This subtitle shall constitute a contract between the District and the owners of the notes authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in conflict with this subtitle, this subtitle shall be controlling.

Sec. 1032. District officials.

(a) The elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the notes or be subject to any personal liability by reason of the issuance of the notes.

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(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding the fact that the official ceases to be that official before delivery of the notes.

Sec. 1033. Authorized delegation of authority.

To the extent permitted by the District and federal laws, the Mayor may delegate to the City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act authorized to be performed by the Mayor under this subtitle.

Sec. 1034. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

TITLE XI. REVENUE BONDS**SUBTITLE A. STUDIO THEATER, INC.**

Sec. 1101. Short title.

This subtitle may be cited as the "The Studio Theatre, Inc. Revenue Bonds Second Congressional Review Emergency Act of 2020".

Sec. 1102. Definitions.

For the purposes of this subtitle the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 422(6)).

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which is liable for the repayment of the Bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

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Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Renovating and expanding by approximately 2,780 gross square feet the Borrower's mixed-use theater complex located at 1501 14th Street, N.W., in Washington, D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of above grade improvements ("Theater Facility");

(B) Renovating certain residential facilities in Washington, D.C., owned by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179, Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W. (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W. (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, "Ancillary Facilities" and together with the Theater Facility, "Facilities");

(C) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facilities;

(D) Funding certain expenditures associated with the financing of the Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

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(E) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1103. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$12,500,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facilities are located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of capital projects in the form of facilities used for the Borrower's operations and, in part, as a venue to produce contemporary theater and serve the community through artistic innovation, engagement, education and professional development (and property used in connection with or supplementing the foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1104. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$12,500,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the

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issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1105. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

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Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1106. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1107. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

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(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1108. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1109. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1110. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1107.

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(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to either perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1111. District officials.

(a) Except as otherwise provided in section 1110(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1112. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1113. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

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Sec. 1114. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1115. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1116. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.

Sec. 1121. Short title.

This subtitle may be cited as the “DC Scholars Public Charter School, Inc. Revenue Bonds Second Congressional Review Emergency Act of 2020”.

Sec. 1122. Definitions.

For the purpose of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to

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whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this subtitle.

(4) "Borrower" means the owner, operator, manager and user of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars Public Charter School, Inc., a corporation organized under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

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(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Financing the acquisition of a leasehold interest in an existing school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the "Facility"), which Facility will be operated by the Borrower;

(B) Refinancing the outstanding amount of existing taxable loans and related expenses, the proceeds of which were used to finance improvements to the Facility;

(C) Funding a debt service reserve fund with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds;

(D) Paying capitalized interest with respect to the Bonds, if deemed necessary in connection with the sale of the Bonds; and

(E) Paying allowable Issuance Costs.

Sec. 1123. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary, secondary, and college and university facilities within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1124. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000; and

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(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1125. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not

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involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1126. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1127. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made

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available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1128. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1129. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1130. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

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(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1127.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in, or omission from, the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1131. District officials.

(a) Except as otherwise provided in section 1130(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1132. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1133. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

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Sec. 1134. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1135. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1136. Severability.

If any particular provision of this subtitle, or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.

Sec. 1141. Short title.

This subtitle may be cited as the "Washington Housing Conservancy/WHC Park Pleasant LLC Revenue Bonds Second Congressional Review Emergency Act of 2020".

Sec. 1142. Definitions.

For the purposes of this subtitle, the term:

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(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing Conservancy, a non-profit corporation organized under the laws of the District of Columbia, and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole member of which is the Washington Housing Conservancy, both of which are exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the repayment of the Bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance

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companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) Acquiring and renovating real property, including a parcel of land comprising approximately 2.042 acres improved with approximately 69,910 square feet of residential rental property comprising 126 rental housing units and associated parking facilities located in Washington, D.C., commonly known as Park Pleasant Apartments with street addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant Street, N.W., 3351 Mt. Pleasant Street, N.W., 3331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively, "Facility");

(B) Purchasing certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate to the Facility;

(C) Funding certain expenditures associated with the financing of the Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt service reserve fund or working capital; and

(D) Paying costs of issuance and other related costs, to the extent permissible.

Sec. 1143. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$28,000,000, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Facility is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

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(4) The Project is an undertaking in the area of housing, within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1144. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$28,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1145. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

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(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1146. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

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(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1147. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1148. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

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Sec. 1149. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1150. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1147.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to either perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1151. District officials.

(a) Except as otherwise provided in section 1150(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

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(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1152. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1153. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1154. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1155. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

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Sec. 1156. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE D. NATIONAL PUBLIC RADIO, INC.

Sec. 1161. Short title.

This subtitle may be cited as the "National Public Radio, Inc., Refunding Revenue Bonds Second Congressional Review Emergency Act of 2020".

Sec. 1162. Definitions.

For the purpose of this subtitle, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit corporation organized and existing under the laws of the District of Columbia, and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale,

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and delivery of the Bonds and the making of the Loan, including any offering document and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of which were used to advance refund a portion of the District of Columbia Revenue Bonds (National Public Radio, Inc. Issue) Series 2010 (the "Series 2010 Bonds") and to pay Issuance Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office, production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

(B) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance Costs.

Sec. 1163. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)

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and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of education and contributes to the health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1164. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 1165. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

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(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

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Sec. 1166. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1167. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 1168. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

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(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1169. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1170. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1167.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,

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nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1171. District officials.

(a) Except as otherwise provided in section 1170(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1172. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1173. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1174. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that

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the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1175. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1176. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.

Sec. 1181. Short title.

This subtitle may be cited as the “Public Welfare Foundation, Inc., Revenue Bonds Second Congressional Review Emergency Act of 2020”.

Sec. 1182. Definitions.

For the purpose of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed or refinanced with proceeds from the Bonds, which shall be Public Welfare Foundation, Inc., a non-profit corporation organized and existing under the laws of the State of Delaware, duly authorized to transact business as a foreign corporation in the District of Columbia, and exempt from federal income taxes as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

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(6) "Closing Documents" means all documents and agreements, other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means, the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending to the Borrower of the proceeds from the sale, in one or more series, of the Bonds.

(12) "Project" means the financing, refinancing or reimbursing of the Borrower, on a tax exempt or taxable basis, for all or a portion of the Borrower's costs incurred in connection with the renovation of certain facilities of the Borrower located at 1200 U Street, N.W., Washington, D.C. (the "Building") in one or more phases and comprised of the following:

(A) Replacement of nearly all exterior windows of the Building and the repair of certain sheet metal and masonry;

(B) Soft costs, including architectural, engineering, and permitting fees, in connection therewith;

(C) Purchase of certain equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(D) Refinancing, in whole or in part, of existing indebtedness; and

(E) Certain expenditures associated therewith to the extent financeable, including, without limitation, Issuance Costs, credit costs, and working capital.

Sec. 1183. Findings.

The Council finds that:

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(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue and refunding bonds, in one or more series, in an aggregate principal amount not to exceed \$13,000,000 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of a capital project as facilities used to house and equip operations related to the study, development, application, or production of social services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

Sec. 1184. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$13,000,000; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

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Sec. 1185. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this subtitle;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

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(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 1186. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 1187. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

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Sec. 1188. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 1189. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 1190. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 1187.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing

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Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 1191. District officials.

(a) Except as otherwise provided in section 1190(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 1192. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 1193. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 1194. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief

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against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 1195. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 1196. Severability.

If any particular provision of this subtitle or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

TITLE XII. REPEALS; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 1201. Repeals.

(a) The COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is repealed.

(b) The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is repealed.

(c) The COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR 5050), is repealed.

(d) The Coronavirus Omnibus Emergency Amendment Act of 2020, effective May 13, 2020 (D.C. Act 23-317; 67 DCR 5235), is repealed.

(e) The Foreclosure Moratorium Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-318; 67 DCR 6591), is repealed.

(f) The COVID-19 Response Supplemental Temporary Amendment Act of 2020, enacted on May 21, 2020 (D.C. Act 23-323; 67 DCR 6601), is repealed.


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Sec. 1202. Fiscal impact statement.

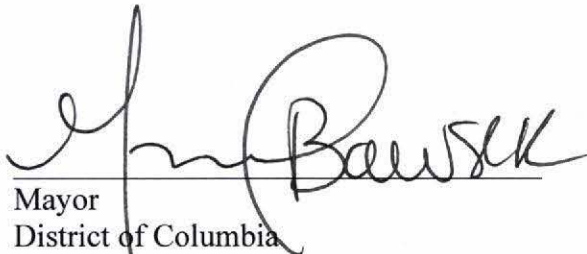
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 1203. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 19, 2020

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

B23-0501, THE “SANCTUARY VALUES AMENDMENT ACT OF 2019”

AND

**B23-0837, THE “STORMIYAH DENSON-JACKSON RACE AND GENDER ECONOMIC
DAMAGES EQUALITY AMENDMENT ACT OF 2020”**

Thursday, October 1, 2020, 10:00 a.m. – 3:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

<http://video.oct.dc.gov/DCC/jw.html>

<https://www.facebook.com/CMcharlesallen/>

On Thursday, October 1, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0501, the “Sanctuary Values Amendment Act of 2019”, and Bill 23-0837, the “Stormiyah Denson-Jackson Race and Gender Economic Damages Equality Amendment Act of 2020”. The hearing will be conducted virtually via Zoom from 10:00 a.m. to 3:00 p.m. Pre-registered public witnesses will testify from 10:00 a.m. until 1:30 p.m., and government witnesses will testify from 1:30 p.m. until 3:00 p.m.

The stated purpose of B23-0501, the “Sanctuary Values Amendment Act of 2019”, is to amend An Act To create a Department of Corrections in the District of Columbia to limit the District’s cooperation with federal immigration agencies, including by complying with detainer requests, absent a judicial warrant or order.

The stated purpose of B23-0837, the “Stormiyah Denson-Jackson Race and Gender Economic Damages Equality Amendment Act of 2020”, is to amend Title 16 of the District of Columbia Code in actions for personal injury or death caused by wrongful act, neglect, or default, to provide

that estimations, measures, or calculations of past, present, or future damages for lost earnings or impaired earning capacity may not be reduced based on race, ethnicity, or gender.

The Committee invites the public to provide oral and/or written testimony. Public witnesses seeking to provide oral testimony at the Committee's hearing must thoroughly review the following instructions:

- Anyone wishing to provide oral testimony must email the Committee at judiciary@dccouncil.us with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Thursday, September 24.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- **Witnesses who are approved by the Committee to testify will be emailed Zoom registration instructions for the hearing, which they must complete in order to be placed on the final witness list and access their unique Zoom link.**
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the hearing. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the hearing may not be fulfilled.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at judiciary@dccouncil.us **no later than the close of business on Friday, October 9.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

**B23-641, the Dynamic Performance Parking Zone Amendment Act of 2020;
B23-666, the Washington Mystics Identification Tags Amendment Act of 2020;
B23-699, the End Gun Violence Motor Vehicle Identification Tags Amendment Act
of 2020; and
B23-859, the RPP Voluntarily Exclusion Act of 2020**

Friday, September 25, 2020, from 9:00 AM to 12:00 PM

On Friday, September 25, 2020, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B23-641, the Dynamic Performance Parking Zone Amendment Act of 2020; B23-666, the Washington Mystics Identification Tags Amendment Act of 2020; B23-699, the End Gun Violence Motor Vehicle Identification Tags Amendment Act of 2020; and B23-859, the RPP Voluntarily Exclusion Act of 2020. The hearing will begin at 9:00 AM and will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.

B23-641 would make several changes to the District's existing performance parking zones in order to give the Mayor more flexibility when setting rates in the zones. The bill would eliminate or increase rate limits in the law that restricts how the Mayor can change parking rates in the zones. The bill would allow the Mayor to adjust parking rates in performance parking zones in real time based on demand, and would require the Mayor to publish data on curbside usage on a public website.

B23-666 would require the DMV to create a vehicle identification tag that commemorates the Washington Mystics 2019 WNBA Championship.

B23-699 would require the DMV to create a vehicle identification tag that raises awareness on the need to end gun violence in the District of Columbia.

B23-859 would give the Mayor the authority to make a property ineligible for residential parking permits when that restriction is the condition from a zoning order.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council adapt the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, this public hearing will be held remotely through the WebEx teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive with information on how to join the hearing at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing, which is September 18, 2020. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the hearing record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the bill, roundtable, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.

The record will close at the end of the business day on October 9, 2020.

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

B23-0723, THE “RIOTING MODERNIZATION AMENDMENT ACT OF 2020”

**B23-0771, THE “INTERNATIONALLY BANNED CHEMICAL WEAPON PROHIBITION
 AMENDMENT ACT OF 2020”**

AND

**B23-0882, THE “COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT
 ACT OF 2020”**

Thursday, October 15, 2020, 9:00 a.m. – 6:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

<http://video.oct.dc.gov/DCC/jw.html>

<https://www.facebook.com/CMcharlesallen/>

On Thursday, October 15, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0723, the “Rioting Modernization Amendment Act of 2020”, Bill 23-0771, the “Internationally Banned Chemical Weapon Prohibition Amendment Act of 2020”, and Bill 23-0882, the “Comprehensive Policing and Justice Reform Amendment Act of 2020”. The hearing will be conducted virtually via Zoom from 9:00 a.m. to 6:00 p.m. Pre-registered public witnesses will testify from 9:00 a.m. to 3:00 p.m., and government witnesses will testify from 3:00 p.m. to 6:00 p.m.

The stated purpose of B23-0723, the “Rioting Modernization Amendment Act of 2020”, is to amend An Act relating to crime and criminal procedure in the District of Columbia to provide definitions for certain terms related to the offense of rioting, to clarify the conduct that constitutes rioting, to revise the penalties for convictions, and to establish a right to a jury trial for prosecutions.

The stated purpose of B23-0771, the “Internationally Banned Chemical Weapon Prohibition Amendment Act of 2020”, is to amend the First Amendment Rights and Police Standards Act of 2003 to prohibit the use of chemical irritants at First Amendment assemblies.

The stated purpose of B23-0882, the “Comprehensive Policing and Justice Reform Amendment Act of 2020”, is to provide for comprehensive policing and justice reform for District residents and visitors, and for other purposes. Specifically, the bill:

- Prohibits the use of neck restraints by law enforcement and special police officers;
- Requires the Mayor to publicly release the names and body-worn camera recordings of any officer who committed an officer-involved death or serious use of force, unless the subject or their next of kin objects to its release;
- Amends the statutes of various District boards related to policing, including by:
 - Expanding the membership of the Police Complaints Board – the governing body for the Office of Police Complaints (“OCP”) – and allowing OCP’s Executive Director to investigate evidence of abuse or misuse of police powers, even if it was not specifically alleged by the complainant;
 - Expanding the Use of Force Review Board’s voting members to include OPC’s Executive Director, three civilian members appointed by the Mayor, and two members appointed by the Council; and
 - Reconstituting the Police Officers Standards and Training Board (“POST Board”), the District board that establishes minimum application and appointment criteria for Metropolitan Police Department (“MPD”) officers and reviews MPD’s initial training and continuing education programs;
- Requires that police officers, for searches where an officer’s justification for the search is based only on the person’s consent, explain that the person is being asked to consent and that they can refuse the search;
- Expands MPD’s continuing education requirements to include new topics such as racism and white supremacy, limiting the use of force, and employing de-escalation tactics;
- Requires the uniforms and helmets of MPD officers policing First Amendment assemblies to identify the officers as local law enforcement;
- Repeals two outdated criminal offenses: (1) the District’s law criminalizing mask wearing for certain purposes and (2) the offense of failure to arrest when any crime is committed in an officer’s presence;
- Codifies the situations in which deadly force can be used and elaborates on the standard for judges and juries to use when reviewing cases that involve claims of excessive force;
- Extends the right to jury trials to certain offenses where the victim is a law enforcement officer;
- Proposes a number of reforms to MPD’s disciplinary procedures, including:
 - Specifying that discipline is no longer negotiable during collective bargaining;
 - Extending the time during which MPD must bring a corrective or adverse action for misconduct in cases involving serious use of force or indicating potential criminal conduct by a sworn member or civilian employee;
 - Allowing the Chief of Police to increase the penalty recommended by the Police Trial Board to be imposed on an officer for misconduct; and

- Prohibiting MPD from hiring as sworn members anyone who committed serious misconduct, was terminated from another law enforcement agency, or resigned from a law enforcement agency to avoid potential disciplinary action;
- Restricts the ability of District law enforcement agencies to acquire or request certain military equipment;
- Restricts MPD's use of riot gear in response to First Amendment assemblies to situations in which there is an immediate risk of significant bodily injury to officers, and prohibits the use of chemical irritants or less-lethal projectiles to disperse a First Amendment assembly;
- Establishes a Police Reform Commission;
- Amends the WMATA Compact to require that WMATA (1) prohibit the use of quotas to evaluate, reward, or discipline officers, and (2) establish a Police Complaints Board; and
- Enfranchises all eligible District residents incarcerated for felony convictions.

The Committee invites the public to provide oral and/or written testimony. Public witnesses seeking to provide oral testimony at the Committee's hearing must thoroughly review the following instructions:

- Anyone wishing to provide oral testimony must email the Committee at judiciary@dccouncil.us with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Wednesday, October 7.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- **Witnesses who are approved by the Committee to testify will be emailed Zoom registration instructions for the hearing, which they must complete in order to be placed on the final witness list and access their unique Zoom link.**
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the hearing. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the hearing may not be fulfilled.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at judiciary@dccouncil.us **no later than the close of business on Friday, October 23.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES PUBLIC HEARING

on

Bill 23-736, the “Comprehensive Plan Amendment Act of 2020”

on

Thursday, November 12, 2020 at 10:00 a.m.

Friday, November 13, 2020 at 9:00 a.m.

Live via Zoom Video Conference Broadcast
Council Channel 13 (Cable Television Providers)
DC Council Website (www.dccouncil.us)

Council Chairman Phil Mendelson announces a public hearing before the Committee of Whole on Bill 23-736, the “Comprehensive Plan Amendment Act of 2020.” The hearing will be held beginning on **Thursday, November 12, 2020 at 10:00 a.m. and continuing on Friday, November 13, 2020 at 9:00 a.m.** to receive testimony.

The stated purpose of Bill 23-736, which was introduced on April 23, 2020 at the request of Mayor Muriel Bowser, is to amend the District of Columbia Comprehensive Plan Act of 1984 to modify Chapters 1 and 3-25, including the Future Land Use Map and the Generalized Policy Map. The Council previously adopted changes to Chapter 2, the Framework Element, which has been submitted separately by the Administration.

The Comprehensive Plan is a high-level guide for future growth and development, used to inform public decision-making including more detailed planning efforts, zoning regulations and capital budgeting. It addresses a wide range of topics that affect how we experience the city, including land use, economic development, housing, environmental protection, historic preservation, transportation, as well as chapters discussing ten planning areas District-wide. The existing Comprehensive Plan was adopted in 2006 and amended in 2011. The Office of Planning anticipates it will conduct a full rewrite the next time the Comprehensive Plan is revisited. These currently proposed amendments reflect updated data and analyses, incorporate information from District agency plans, studies, and actions, and address the current challenges of housing, equity, resilience and public resources, as well as the COVID-19 public health emergency.

The Office of Planning initiated public engagement in 2016 and has provided various opportunities for public comment. Formal public review of the proposed amendments was conducted in late 2019 and early 2020, with OP providing responses to Advisory Neighborhood Commissions.

Due to the COVID-19 public health emergency declaration, the hearing will be conducted virtually on the Internet utilizing Zoom video conferencing technology. Because of this, written or transcribed testimony from the public regarding is **highly encouraged** and will be taken by email or voice mail. Testimony may be submitted in writing to cow@dccouncil.us or may be left by voice mail (up to 3 minutes) – **which will be transcribed** – by calling (202) 430-6948.

Testimony received by close of business on **Tuesday, November 10, 2020** will be posted publicly to <http://www.chairmanmendelson.com/CompPlan> prior to the hearing.

Members of the public wishing to testify live via the Zoom meeting must register with the Committee of the Whole at <http://www.ChairmanMendelson.com/CompPlan>, click the link labeled "Sign up to Testify Live," and complete the form by providing your preferred call in day, name, telephone number, organizational affiliation and title (if any) by **5:00 p.m. on Monday, November 9, 2020**. If you are unable to complete the form online, please contact the Committee of the Whole at cov@dccouncil.us. The Committee will provide each witness a copy of the witness list and procedures to testify at the hearing by close of business on Tuesday, November 10, 2020. **Those providing live testimony will be limited to 3 minutes** unless a longer time is agreed to by prior arrangement. Only 1 member from each organization may provide live testimony. All testimony received via email or voicemail will be made part of the official record.

Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make every effort to fulfill timely requests, although alternatives may be offered. Requests received in less than five business days may not be fulfilled. The record will close at 5:00 p.m. on December 3, 2020.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

B23-0860, THE “POWER LINE UNDERGROUNDING PROGRAM CERTIFIED JOINT VENTURE MAJORITY INTEREST AMENDMENT ACT OF 2020”; AND

B23-0471, THE “INDEPENDENT COMPLIANCE OFFICE ESTABLISHMENT ACT OF 2019”

Tuesday, September 15, 2020, 3 p.m.
Remote Hearing via Virtual Platform
Broadcast live on DC Council Channel 13
Streamed live at www.dccouncil.us and entertainment.dc.gov.

On Tuesday, September 15, 2020, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing to consider Bill 23-0860, the “Power Line Undergrounding Program Certified Joint Venture Majority Interest Amendment Act of 2020” and Bill 23-0471, the “Independent Compliance Office Establishment Act of 2019.”

The stated purpose of Bill 23-0860, the “Power Line Undergrounding Program Certified Joint Venture Majority Interest Amendment Act of 2020”, is to amend the Electric Company Infrastructure Improvement Financing Act of 2014 by restricting qualifying certified joint ventures to just those in which a certified business enterprise (CBE) holds a majority interest. Bill 23-0471, the “Independent Compliance Office Establishment Act of 2019”, establishes the Office of the Chief Compliance Officer ("Office") as an independent authority and outlines the duties of the Office and of the Officer.

The Committee invites the public to testify remotely or to submit written testimony. Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at BusinessEconomicDevelopment@dccouncil.us or by phone and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **5:00 p.m. on September 11, 2020**. Witnesses are encouraged to submit their testimony in writing electronically in advance to BusinessEconomicDevelopment@dccouncil.us. Public witnesses will participate remotely, and

the Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform.

All public witnesses will be allowed a maximum of three minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced or extended.

The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted either by e-mail at BusinessEconomicDevelopment@dccouncil.us. To be included in the record, please indicate that you are submitting testimony for this hearing in the subject line of the e-mail. **The record for this hearing will close at 5:00 p.m. on October 2, 2020.**

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee by email of the need as soon as possible but no later than five (5) business days before the proceeding. The Council will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Please contact Brian McClure, Interim Committee Director, at bmclure@dccouncil.us for additional information.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

**THE BOARD OF ELECTIONS' PREPARATIONS FOR THE
NOVEMBER 3, 2020 GENERAL ELECTION**

**Thursday, September 10, 2020, 11 a.m. – 3 p.m.
Virtual Hearing via Zoom**

To Watch Live:

<https://dccouncil.us/council-videos/>

<http://video.oct.dc.gov/DCC/jw.html>

<https://www.facebook.com/CMcharlesallen/>

On Thursday, September 10, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public oversight roundtable to discuss the Board of Elections' Preparations for the November 3, 2020 General Election. The roundtable will be held virtually via Zoom from 11:00 a.m. to 3:00 p.m. Pre-registered public witnesses will testify from 11:00 a.m. to 1:00 p.m., and government witnesses will testify from 1:00 p.m. to 3:00 p.m.

The Board of Elections (“the Board”) is an independent District agency, overseen by a Chairperson and two other board members, and is responsible for administering elections in the District. Leading up to the June 2, 2020 Primary Election and the June 16, 2020 Ward 2 Special Election, the Board experienced significant challenges regarding mail-in balloting, technology, communications, and outreach, in part due to the unprecedented COVID-19 public health crisis. Many issues were not resolved by Election Day, ultimately resulting in long lines at the polls, public confusion, and voter disenfranchisement.

The Committee subsequently convened an “after-action” public oversight roundtable to discuss what went wrong and identify solutions in advance of the November 3, 2020 General Election. The Committee is now convening this second public oversight roundtable to receive updates from the Board about its preparations for the General Election, conduct oversight, and provide a public forum for feedback to the Board and Committee.

The Committee invites the public to provide oral and/or written testimony. Public witnesses seeking to provide oral testimony at the Committee's roundtable must thoroughly review the following instructions:

- Anyone wishing to provide oral testimony must email the Committee at judiciary@dccouncil.us with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Monday, September 7.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- **Witnesses who are approved by the Committee to testify will be emailed Zoom registration instructions for the roundtable, which they must complete in order to be placed on the final witness list and access their unique Zoom link.**
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the roundtable. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the roundtable may not be fulfilled.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at judiciary@dccouncil.us **no later than the close of business on Friday, September 18.**

Council of the District of Columbia
COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCES A PUBLIC ROUNDTABLE

on

Monday, September 14, 2020, 9:00 a.m. – 12:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

on

CERTIFICATES OF ASSURANCE IN RENT CONTROL

On Monday, September 14th, 2020, Councilmember Anita Bonds, Chair of the Committee on Housing and Neighborhood Revitalization, will hold a public roundtable on the role of Certificates of Assurance in rent control. The public oversight roundtable will take place via a web conferencing platform at 9:00 a.m. Members of the public will be able to view the public oversight roundtable via DCC (Channel 13) or online at: <https://dccouncil.us/council-videos/> or at: <http://entertainment.dc.gov>.

The District currently faces a housing affordability crisis, and the Rental Housing Act of 1985 exempts more than 40% of the housing stock from rent stabilization. Within the law is a provision for Certificates of Assurance. The provision guarantees that if any law expanding rent stabilization is passed by a Council at any time in the future, the District government must grant the affected housing providers a property tax credit equal to the difference in the stabilized rent that the housing provider actually receives and the rent the housing provider could have received with a market rate rent. If rent stabilization is expanded to more buildings, this provision would cost the District government tens of millions of dollars in property tax credits each year and therefore would effectively destroy the opportunity for any future Council to ever expand rent stabilization, no matter how severe a housing crisis.

The Committee invites the public to testify remotely or to submit written testimony. Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at housing@dccouncil.us, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by the close of business on Friday, September 11, 2020. Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to

housing@dccouncil.us. Witnesses will participate remotely and using audio only. The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform. All public witnesses will be allowed a maximum of three minutes to testify.

The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted either by e-mail at housing@dccouncil.us. The record for this public oversight roundtable will close at the close of business on Monday, September 28th, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

The District's Snow Removal Operations Plan for Winter 2020 - 2021

Friday, October 23rd, 2020, from 12:00 PM to 3:00 PM

On Friday, October 23, 2020, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public roundtable on the District's Snow Removal Operations Plan for Winter 2020 – 2021. The roundtable will begin at 12:00 PM and will be broadcast live on DC Council Channel 13 and streamed live at www.dccouncil.us and entertainment.dc.gov.

The purpose of the roundtable is for the Committee to learn about what the Department of Public Works has done to prepare for the coming snow season and the agency's plans to coordinate with other entities on snow removal and treatment. The Department of Public Works has primary responsibility for the District's snow removal operations, and efficient operations require the participation and coordination of many government agencies and hundreds of employees.

On March 11, 2020, Mayor Muriel Bowser issued the Declaration of Public Emergency: Coronavirus (COVID-19) and the Declaration of Public Health Emergency: Coronavirus (COVID-19) due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus. These orders require that the Council adapt the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gathering, and other public health and safety requirements. Therefore, this public roundtable will be held remotely through the WebEx teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us; witnesses will receive with information on how to join the roundtable at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the roundtable, which is October 16, 2020. We will make every effort to fulfill timely requests, however requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record; testimony may be submitted to abenjamin@dccouncil.us. The public may also leave voicemail testimony for the Committee by calling (202) 350-1344, which will be transcribed and made part of the roundtable record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their

full name and the organization they represent, if any, and note the bill, roundtable, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other person contact information in voicemail testimony.

The record will close at the end of the business day on November 6, 2020.

**Council of the District of Columbia
COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

ANNOUNCES A PUBLIC ROUNDTABLE

on

Monday, September 14, 2020, at 12:00 p.m. – 3:00 p.m.

Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

on

TENANT PROTECTION AND EVICTION PREVENTION

On Monday, September 14, 2020, Councilmember Anita Bonds will hold a public oversight roundtable to discuss tenant protection and eviction prevention services. The public oversight roundtable will take place via a web conferencing platform at 12:00 p.m. Members of the public will be able to view the public oversight roundtable via DCC (Channel 13) or online at: <https://dccouncil.us/council-videos/> or at: <http://entertainment.dc.gov>.

The COVID-19 pandemic has had a devastating impact on our local economy, with more than 35 percent of District households reporting some loss of employment income in June 2020. The Council has temporarily halted evictions during the public health emergency and for 60 days after the emergency, but we know these actions are not enough to address existing and imminent housing insecurity for low- and middle-income renters.

The Committee invites the public to testify remotely or to submit written testimony. Anyone wishing to testify must sign up in advance by contacting the Committee by e-mail at housing@dccouncil.us, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by the close of business on Friday, September 11, 2020. Witnesses are encouraged, but not required, to submit their testimony in writing electronically in advance to housing@dccouncil.us. Witnesses will participate remotely and using audio only. The Committee will follow-up with witnesses with additional instructions on how to provide testimony through a web conferencing platform. All public witnesses will be allowed a maximum of three minutes to testify.

For accommodation requests, including spoken language or sign language interpretation, please inform the Committee at housing@dccouncil.us of the need as soon as possible but no later

than five (5) business days before the proceeding. The Council will make every effort to fulfill timely requests, however requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

The Committee encourages the public to submit written testimony to be included for the public record. Copies of written testimony should be submitted either by e-mail at housing@dccouncil.us. The record for this public oversight roundtable will close at the close of business on Monday, September 28, 2020.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
8/28/2020

Notice is hereby given that:

License Number: ABRA-092449

License Class/Type: B / Retail - Grocery

Applicant: Each Peach, LLC

Trade Name: Each Peach Market

ANC: 1D05

Has applied for the renewal of an alcoholic beverage license at the premises:

3068 MOUNT PLEASANT ST NW

**PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/2/2020**

**A HEARING WILL BE HELD ON:
11/16/2020**

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC 20009

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9am - 10pm	9am - 10pm
Monday:	9am - 10pm	9am - 10pm
Tuesday:	9am - 10pm	9am - 10pm
Wednesday:	9am - 10pm	9am - 10pm
Thursday:	9am - 10pm	9am - 10pm
Friday:	9am - 10pm	9am - 10pm
Saturday:	9am - 10pm	9am - 10pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Placard Posting Date: August 14, 2020
Protest Petition Deadline: October 19, 2020
Roll Call Hearing Date: November 2, 2020
Protest Hearing Date: January 13, 2021

License No.: ABRA-116841
Licensee: Wegmans Food Markets, Inc.
Trade Name: Wegmans
License Class: Retailer’s Class “A” Liquor Store
Address: 41 Ridge Square, N.W.
Contact: Stephen J. O’Brien: (202) 625-7700

WARD 3

ANC 3C

SMD 3C06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class A license ****selling beer, wine, and spirits inside of a complete grocery store with a Tasting Permit.**

HOURS OF OPERATION

Sunday through Saturday 6am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: August 14, 2020
 Protest Petition Deadline: October 19, 2020
 Roll Call Hearing Date: November 2, 2020
 Protest Hearing Date: January 13, 2021

License No.: ABRA-116841
 Licensee: Wegmans Food Markets, Inc.
 Trade Name: Wegmans
 License Class: Retailer’s Class “A” Liquor Store
 Address: 41 Ridge Square, N.W.
 Contact: Stephen J. O’Brien: (202) 625-7700

WARD 3

ANC 3C

SMD 3C06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on November 2, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **January 13, 2021 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class A ****Liquor Store** with a Tasting Permit.

HOURS OF OPERATION

Sunday through Saturday 6am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 8am – 12am

**DISTRICT OF COLUMBIA DEPARTMENT OF ENERGY AND
ENVIRONMENT****NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
ON AIR QUALITY ISSUES**

Notice is hereby given that a public hearing will be held on Monday, September 28, 2020, at 5:30 p.m. The public hearing will be held using teleconferencing, which allows for both a video and voice over internet protocol (VOIP) connection - Weblink: <https://dcnet.webex.com/dcnet/j.php?MTID=m03be86295ad6423ac66ee5ad96bb27a6> and phone line connection: Call-in Number: 1-650-479-3208 Access code: 160 415 8402.

This public hearing provides interested parties an opportunity to comment on the proposed revision to the District of Columbia's State Implementation Plan (SIP), found at 40 C.F.R. Part 52, Subpart J. Specifically, this hearing will focus on technical corrections to the airport inventories solely in the Virginia portion of the nonattainment area. These technical corrections were the result of EPA's revisions to the 2017 National Emissions Inventory.

The EPA designated the District as a Marginal Nonattainment Area for the 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS) after promulgation of the revised standards established at 0.070 parts per million (ppm) effective on August 3, 2018 (83 Fed. Reg. 25776, June 4, 2018). To meet requirements of Clean Air Act § 172(c)(3) for marginal areas, the District must submit a base year emissions inventory to EPA no later than two years after designation (42 U.S. Code § 7511a(a)(1)). Once the District has completed its procedures, the inventory and supporting documents will be submitted to EPA as a SIP revision.

Copies of the proposed SIP revision are available for public review at <https://www.mwcog.org/documents/2020/08/12/washington-dc-md-va-2015-ozone-naaqs-nonattainment-area-base-year-2017-emissions-inventory-updated-august-12-2020-air-quality-air-quality-conformity-ozone/>.

Interested parties wishing to testify at this hearing must submit, in writing, their name, address, telephone number and affiliation to Air Quality Division (AQD), Department Of Energy and Environment at the address: 1200 First Street, NE, Fifth Floor, Washington, DC 20002, or email Mr. Joseph Jakuta at joseph.jakuta@dc.gov by 4:00 p.m. on September 28, 2020. Interested parties may also submit written comments to AQD's Monitoring and Assessment Branch at the same address or by email to Mr. Joseph Jakuta at joseph.jakuta@dc.gov. Questions can be directed to Mr. Joseph Jakuta at joseph.jakuta@dc.gov or by phone at 202-669-5817. No comments will be accepted after September 28, 2020.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 16, 2020**

(Virtual Hearing via Web Ex)

441 4TH STREET, N.W.

**JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

TIME: 9:30 A.M.

WARD EIGHT

20260 **Appeal of Citizens Against Developers Greatly Obfuscating,**
ANC 8A pursuant to 11 DCMR Subtitle Y § 302, from the decision made on July
5, 2019 by the Zoning Administrator, Department of Consumer and
Regulatory Affairs, to issue building permit B1707176, to construct a
new two-story principal dwelling unit on a vacant lot in the R-3 Zone at
premises 1602 V Street, S.E. (Square 5777, Lot 694).

WARD SIX

20318 **Application of Bernard Berry,** pursuant to 11 DCMR Subtitle X,
ANC 6E Chapter 9, for a special exception under Subtitle C § 1504.1, from the
penthouse setback requirements of Subtitle C § 1502.1(c), to allow the
construction of a glass guard rail on the roof of a three-story detached
principal dwelling unit in the RF-1 at premises 509 O Street, N.W.
(Square 479, Lot 818).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board, pursuant to Subtitle Y § 600.4.

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11, including

BZA PUBLIC HEARING NOTICE
SEPTEMBER 16, 2020
PAGE NO. 2

the text provided in the Notice of Emergency and Proposed Rulemaking adopted by the Zoning Commission on May 11, 2020, in Z.C. Case No. 20-11.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify 24 hours prior to the start of the hearing on OZ’s website at <https://dcoz.dc.gov/> or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organization may also submit written comments to the Board by uploading submissions via IZIS or by email to bzasubmissions@dc.gov. Submissions are strongly encouraged to be sent at least 24 hours prior to the start of the hearing.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?
Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o

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interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

OFFICE OF HUMAN RIGHTS

NOTICE OF FINAL RULEMAKING

The Director of the Office of Human Rights (hereafter the “Director,”) pursuant to the authority set forth in Section 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(c) (2016 Repl.)), hereby gives notice of the intent to amend, on an emergency basis, Chapter 7 (Private Complaints Alleging Unlawful Discriminatory Practices) of Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (“DCMR”).

The rulemaking provides revision of rules to reflect the current operation of the Office of Human Rights during a declared state of emergency.

On April 10, 2020, the Director published a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* at 67 DCR 004133. The emergency rules were adopted on March 18, 2020, became effective on that date, and expired July 16, 2020. The Director also gave notice of the intent to make these rules final, providing a thirty (30) day comment period. No comments were received. For clarity and consistency, the Director made the following technical edit: in lieu of using differing terms “emergencies” and “a state of emergency,” as well as the prepositions “in” and “under,” which appeared in §§ 705.2 and 705.6 of the April 10, 2020 Emergency and Proposed Rulemaking, the sections now read, “during a declared emergency” in all instances. The Director made no other changes. An additional emergency rulemaking was necessary to ensure that the emergency rules remain in place for the gap between the expiration of the previous emergency rulemaking and the publication of the final rulemaking. A Notice of Second Emergency Rulemaking was adopted July 17, 2020 and published August 21, 2020 at 67 DCR 10011.

The Office of Human Rights adopted these rules as final on July 17, 2020, and they will become effective upon publication of this notice in the *D.C. Register*.

Chapter 7, PRIVATE COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATORY PRACTICES, of Title 4 DCMR, HUMAN RIGHTS AND RELATIONS, is amended as follows:

Section 705, FILING OF COMPLAINTS, in its entirety to read as follows:

705 FILING OF COMPLAINTS

705.1 Any person or organization may file with the Office a complaint of a violation of the provisions of the Act, including a complaint of general discrimination, unrelated to a specific person or instance. If a complainant lacks capacity, the complaint may be filed on their behalf by a person with an interest in the welfare of the complainant.

- 705.2 The initial complaint shall be in writing on a form obtained from the Office, and can be filed online through the Office's website (<http://www.ohr.dc.gov>), via email to ohr.intake@dc.gov, mail or fax. The date of the online, email or fax filing will constitute the filing date for the complaint. The date of OHR's receipt of mailed complaints will constitute the filing date. If during a declared emergency, the Office is closed, the date of mail filings will be calculated as follows: the date of the postal stamp, or the date complainant signed the complaint plus five (5) business days. The Director may extend this deadline for good cause during a declared emergency. The finalized complaint, known as the Charge of Discrimination, shall be signed and verified by the complainant under penalty of perjury.
- 705.3 The Director may initiate a complaint whenever the Director has reason to believe that any person has committed an unlawful discriminatory practice. A complaint initiated by the Director shall be signed by the Director.
- 705.4 A complaint alleging a discriminatory practice shall contain the following information:
- (a) The full name and address of the complainant(s);
 - (b) The full name and address of the respondent(s);
 - (c) A statement of the alleged unlawful discriminatory practice(s) and a statement of the particulars;
 - (d) The date(s) of the alleged unlawful discriminatory practice, and if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which the continuing acts of discrimination are alleged to have occurred; and
 - (e) A statement describing any other action, civil, criminal, or administrative in nature, instituted in any other forum or agency based on the same unlawful discriminatory practice as is alleged in the complaint.
- 705.5 Notwithstanding the provisions of § 705.4, a complaint shall be deemed sufficient when the Office receives from the person making the charge a written statement sufficiently precise to identify the parties, and to describe generally the action or practice complained of.
- 705.6 The Office shall reasonably accommodate a disabled person who wishes to file a complaint or who wishes to make a personal appearance at the Office when filing a complaint. Accommodations may include, but shall not be limited to, a personal representative making an appearance on behalf of a

disabled complainant, or an Office representative delivering a complaint to a complainant for signature. During a declared emergency, or when in-person service is not available, the Office shall find alternative ways to assist the person requiring reasonable accommodation.

705.7 The Director shall establish and maintain a complaint file containing all documents pertinent to each case. The complaint file shall contain, at a minimum, the following documents as appropriate to the individual case:

- (a) The complaint;
- (b) The reply to data request;
- (c) Amendment(s) to the complaint;
- (d) The respondent's reply to the complaint and any amendments;
- (e) The complainant's statement of withdrawal;
- (f) The investigator's summary or findings of fact and recommendations;
- (g) The extended processing summary and recommendations;
- (h) The Director's Letter of Determination (LOD);
- (i) The conciliation agreement;
- (j) Letter of certification to the Commission; and
- (k) Letter of dismissal.

705.8 If the Office determines that a complainant is filing what are determined to be frivolous complaints, which may include filing an unreasonable number of complaints during a given time, it may resolve the complaint in accordance with OHR Intake Guidelines.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)), D.C. Official Code §§ 25-351, *et seq.* (2012 Repl.), and Mayor’s Order 2001-96, dated June 28, 2001, as amended by Mayor’s Order 2001-102, dated July 23, 2001, hereby gives notice of its intent to amend, on an emergency basis, Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR), by amending Section 311 (Langdon Park Moratorium Zone). Specifically, the rulemaking renews the moratorium, with minor clarificatory edits, on an emergency basis to prevent it from expiring on July 27, 2020.

BACKGROUND

On May 24, 2017, the Board adopted the Langdon Park Moratorium by a vote of six (6) to zero (0), and it took effect on August 2, 2017. The moratorium (1) established a cap of three (3) on-premises retailer licenses, class CN and CX licenses; and (2) prohibited the issuance of any new entertainment endorsements for on-premises retailer licenses, class CR or CT in the Langdon Park Moratorium Zone, which extends for six hundred feet (600 ft.) in all directions from the intersection of Bladensburg Road, N.E. and 24th Place, N.E. The duration of the moratorium was three (3) years, and is scheduled to expire on July 27, 2020, unless it is renewed by the Board.

On May 28, 2020, Advisory Neighborhood Commission (ANC) 5C convened a meeting with a quorum present, and voted five (5) to zero (0) to renew the moratorium. The ANC informed the Board that the moratorium has served the community well and its continuation is necessary to address the adverse effects that ABC-licensed establishments are having on the community’s residential parking needs. ANC 5C also expressed the need for the moratorium as a means of addressing ongoing public safety concerns such as vehicular and pedestrian safety. Lastly, they assert that the moratorium is necessary for maintaining the peace, order, and quiet of the community.

On June 17, 2020, ANC 5C submitted a resolution to the Board requesting that it not only renew the Langdon Park Moratorium, but that the Board consider additional conditions to include the following:

1. Increase the duration of the moratorium from three (3) years to five (5) years;
2. Prohibit ABC licensees from expanding their premises into adjoining properties or lots except for purposes of increasing their onsite parking; and
3. Change the name of the moratorium zone from “Langdon Park Moratorium Zone” to “ANC 5C Moratorium”.

BOARD'S DECISION

The Board recognizes and understands ANC 5C's desire to renew the Langdon Park Moratorium and finds that the ANC's resolution merits further evaluation. Thus the Board seeks an extension of the existing moratorium on an emergency basis to avoid its expiration and to hold a public hearing pursuant to D.C. Official Code § 25-354(a) (2012 Repl.). Taking emergency action will preserve the protections afforded by the moratorium, which are necessary to preserve the health, safety, and welfare of the community until further action can be taken by the Board.

Thus, on July 15, 2020, the Board adopted the Langdon Park Moratorium Zone Notice of Emergency Rulemaking, by a vote of seven (7) to zero (0). This emergency rule shall remain in effect for no longer than one hundred twenty (120) days from its effective date of July 15, 2020; expiring on November 12, 2020, unless superseded.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**311 LANGDON PARK MORATORIUM ZONE**

- 311.1 The number of retailer's licenses class CN and CX permitted in the Langdon Park Moratorium Zone, which extends approximately six hundred feet (600 ft.) in all directions from the intersection of Bladensburg Road, N.E. and 24th Place, N.E., Washington, D.C., shall not exceed three (3). No new entertainment endorsements for class CR and CT retailer's licenses shall be issued in the moratorium zone.
- 311.2 The Langdon Park Moratorium Zone is more specifically described as the area bounded by a line beginning at the 2200 block of 24th Place, N.E.; continuing in a northeast direction to the 2200 block of 25th Place, N.E.; continuing east to the 2400 block of Bladensburg Road N.E.; continuing in a southeast direction to the 2800 block of V Street N.E.; continuing southwest along the north side of the 2700 block of New York Avenue, N.E. to the 2000 block of Bladensburg Road, N.E.; continuing in a northwesterly direction to the 2200 block of Adams Place, N.E.; continuing north to the 2100 block of Queens Chapel Road, N.E.
- 311.3 All hotels, whether present or future, shall be exempt from the Langdon Park Moratorium Zone.
- 311.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CN or CX within the Langdon Park Moratorium Zone that was in effect or for which an application was pending prior to August 2, 2017, the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 311.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Langdon Park Moratorium Zone to a new location within the Langdon Park Moratorium Zone.

- 311.6 A license holder outside the Langdon Park Moratorium Zone shall not be permitted to transfer its license to a location within the Langdon Park Moratorium Zone.
- 311.7 Nothing in this section shall prohibit a valid protest of any transfer or change of license class.
- 311.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to August 2, 2017, the effective date of this section, or to any application for licensure pending on the effective date of this section.
- 311.9 This section shall expire three (3) years after the date of publication of the notice of final rulemaking in *D.C. Register*.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to amend Appendix G (Flood-Resistant Construction) of Title 12 (D.C. Construction Codes Supplement of 2017), Subtitle A (Building Code Supplement of 2017) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking proposes amendments to provisions in the 2017 District of Columbia Building Code (Title 12-A DCMR) to address flood hazard concerns that were raised after conclusion of the code development cycle. Specifically, these amendments will revise the Flood Hazard Rules, set forth in Appendix G of the Building Code, to comply with FEMA and National Flood Insurance Program requirements and to provide consistency and clarity for the regulated community.

This emergency rulemaking is necessary to protect the health, safety, and well-being of the District of Columbia because it is critically important that the District is able to participate in the National Flood Insurance Program (NFIP) to maintain eligibility for federal flood insurance and disaster assistance. In order to continue to qualify for NFIP participation, the District must update its flood hazard regulations in accordance with direction from FEMA.

This emergency rulemaking was adopted on August 12, 2020, to become effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days from the date of adoption and will expire on December 10, 2020.

To clearly show the changes being made to the Codes, additions are shown in underlined text and deletions are shown in ~~striketrough~~ text.

The process for submitting comments on the proposed rulemaking is detailed on the final page of this Notice.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2017, is amended to revise Appendix G, as follows:

APPENDIX G, FLOOD-RESISTANT CONSTRUCTION, is amended as follows:

Section G101, ADMINISTRATION, is amended as follows:

Revise Section G101.2 of Appendix G of the 2017 District of Columbia Building Code to read as follows:

G101.2 Floodplain Management Regulations of the District of Columbia. The flood-resistant construction provisions of the *Construction Codes*, including this appendix, in combination with the Department of Energy and Environment (DOEE)'s flood resilience rules, set forth in Title 20, Chapter 31 of the District of Columbia Municipal Regulations (DCMR) ("DOEE Flood Resilience Rules"), and Section 6-502 of the D.C. Official Code (2018 Repl.), comprise the *Floodplain Management Regulations of the District of Columbia*. The *Floodplain Administrator* retains all floodplain management responsibilities that are not assigned to the *code official*.

Insert a new Section G101.2.1 in Appendix G to the 2017 District of Columbia Building Code to read as follows:

G101.2.1 Conflict between DOEE Flood Resilience Rules and Flood-Resistant Construction Provisions of the Construction Codes. The flood-resistant construction provisions of the *Construction Codes*, including but not limited to those set forth in Chapter 1 and Appendix G of the *Building Code*, are intended to meet requirements necessary for the District of Columbia to participate in the National Flood Insurance Program, and shall take precedence over any provisions in Title 20, Chapter 31 of the DCMR that apply to proposed *development* of a *development site* located wholly or partially within a *flood hazard area* that is within the scope of Appendix G, except to the extent that Appendix G requires the *code official* to seek review, approval and/or involvement by the *Floodplain Administrator*. Floodplain management responsibilities delegated by Appendix G to the *building code official*, include, but are not limited to, permitting of work in *flood hazard areas* and inspection of work in *flood hazard areas* for which permits have been issued.

Section G802, MIXED-USE BUILDINGS, is amended as follows:

Revise Sections G802.3 & G802.4 of Appendix G of the 2017 District of Columbia Building Code to read as follows:

G802.3 Non-residential portion. The lowest floor of the non-residential portion of any new construction of, or *substantial improvement* to, a mixed-use building located on a *development site* wholly or partially within a *flood hazard area* shall either be at or above the *design flood elevation*, or be designed and constructed to be dry floodproofed during any flood up to the *design flood elevation*.

G802.4 Ancillary residential use portion. The *lowest floor* of the ancillary residential use portion of any new construction of, or *substantial improvement* to, a mixed-use building located on a *development site* wholly or partially within a *flood hazard area* shall ~~either be at or above the *design flood elevation*., or be designed and constructed to be wet floodproofed during any flood up to the *design flood elevation*.~~

All persons desiring to comment on these proposed regulations should submit comments in writing to Danielle Gurkin, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via e-mail at cccchair.dcra@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Emergency and Proposed Rulemaking should contact Danielle Gurkin via e-mail at cccchair.dcra@dc.gov or by telephone at (202) 899-3597. After publication in the *D.C. Register*, free copies of the proposed rules are available on the website of the Office of the Secretary of the District of Columbia, Office of Documents and Administrative Issuances at <https://www.dcregs.dc.gov/> or can be obtained from the e-mail address listed above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2020-087
August 21, 2020


SUBJECT: Delegation of Authority Pursuant to the CleanEnergy DC Omnibus Amendment Act of 2018

ORIGINATING AGENCY: Office of the Mayor

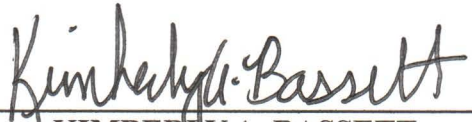
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to titles III and V of the CleanEnergy DC Omnibus Amendment Act of 2018 ("Act"), effective March 22, 2019, D.C. Law 22-257, 66 DCR 3973, it is hereby **ORDERED** that:

1. The Director of the Department of Energy and Environment ("Director") is delegated the authority of the Mayor to:
 - a. Promulgate rules implementing section 301 of the Act (D.C. Official Code § 8-1772.21) pursuant to section 304 of the Act (D.C. Official Code § 8-1772.23);
 - b. Implement and enforce section 502 of the Act, including the authority to:
 - i. Assess non-compliance fees pursuant to section 502(d) of the Act (D.C. Official Code § 50-741(d)); and
 - ii. Promulgate rules implementing section 502 of the Act (D.C. Official Code § 50-741) pursuant to section 502(f) of the Act (D.C. Official Code § 50-741(f)).
2. The authority delegated to the Director by paragraph 1.b.i. of this Order may be further delegated to subordinates under the jurisdiction of the Director.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. EFFECTIVE DATE: This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS
COMMISSION ON ASIAN AND PACIFIC ISLANDER COMMUNITY
DEVELOPMENT

Wednesday, August 19, 2020, 6:30 PM

<https://dcnet.webex.com/dcnet/j.php?MTID=m915457324c904a74a02aca33375ebb83>

Meeting number: 160 417 9226

Password: Sv3icB6jPG2

For those who wish to join in by phone;
1-650-479-3208 Call-in number (US/Canada)
Access code: 160 417 9226

Agenda

1. Call to Order (2 minutes)
2. Introduction of Commissioners (2 minutes)
3. Quorum (2 minutes)
4. Approval of Agenda (2 minutes)
5. Approval of July 2020 Meeting Minutes (2 minutes)
6. Executive Reports and Business Items (40 minutes total)
 - A. Director's Report, Ben de Guzman, MOAPIA (30 minutes)
 - i. MOAPIA updates
 - ii. Latest Coronavirus COVID-19 updates
 - iii. 2020 Census
 - B. "Equity Report" Proposal: Commissioner Bruce Leal (10 minutes)
 - i. Proposal
 - ii. Discussion/Q & A
7. Miscellaneous Items (5 minutes)
8. Meeting Adjournment (5 minutes)

Questions:

John Tinpe Chairman, John.Tinpe@dcbc.dc.gov

Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov

James Yu, MOAPIA James.Yu@dc.gov

www.apia.dc.gov

**DEPARTMENT OF BEHAVIORAL HEALTH
NOTICE OF FUNDING AVAILABILITY**

Faith Based Organizations: Connecting DC Residents with Behavioral Needs to Clinical Services and Treatment During COVID 19
RFA No. RM0 FBS082820

The District of Columbia, Department of Behavioral Health (DBH) is soliciting applications from qualified applicants for services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Behavioral Health’s intent to make funds available for the purpose described herein. The applicable Request for Application (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DBH terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Faith Based Organizations: Connecting DC Residents with Behavioral Needs to Clinical Services and Treatment During COVID-19
Funding Opportunity Number:	RMO FBS082820
Opportunity Category:	Competitive
DBH Branch/Division Unit:	Change Management
DBH Administrative Unit:	Systems Transformation Administration
Program Contact:	Jocelyn Route 202.671.3204, jocelyn.route@dc.gov
Program Description:	This Request for Applications (RFA) identifies an opportunity for the District’s faith-based organizations with resources and targeted information to link DC residents with behavioral needs, who are impacted by COVID-19, to clinical services and treatment.
Eligible Applicants:	<ol style="list-style-type: none"> 1. A faith-based organization located in the District of Columbia (DC); 2. 501(c)(3) non-profit status, or the ability to enlist the services of a fiscal agent that meets this criteria to apply for the funding on behalf of the applicant organization; and 3. Active Charitable Solicitation license from DC Department of Consumer and Regulatory Affairs (DCRA).
Anticipated Number of Awards:	Up to 4 awards, up to \$25,000 each
Anticipated Amount Available:	Up to \$100,000
Floor Award Amount:	N/A
Ceiling Award Amount:	Up to \$25,000

Funding Authorization:

Legislative Authorization:	Department of Health and Human Services, Substance Abuse and Mental Health Administration
Associated CFDA#:	93.665
Associated Federal Award ID#:	6H79FG000258-01M001
Cost Sharing/Match Required?	No
RFA Release Date:	Friday, August 28, 2020
Pre-Application Conference (Date):	Friday, September 11, 2020
Pre-Application Conference (Time):	2:00 p.m. (ET)
Pre-Application Conference (WebEx/Conference Call Access):	https://dcnet.webex.com/dcnet/j.php?MTID=m0d5f1f13840825eb4c36daf a08e4ee4c 1-650-479-3208 Call-in toll number (US/Canada) 1-202-860-2110 United States Toll (Washington D.C.) Meeting number (access code): 160 422 4405
Letter of Intent to Apply Due Date:	Wednesday, September 9, 2020
Application Deadline Date:	Monday, September 28, 2020
Application Deadline Time:	5:00 pm
Links to Additional Information about this Funding Opportunity:	DC Grants Clearinghouse https://communityaffairs.dc.gov/content/community-grant-program DBH RFA Opportunities https://dbh.dc.gov/page/request-applications-001

Notes:

- A. DBH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
- B. Awards are contingent upon the availability of funds.
- C. Individuals are not eligible for DBH grant funding.
- D. Applicants must have a DUNS#, Tax ID#, and be registered in the federal Systems for Award Management (SAM).
- E. Contact the program manager assigned to this funding opportunity for additional information.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE

The Department of Behavioral Health Establishment Act of 2013 authorizes the Department to “plan, develop, coordinate, and monitor comprehensive and integrated behavioral health systems of care for adults and for children, youth, and their families in the District, so as to maximize utilization of behavioral health services and behavioral health supports and to assure that services for priority populations identified in the Department's annual plan are funded within the Department's appropriations or authorizations by Congress and are available.” The Department has identified a need for additional behavioral health service providers in order to provide high quality behavioral health services for District of Columbia residents.

The Director of the Department of Behavioral Health, pursuant to the authority set forth in sections 5113, 5115, 5117, 5118 and 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.04, 7-1141.06, 7-1141.07 and 7-1141.08)(2013 Supp.), hereby gives notice that until further notice, the Department will not accept new certification applications for Free Standing Mental Health Clinics (FSMHC). On July 3, 2020, the Department published 22-A DCMR Chapter 30, FSMHC Certification Standards, under which the Department assumed the responsibility of certifying FSMHC from the Department of Health Care Finance (DHCF). All FSMHCs currently certified through DHCF must become certified under Chapter 30 by the Department by no later than March 30, 2021. Before accepting new FSMHC applications, the Department must process applications for existing FSMHC providers and evaluate the needs of the behavioral health network.

All questions regarding this Notice should be directed to Atiya Jackson, Director, Accountability Administration at Atiya.Jackson@dc.gov; or (202) 673-2245.

OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF TAX AND REVENUE

**ELIGIBILITY FOR THE REDUCED RECORDATION TAX RATE
FOR FIRST-TIME HOMEBUYERS IN TAX YEAR 2021**

Effective in Tax Year 2018, the recordation tax rate imposed by the city’s Recorder of Deeds on the purchase of an eligible property by a first-time District of Columbia homebuyer was reduced to 0.725%. “Eligible property” is defined as improved residential real property, including an economic interest in a cooperative unit, that qualifies for the homestead deduction and is purchased for no more than \$625,000 (D.C. Official Code § 42-1101 (17)). A “first-time District homebuyer” means a purchaser who has never owned eligible property as the individual’s principle residence and as having household income, including that of all owners, not exceeding the appropriate income limit established by the Office of Tax and Revenue for the year.

The statute establishes the maximum home purchase price shall be subject to an annual adjustment based on the Washington Area Consumer Price Index (CPI) for All Urban Consumers and rounded to the lowest multiple of \$500.00. Thus,

For calendar year 2016 the Washington Area average CPI value was: 253.42
 For calendar year 2019 the Washington Area average CPI value was: 264.78
 Consequently, the percent change in the index values for these two time periods is: 4.48%

Therefore, after adjusting for the change in the area CPI, the purchase price for an eligible property for Tax Year 2021 (beginning October 1, 2020) shall not exceed \$653,000.00.

Also, the statute establishes that for Tax Year 2021 the maximum household income with respect to persons living in the household shall be the following:

Maximum Eligible Household Income by Number of Persons in Household for Tax Year 2021	
Persons in Household	Household Income Limit
1	\$158,760
2	\$181,440
3	\$204,120
4	\$226,800
5	\$244,980
6	\$263,160
7	\$281,340
8	\$299,520

Source: Derived by the Office of Tax and Revenue from the “FY 2020 Income Limits Documentation System” published by the U.S. Department of Housing and Urban Development.

OFFICE OF THE DISTRICT OF COLUMBIA CLEMENCY BOARD

NOTICE OF PUBLIC MEETING

The Clemency Board will be holding its meeting on Friday, August 28, 2020 at 1:00 p.m. The meeting will be held via WebEx at the link (and numbers) below. Below is the draft agenda for this meeting.

AGENDA

1. Welcome and Call to Order
2. Introductions
3. Old Business
4. New Business
 - a. Adoption of Bylaws
 - b. Discuss setting up Board Website
5. Adjournment

Meeting Link:

<https://dcnet.webex.com/dcnet/j.php?MTID=m2e788df5f8a9f83c99a9c378b4b0d350>

Meeting number (access code): 160 585 1214

Password: ucMTdvmS323

More ways to join:

Join by video system Dial 1605851214@dcnet.webex.com
You can also dial 173.243.2.68 and enter your meeting number

Join by mobile device +1-202-860-2110, 1605851214## United States Toll (Wash., D.C.s)

Join by phone +1-202-860-2110 United States Toll (Washington, D.C.)

sJoin using Microsoft Lync or Microsoft Skype for Business

Dial 1605851214.dcnet@lync.webex.com

For additional information, please contact Lisa M. Wray, Executive Secretary at (202) 724-7681 or lisa.wray@dc.gov.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY20.21:

- Soil Removal and Replacement Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Tuesday, September 8, 2020**. Proposals and full RFP request should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

**DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF FUNDING AVAILABILITY**

Tree Canopy Restoration

The Department of Energy and Environment (the Department) seeks eligible entities to plant over 7,000 trees in two years and perform related outreach. The outreach will be to private and public landowners to: identify new planting opportunities in the District of Columbia; develop and implement tree planting plans; incentivize the planting of new trees on private lands; ensure the viability of newly planted trees; and, engage community members, organizations, stakeholders, and landowners throughout the process. The amount available for the project is approximately \$1,300,000.

Beginning 8/28/2020, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the heading for "Grants", and to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to 2020treecanopyRFA.grants@dc.gov with "Request copy of RFA 2020-2020-WPD" in the subject line.

The deadline for application submissions is 9/28/2020. The online application must be time stamped by 11:59 p.m. on the date the application is due. E-mail the completed application to 2020treecanopyRFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: 2020treecanopyRFA.grants@dc.gov.

D.C. GREEN FINANCE AUTHORITY
NOTICE OF CLOSED MEETING OF THE
BOARD

The D.C. Green Finance Authority will conduct a closed meeting of the Board, pursuant to the Open Meetings Act, (DC Official Code §2-574(1)).

The date, time and location of the Closed Meeting shall be as follows:

Date: Thursday August 20th
Time: 2:00 PM – 2:30 PM
Location: - Microsoft Teams Call -
Confidential items only to be discussed.
Contact: Victoria Prado - info@dcgreenbank.org

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE OF PROPOSED AMENDMENT TO THE DISTRICT
OF COLUMBIA STATE PLAN FOR MEDICAL ASSISTANCE
GOVERNING MEDICAID REIMBURSEMENT OF MEDICAL SUPPLIES
AND EQUIPMENT**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code §1-307.02 (2016 Repl. & 2018 Supp.)) and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)) hereby gives notice of the intent to submit an amendment to the District of Columbia State Plan for Medical Assistance (State Plan) to the federal Centers for Medicare and Medicaid Services (CMS) for review and approval and to promulgate an accompanying rule.

DHCF is proposing to establish Medicaid coverage and reimbursement methodology for medical alert services and devices under the Home Health benefit of the State Plan. Medical alert devices and services will include coverage of Personal Emergency Response System (PERS) devices and services, as well as medication management devices and services. Addition of coverage of medical alert devices and services under the State Plan aligns with changes DHCF is proposing to the District's 1915(c) Home and Community Based-Services Waiver for the Elderly and Persons with Physical Disabilities effective October 1, 2020.

These reimbursement rates for medical alert devices and services each service will be included in the Medicaid Fee Schedule and will become effective on October 1, 2020. The Medicaid Fee Schedule for is located on the DHCF website at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

This policy change will take effect on October 1, 2020 or the effective date established in the proposed SPA, whichever is later. DHCF also is amending the program rules to support this change. The estimated aggregate fiscal impact of the proposed changes is an increase of \$643,900 in fiscal year (FY) 2021 and an increase of \$793,800 in FY 2022.

If you have any questions, please contact Andrea Clark, Reimbursement Analyst, Office of Rates Reimbursement and Financial Analysis, Department of Health Care Finance, at 441 4th Street, Suite 900S, Washington, DC 20001, or email at andrea.clark@dc.gov or (202) 724-4096.

I DREAM PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****English Language Arts Curriculum & Management in the Active Classroom
Implementation for 1st/2nd Grade Multiage Classroom**

I Dream Public Charter School is to enter into a sole source contract with EL Education to provide the following services for the 2020-2021 school year:

I Dream Public Charter School is in need of professional development for 5 teachers and 2 school leaders, and strategic planning/coaching to implement EL Education's English Language Arts curriculum and Management in the Active Classroom practices in one 1st/2nd grade classroom. There is no other curriculum service provider that can support the multiage curriculum development and implementation of EL Education's ELA curriculum and practices to the extent that EL Education provides. The cost of \$32,300 for SY2020-21 is a reasonable and cost-effective figure for the required services.

Send proposal by 5:00 pm, September 4, 2020 via e-mail to: mwhitnall@idreampcs.org

For additional information, please contact:

Matt Whitnall
I Dream Public Charter School
2220 Branch St SE
Washington, DC 20020
mwhitnall@idreampcs.org

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
Monica Martinez)	
)	PERB Case No. 19-U-01
Complainant)	
)	Opinion No. 1733
v.)	
)	
District of Columbia)	
Public Schools)	
)	
Respondent)	
_____)	

DECISION AND ORDER

I. Statement of the Case

On October 12, 2018, Complainant Monica Martinez, *pro se* (Complainant), filed the instant unfair labor practice complaint (Complaint)¹ against Respondent District of Columbia Public Schools (DCPS), alleging that DCPS violated the Comprehensive Merit Personnel Act (CMPA), D.C. Official Code § 1-617.04(a)(3) and (4). The Complaint alleged that DCPS exceeded Complainant from Complainant’s teaching position in retaliation for having sought the intervention of Washington Teachers’ Union (WTU) in a complaint about Complainant’s job duties.² On November 5, 2018, DCPS filed an Answer arguing that Complainant failed to allege any unfair labor practice.³ DCPS also asserted that the Complaint was untimely filed and that PERB lacked jurisdiction over the allegations in the Complaint.⁴

A hearing was held on July 25, 2019. The parties submitted post-hearing briefs. On November 12, 2019, the Hearing Examiner issued a Report of Findings and Recommendations (Report). The parties did not file exceptions.

As discussed more fully below, the Board finds that the Hearing Examiner’s conclusions are reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board

¹ The Complaint alleged violations of D.C. Official Code § 1-617.04(a)(1) and (3); however, the Hearing Examiner determined that the allegations in the Complaint were violations of D.C. Official Code §1-617.04(a)(3) and (4).

² Report at 1. In the Complaint, Complainant referenced an earlier unfair labor practice complaint filed against DCPS in PERB Case No. 15-U-29; however, Complainant did not allege in this Complaint that Complainant’s position was exceeded in retaliation for having filed the earlier unfair labor practice complaint.

³ Resp’t Answer at 4-10.

⁴ Resp’t Answer at 4-10.

Decision and Order
PERB Case No. 19-U-01
Page 2

adopts the recommendations of the Hearing Examiner that DCPS did not violate D.C. Official Code § 1-617.04(a)(3) and (4) and dismisses the Complaint in its entirety.

II. The Hearing Examiner's Report and Recommendations

A. Factual Determinations

Complainant began teaching at DCPS in 1992.⁵ At the time of the events leading to the instant complaint, Complainant taught English Language Arts to grades 7 and 8 at Wheatley Education Campus.⁶ In February 2018, Complainant reported on a Mid-Year Teacher Assessment Strategy Reflection Sheet that Complainant “would like less breakfast duty.”⁷ On March 1, 2018, Complainant again requested an exemption from breakfast monitoring duty in an email to Complainant's principal, Dr. Shenora Plenty.⁸ On March 6, 2018, in an email to Complainant and several other teachers, Dr. Plenty responded that their breakfast duty was reduced to once a week.⁹ Shortly thereafter, Complainant contacted WTU Vice President Jacqueline Pogue-Lyons regarding breakfast monitoring duties.¹⁰ According to Complainant, Pogue-Lyons spoke to Dr. Plenty, but Dr. Plenty would not make any more exemptions.¹¹ Complainant did not file a grievance over Dr. Plenty's refusal to exempt Complainant from breakfast monitoring duties.

On May 14, 2018, Dr. Plenty told Complainant that Complainant's English Language Arts position was being excessed from the school's budget.¹² The same day, Complainant requested that WTU file a grievance on Complainant's behalf.¹³ In a letter dated May 16, 2018, Complainant received an official notification that Complainant's position was being excessed effective June 15, 2018.¹⁴ The letter noted that Complainant's excessed status would be rescinded if a vacancy for the Teacher-Reading position occurred prior to June 15, 2018.¹⁵ On June 15, 2018, Complainant's position was excessed.¹⁶

At the hearing, Complainant testified that she went to sixteen (16) interviews at twelve (12) schools during May, June, and July 2018 in an attempt to find another permanent English position; none of these interviews led to an offer.¹⁷

B. Issues and Recommendations

⁵ Hr'g Exam'r R. & R. at 1.

⁶ Hr'g Exam'r R. & R. at 2.

⁷ Hr'g Exam'r R. & R. at 2.

⁸ Hr'g Exam'r R. & R. at 2.

⁹ Hr'g Exam'r Rep. at 2.

¹⁰ Hr'g Exam'r R. & R. at 2.

¹¹ Hr'g Exam'r R. & R. at 2.

¹² Hr'g Exam'r R. & R. at 3.

¹³ Hr'g Exam'r R. & R. at 2. On June 4, 2018, WTU filed a Step 1, Stage 3 grievance over Complainant's excessing. (Compl., Ex. 2; Resp't Answer, Ex. 2) At the time of the hearing, resolution of Complainant's grievance was pending.

¹⁴ Hr'g Exam'r R. & R. at 3.

¹⁵ Hr'g Exam'r R. & R. at 3.

¹⁶ Compl., Ex. 1.

¹⁷ Hr'g Exam'r R. & R. at 4.

Decision and Order
PERB Case No. 19-U-01
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The Hearing Examiner determined that the issues for resolving Complainant's allegations were the following: "(1) Was the Complaint timely filed? (2) If the Complaint was timely filed, did the Respondent commit an unfair labor practice? If so, what should be the remedy?"¹⁸ The Hearing Examiner's conclusions and recommendations are discussed below in the order addressed in the Report.

The Hearing Examiner concluded that the Complaint was timely filed. The Hearing Examiner reasoned that Complainant's position was not exceeded until June 15, 2018.¹⁹ The Hearing Examiner found that the Complaint's filing date of October 12, 2018, was within 120 days of June 15, 2018, and therefore, timely.²⁰

The Hearing Examiner concluded that Complainant did not prove the allegation that DCPS exceeded Complainant's teaching position in violation of the CMPA. First, the Hearing Examiner addressed Respondent's argument that the Board lacked jurisdiction over the allegations in the Complaint. The Hearing Examiner noted that it would be a violation of D.C. Official Code § 1-617.04(a)(4) for DCPS' excessing action "to have been informed by illegal retaliatory intent."²¹ The Hearing Examiner stated that the instant Complaint alleged DCPS exceeded Complainant's position in retaliation for seeking representation by WTU.²² Thus, the Hearing Examiner concluded that the allegations in the Complaint are within the jurisdiction of the Board.²³

Second, the Hearing Examiner evaluated Complainant's substantive allegations that DCPS retaliated against Complainant for exercising a statutorily protected right.²⁴ The Hearing Examiner found no basis to conclude that DCPS had animus against Complainant as a result of having filed PERB Case No. 15-U-29. The Hearing Examiner considered Complainant's March 1, 2018, email to Dr. Plenty to be relieved of breakfast duties as an interaction with DCPS management that may have led to animus against Complainant.²⁵ The Hearing Examiner reviewed the correspondence and did not find any basis to conclude that the request created animus against Complainant.²⁶ The Hearing Examiner also determined that the record did not support Complainant's contention that DCPS Human Resources personnel prevented Complainant from obtaining a position at another school.²⁷ Therefore, the Hearing Examiner recommended that the Complaint be dismissed.

III. Discussion

¹⁸ Hr'g Exam'r R. & R. at 4.

¹⁹ Hr'g Exam'r R. & R. at 6.

²⁰ Hr'g Exam'r R. & R. at 6.

²¹ Hr'g Exam'r R. & R. at 8-9.

²² Hr'g Exam'r R. & R. at 9.

²³ Hr'g Exam'r R. & R. at 9; *Rayshawn Douglas v. D.C. Housing Auth.*, 64 D.C. Reg. 9301, Slip Op. No. 1623 at 2. PERB Case No. 15-U-32 (2017).

²⁴ *Wright Line v. Lamoureux*, 251 NLRB 1083 (1980).

²⁵ Hr'g Exam'r Rep. at 10.

²⁶ Hr'g Exam'r R. & R. at 10.

²⁷ Hr'g Exam'r R. & R. at 11.

Decision and Order
PERB Case No. 19-U-01
Page 4

The Board will affirm a hearing examiner's findings and recommendations when they are reasonable, supported by the record, and consistent with Board precedent.²⁸ When considering the pleadings of a *pro se* complainant, the Board construes the claims liberally to determine whether a proper cause of action has been alleged and whether the complainant has requested proper relief.²⁹

A. Timeliness

The Hearing Examiner recommended that the Board find that the Complaint was timely filed, in accordance with PERB Rule 520.4. The Board has held that PERB Rule 520.4 requires unfair labor practice complaints be filed within one hundred twenty (120) days of when the complainant first knew or should have known of the acts giving rise to the alleged violation.³⁰ The Hearing Examiner explained that, while Complainant was first aware of DCPS' intent to excess Complainant's position on May 14, 2018, the act was not effective until June 15, 2018.³¹ The Hearing Examiner noted that the excessing of Complainant's position was contingent on a vacancy for the Teacher-Reading position by the effective date.³² The Hearing Examiner found that the Complaint's filing date of October 12, 2018, was within one hundred twenty (120) days of June 15, 2018, and therefore, timely. The Board agrees with the Hearing Examiner's determination that Complainant's cause of action arose on June 15, 2018, after a vacancy for the Teacher-Reading position did not occur and the excessing action was effective. The Board finds that the Hearing Examiner's findings and conclusions are reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's conclusion that the Complaint was timely filed.

B. Jurisdiction

The Hearing Examiner determined that the Board has jurisdiction to resolve the allegations in the Complaint. The Board has held that if the Board must interpret the parties' collective bargaining agreement in order to determine whether there has been a violation of the CMPA, then the Board does not have jurisdiction over the allegations and will defer the matter to the parties' negotiated grievance and arbitration process.³³ The Board finds that the instant Complaint does not involve the application of the parties' collective bargaining agreement. Complainant alleged that DCPS retaliated against Complainant for seeking WTU's representation in her effort to be relieved of breakfast duty. The Board has held that D.C. Official Code § 1-617.04(a)(4) "expressly and specifically protects employees who engage in any of the listed activities therein when it is pursuant to matters under the CMPA."³⁴ An employee's right to representation by a labor

²⁸ *American Fed'n of Gov't Emp., Local 872 v. D.C. Water and Sewer Auth.*, 52 D.C. Reg. 2474, Slip Op. No. 702, PERB Case No. 00-U-12 (2003).

²⁹ *Allen v. Bd. Of Trustees of UDC*, 60 D.C. Reg. 13713, Slip Op. No. 1416 at 2, PERB Case No. 11-U-45 (2013).

³⁰ *Pitt v. D.C. Dep't of Corr.*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009).

³¹ Hr'g Exam'r R. & R. at 6.

³² Hr'g Exam'r R. & R. at 6.

³³ *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. Metro. Police Dep't*, 62 D.C. Reg. 13348, Slip Op. No. 1534, PERB Case No. 08-U-22 (2015).

³⁴ *Council of Sch. Officers, Local 4 v. D.C. Pub. Sch.*, 59 D.C. Reg. 3274, Slip Op. No. 803 at 10, PERB Case No. 04-U-38 (2007).

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PERB Case No. 19-U-01
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organization is protected by the statute.³⁵ The Board finds that the Hearing Examiner's findings and conclusions are reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board adopts the Hearing Examiner's conclusion that PERB has jurisdiction over the allegation in the Complaint.

C. Unfair Labor Practice Allegations

The Board adopts the Hearing Examiner's findings and conclusions that Complainant did not prove the allegation that DCPS exceeded Complainant's teaching position in violation of the D.C. Official Code § 1-617.04(a)(3) and (4).³⁶ Pursuant to Board Rule 520.11, Complainant is required to prove, by a preponderance of evidence, that DCPS committed unfair labor practices in violation of the CMPA.³⁷ D.C. Official Code § 1-617.04(a)(3) and (4), in pertinent part, prohibits the District from discriminating in regard to tenure of employment to discourage membership in any labor organization and discharging or otherwise taking reprisal against an employee because they have filed a complaint. The Board has adopted the analysis set forth by the National Labor Relations Board in *Wright Line v. Lamoureux*,³⁸ that a complaint is required to establish a *prima facie* case by showing that the complainant's exercise of a protected right was a "motivating factor" in the employer's disputed action.³⁹ Under *Wright Line*, a *prima facie* case may be established by a showing that the complainant (1) engaged in protected union activity; (2) the employer knew about the employee's protected union activity; (3) there was anti-union animus or retaliatory animus by the employer; and (4) as a result, the employer took an adverse employment action against the employee.⁴⁰

Complainant alleged the protected activity that triggered the decision to excess Complainant was Complainant's efforts, through WTU's representation concerning Complainant's breakfast duties.⁴¹ The Hearing Examiner found that Complainant's March 1, 2018, email to Dr. Plenty regarding Complainant's breakfast duties was not a protected activity under the CMPA. Reviewing the Complainant's allegation that DCPS retaliated against Complainant for seeking WTU's representation for her breakfast duty issues, the Hearing Examiner found that

³⁵ *Fraternal Order of Police/Metro. Police Dep't Labor Comm v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 4948, Slip Op No. 932, PERB Case No. 07-U-10 (2008).

³⁶ D.C. Official Code § 1-617.04(a)(3) and (4): "The District, its agents, and representatives are prohibited from: (3) Discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization . . . ; (4) Discharging or otherwise taking reprisal against an employee because he or she has signed or filed an affidavit, petition, or complaint or given any information or testimony under this subchapter. . . ."

³⁷ PERB Rule 520.11.

³⁸ *Wright Line v. Lamoureux*, 251 NLRB 1083 (1980).

³⁹ *Bagenstose v. D.C. Pub. Sch.*, 38 D.C. Reg. 4155, Slip Op. No. 270, PERB Case No. 88-U-33 and 88-U-34 (1991).

⁴⁰ Hr'g Exam'r Rep. at 9; *Doctors Council of D.C. v. D.C. Commission on Mental Health Services*, 47 D.C. Reg. 7568, Slip Op. No. 636 at 3, PERB Case No. 99-U-06 (2000); *see also D.C. Nurses Association v. D.C. Health and Hospitals Public Benefit Corp.*, 46 D.C. Reg. 6271, Slip Op. No. 583, PERB Case No. 98-U-07 (1999).

⁴¹ The Complainant made reference in the Complaint and in Complainant's post-hearing brief that Complainant previously filed PERB Case No. 15-U-29 against DCPS; however, Complainant did not allege that DCPS exceeded Complainant's position in retaliation for having previously filed a complaint addressed in PERB Case No. 15-U-29. Further, Complainant did not present evidence of this allegation either at the hearing or in Complainant's post-hearing brief. Therefore, the Board will not address this allegation in its analysis.

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PERB Case No. 19-U-01
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WTU Vice-President Pogue-Lyons' conversation with Dr. Plenty on Complainant's behalf established that a management official was aware of Complainant's concerns and actions; however, the Hearing Examiner found that Complainant failed to establish that WTU's representation created animus by DCPS against Complainant. The Hearing Examiner found nothing in the record indicated how WTU presented Complainant's request to Dr. Plenty, nor how Dr. Plenty reacted to the request.⁴² Further, the Hearing Examiner noted that actual notice of the excessing of Complainant's position was signed by Julie Johnson, Interim Chief of Talent and Culture, not by Dr. Plenty.⁴³

Similarly, Complainant's contention that DCPS Human Resources personnel prevented Complainant from obtaining a position at another school is not supported by the record. Nothing in the record showed that officials at other schools knew about Complainant's requests to be relieved of breakfast duty or that Human Resources personnel were involved in the interviewing process.

The Board finds that the Hearing Examiner's conclusion that Complainant did not prove the allegation that DCPS exceeded Complainant's teaching position in violation of the CMPA is reasonable, supported by the record, and consistent with Board precedent. Therefore, the Board concludes that the Complainant did not establish a *prima facie* case for retaliation under *Wright Line*.

IV. Conclusion

The Board has reviewed and adopted the findings, conclusions, and recommendations of the Hearing Examiner, and finds that DCPS did not violate D.C. Official Code § 1-617.04(a)(3) and (4). Therefore, the Complaint is dismissed in its entirety.

ORDER

IT IS HEREBY ORDERED THAT:

1. This Complaint be dismissed.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

⁴² Hr'g Exam'r R. & R. at 11.

⁴³ Hr'g Exam'r R. & R. at 11.

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January 16, 2020

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-U-01, Opinion No. 1733 was sent by File and ServeXpress and U.S. Mail to the following parties on this 27th day of January, 2020.

Monica Martinez
4818 Chevy Chase Drive #303
Chevy Chase, MD 20815

Stephanie T. Maltz, Esq.
Office of Labor Relations and
Collective Bargaining
441 4th Street, NW, Suite 820 North
Washington, D.C. 20001

/s/ Alexis Anderson, Esq.
Attorney Advisor

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
)	
Washington Teachers’ Union, Local #6, American Federation of Teachers, AFL-CIO,)	
Complainant)	PERB Case No. 20-U-26
)	
v.)	Opinion No. 1755
)	
District of Columbia Public Schools)	
Respondent)	

DECISION AND ORDER

I. Statement of the Case

On May 19, 2020, the Washington Teachers’ Union, Local #6 (Union) filed an Unfair Labor Practice Complaint¹ (Complaint) alleging that the District of Columbia Public Schools (Agency) violated the Comprehensive Merit Personnel Act of 1978 (CMPA) by refusing to bargain. On June 2, 2020, the Agency filed an Answer (Answer) to the Complaint.

The facts of this case are undisputed; therefore, it is appropriate for the Board to decide the case upon the pleadings. Board Rule 520.06 provides that “if a review of the complaint and any response thereto reveals that there is no issue of fact to warrant a hearing, the Board may render a decision upon the pleadings. . . .” For the reasons stated herein, the Board finds that the Agency committed an unfair labor practice in violation of D.C. Official Code § 1-617.04(a)(1) and (5).

II. Undisputed Facts

Based on a review of the Complaint and Answer, the Board finds the following facts undisputed. In May 2019, the Union and the Agency started negotiating a new collective bargaining agreement to replace their expiring agreement. The parties met in person and negotiated on a regular basis until March 12, 2020.² On or around March 13, 2020, Mayor Muriel Bowser announced that the D.C. government would adjust its operating status, beginning March 16, 2020, to mitigate the spread of the coronavirus (COVID-19).³

¹ The Union also filed a Motion for Preliminary Relief, which is now moot.

² Compl. at 3, ¶ 7; Answer at 3, ¶ 7.

³ Compl. at 3, ¶ 8; Answer at 3, ¶ 8

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On or around March 16, 2020, the Agency sought to postpone in-person negotiations until April 9, 2020, in light of the COVID-19 pandemic, the state of emergency, and the Agency's telework status.⁴ The Union agreed to postpone.⁵

On or around April 2, 2020, the Agency proposed to postpone negotiations until May 7, 2020.⁶ The Union had no objection to extending the date of the parties' next negotiating session to May 7, 2020, and proposed to continue negotiations remotely at that time.⁷ On or around April 10, 2020, the Agency agreed through an email to the Union's proposal to resume negotiations virtually on May 7, 2020.⁸

On or around March 24, 2020, separate and apart from the parties' collective bargaining negotiations, the Agency proposed that the parties hold virtual Step 1, Stage 3 grievance meetings regarding alleged violations of the IMPACT evaluation process.⁹ The Union agreed to consider a memorandum of understanding (MOU) as a temporary modification of the parties' practices, outside of the collective bargaining agreement, in response to the COVID-19 pandemic.¹⁰

During discussions on the terms of the MOU, the Agency changed its proposal to request that the parties conduct all steps of the grievance meetings as well as arbitrations virtually, not only Step 1, Stage 3 meetings as originally proposed. On or around April 13, 2020, the Union stated that it could not agree to the proposal.¹¹ In response, on April 15, 2020, the Agency suspended contract negotiations asserting, "Until the parties reach an agreement on conducting all DCPS-WTU meetings and hearings virtually, DCPS will not agree to conduct only negotiations or IMPACT grievance meetings virtually."¹²

On or around May 6, 2020, the Union President contacted the Agency Chancellor by telephone to discuss the continuation of contract negotiations between the parties.¹³ On or around Friday, May 8, 2020, the Union's negotiating team met virtually with the Agency's negotiating team and the Chancellor to discuss ideas and recommendations regarding DCPS's plans to reopen schools and the educational challenges faced by students and teachers during the COVID-19 pandemic.¹⁴ On or around May 11, 2020, in following up on this meeting by email, the Chancellor declared that the May 8 meeting was not a contract negotiating session, and confirmed that "discussions related to entering into a new collective bargaining agreement are currently on hold

⁴ Compl. at 3, ¶ 9; Answer at 3, ¶ 9.

⁵ Compl. at 4, ¶ 10; Answer at 4, ¶ 10.

⁶ Compl. at 4, ¶ 11; Answer at 4, ¶ 11.

⁷ Compl. at 4, ¶ 12; Answer at 4, ¶ 12.

⁸ Compl. at 4, ¶ 13; Answer at 4, ¶ 13.

⁹ Compl. at 4, ¶ 14; Answer at 5, ¶ 14.

¹⁰ Compl. at 5, ¶ 15; Answer at 5, ¶ 15.

¹¹ Compl. at 5, ¶ 16; Answer at 5, ¶ 16.

¹² Compl. at 5, ¶ 17; Answer at 6, ¶ 17.

¹³ Compl. at 6, ¶ 21; Answer at 7, ¶ 21.

¹⁴ Compl. at 6, ¶ 22; Answer at 7, ¶ 22.

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while we work through the issue of conducting all WTU-DCPS business (negotiations, grievance meetings and hearings, etc.) virtually.”¹⁵

On or around May 13, 2020, the Union communicated to the Chancellor its expectation that the Agency “adhere to its prior written agreement to conduct negotiations virtually” and resume contract negotiations virtually.¹⁶ In response that day, the Chancellor reiterated the Agency’s preconditions for negotiations, stating that the Agency “will be glad to resume collective bargaining negotiations virtually at such time when [the Union] agrees that all of our business can be done virtually.”¹⁷

III. Discussion

Based on the undisputed facts, the Board finds that the Agency agreed to conduct collective bargaining negotiations virtually.¹⁸ Subsequently, the Agency unilaterally suspended negotiations until the Union agreed that all negotiations, grievance meetings, and hearings would also be held virtually.¹⁹ The Agency does not deny the essential conduct alleged by the Union. On April 10, 2020, the Agency unambiguously agreed to “resume negotiations virtually, using Microsoft Teams, on May 7, 2020.”²⁰ However, the Agency contends that its actions, nevertheless, did not constitute a refusal to bargain in good faith.²¹

D.C. Official Code § 1-617.04(a)(5) makes it an unfair labor practice for the District “refusing to bargain collectively in good faith with the exclusive representative.”²²

The Board has adopted the NLRB holding that “an employer violates its obligation to bargain in good faith by refusing to make any proposals on or engage in discussions over one category of mandatorily negotiable matters until negotiations occurred and agreement was reached over another category of mandatorily negotiable matters.”²³ In *UDCFA v. UDC*, the University refused to meet for substantive bargaining over compensation issues until the parties reached an agreement on procedural ground rules.²⁴ The Board found that the University’s refusal to meet

¹⁵ Compl. at 6, ¶ 23; Answer at 8, ¶ 23.

¹⁶ Compl. at 7, ¶ 24; Answer at 8, ¶ 24.

¹⁷ Compl. at 7, ¶ 25; Answer at 8, ¶ 25.

¹⁸ Compl. at 4, ¶ 13; Answer at 4, ¶ 13.

¹⁹ Compl. at 7, ¶ 25; Answer at 8, ¶ 25.

²⁰ The Agency points to an April 15, 2020, email and argues that its agreement to resume negotiations was tentative. The Board finds this post-hoc excuse for refusing to bargain insufficient. The agreement to negotiate virtually was unambiguous and the Agency did not assert any condition on the negotiations until the Union did not agree to the demand to conduct all grievance meetings and arbitrations virtually.

²¹ Answer at 12.

²² D.C. Official Code § 1-617.04(a)(5).

²³ *UDCFA v. UDC*, 41 D.C. Reg. 1585, Slip Op. No. 297 at 3, PERB Case No. 90-U-23 (1994) (citing *Federal Magul Corp.* 212 NLRB No. 141 (1974); see also *Gen. Drivers & Helpers Union, Local 662 v. NLRB*, 302 F.2d 908, 910 (D.C. Cir. 1962) (holding that the NLRB correctly found that the refusal of Employer to meet with the Union unless and until it ended a strike was a clear refusal to bargain in violation of Section 8(a)(5) of the Act. There the Employer and the Union held several negotiating sessions but did not reach an agreement. The Employer refused to negotiate further, and the Union called a strike. The Employer told the Union that it would talk further with the Union if the strikers returned to work.).

²⁴ *UDCFA v. UDC*, 41 D.C. Reg. 1585, Slip Op. No. 297 at 2, PERB Case No. 90-U-23 (1994).

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violated D.C. Official Code § 1-617.04(a)(1) and (5) because the refusal frustrated the bargaining obligations of the parties.²⁵

In the instant case, the Agency refused to meet for the negotiation of a collective bargaining agreement until the Union agreed to conduct all negotiations, grievance meetings, and hearings virtually. The Board finds that the Agency's conditioning of its obligation to bargain on first negotiating and reaching agreement on conducting all negotiations, grievance meetings, and hearings virtually had the effect of frustrating the parties' bargaining obligation.²⁶

Therefore, the Agency's refusal to meet until the Union agreed to conduct all negotiations, grievance meetings, and hearings virtually constituted a refusal to bargain in good faith in violation of D.C. Official Code § 1-617.04(a)(1) and (5).²⁷

IV. Conclusion

The Board concludes that the District of Columbia Public Schools violated D.C. Official Code § 1-617.04(a)(1) and (5) of the Comprehensive Merit Personnel Act.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Public Schools shall bargain forthwith in good faith with Washington Teachers' Union, Local #6;
2. The District of Columbia Public Schools shall cease and desist from conditioning bargaining, upon request, over the collective bargaining agreement with Washington Teachers' Union, Local # 6 on negotiating and/or reaching agreement over the MOU;
3. The District of Columbia Public Schools shall cease and desist from interfering with, restraining, or coercing, in any like or related manner, employees represented by Washington Teachers' Union, Local # 6 in the exercise of rights guaranteed by the Comprehensive Merit Personnel Act;
4. Within fourteen (14) days from the service of this Decision and Order, the District of Columbia Public Schools shall post the attached Notice conspicuously where notices to employees in this bargaining unit are customarily posted for thirty (30) consecutive days and electronically in a manner in which notices are customarily distributed; and

²⁵ *Id.* at 3.

²⁶ *Id.*

²⁷ *Id.*

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5. The District of Columbia Public Schools shall notify the Public Employee Relations Board, in writing, within fourteen (14) days from the issuance of this Decision and Order, that Notices have been posted as ordered.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of the Board Chairperson Douglas Warshof, Members Ann Hoffman, Barbara Somson, Mary Anne Gibbons, and Peter Winkler.

June 18, 2020

Washington, D.C

NOTICE

TO ALL EMPLOYEES REPRESENTED BY THE WASHINGTON TEACHERS' UNION, LOCAL # 6, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, (WTU) AT THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. , PERB CASE NO. 20-U-26.

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered us to post this notice.

WE WILL cease and desist from insisting on negotiation and/or reaching agreement on an unrelated Memorandum of Understanding as a condition for bargaining the new collective bargaining agreement.

WE WILL NOT, in any like or related manner, interfere with, restrain, or coerce our employees represented by WTU in the exercise of their rights under the Comprehensive Merit Personnel Act.

WE WILL negotiate in good faith with WTU, upon request.

District of Columbia Public Schools

Date: _____

By: _____

(Chancellor)

This Notice must remain posted electronically for thirty (30) consecutive days from the date of posting and must not be altered.

If employees have any questions concerning the Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, by email at perb@dc.gov, by mail at 1100 4th Street SW, Suite 630E, Washington, D.C. 20024. Phone: 202-727-1822.

CERTIFICATE OF SERVICE

I hereby certify that the attached Decision and Order, Slip Op.1755, in PERB Case No. 20-U-26 served electronically via File & ServeXpress to the following parties on this the day of July 2, 2020:

Lee W. Jackson
James & Hoffman, P.C.
1130 Connecticut Avenue NW, Suite 950
Washington, D.C. 20036

Stephanie Maltz, Esq.
District of Columbia
Office of Labor Relations and Collective Bargaining
441 4th Street NW, Suite 820 North
Washington, D.C. 20001

/s/ Royale Simms
Royale Simms
Attorney Advisor
Public Employee Relations Board

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED TARIFF

FORMAL CASE NO. 1017, IN THE MATTER OF THE DEVELOPMENT AND DESIGNATION OF STANDARD OFFER SERVICE IN THE DISTRICT OF COLUMBIA,

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,¹ of its intent to act upon the proposed tariff amendment of the Potomac Electric Power Company (Pepco or Company)² in not less than thirty (30) days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On December 17, 2019, Pepco filed its proposed update to its Rider Standard Offer Service (SOS) transmission retail rates. Pepco's proposed tariff amendment updated the retail transmission rates included in the Rider Standard Offer Service "to reflect the current Federal Energy Regulatory Commission (FERC) approved wholesale transmission rates, which went into effect [on] June 1, 2019."³ Pepco stated that the "updated Network Integrated Transmission Service (NITS) rate is based on the data contained in the 2018 FERC Form 1 for Pepco, which was filed with the FERC on April 2, 2019."⁴ In addition, the Company noted that the filed wholesale transmission rate for the Pepco Zone effective June 1, 2019, is approximately \$32,533 per megawatt-year for NITS, including the Southern Maryland Electric Cooperative's (SMECO) formula rate for NITS.⁵ Pepco also stated that "[a]ccounting for solely for the Pepco Zone's share of Pepco Zone Schedule 12 Transmission Enhancement Charges (TECs), the wholesale transmission rate for NITS effective June 1, 2019, excluding any amount associated with the SMECO formula rate for NITS, is approximately \$29,869 per megawatt-year."⁶ Pepco indicated that "the filed wholesale transmission rate for NITS for SMECO currently in effect is appropriately \$2,665 per megawatt-year."⁷

3. Pepco stated that the current FERC-approved wholesale transmission rates, effective June 1, 2019 include three items: 1) Pepco's and SMECO's FERC-approved formula

¹ D.C. Code § 2-505 (2018 Repl.) and § 34-802 (2013 Repl.).

² *Formal Case No. 1017, In the Matter of the Development and Designation of Standard Offer Service in the District of Columbia* ("Formal Case No. 1017"), Letter from Dennis P. Jamouneau, Assistant General Counsel, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed December 17, 2019 ("Pepco's December 17, 2019 Letter").

³ Pepco's December 17, 2019 Letter at 1.

⁴ Pepco's December 17, 2019 Letter at 2.

⁵ Pepco's December 17, 2019 Letter at 2 and Attachment D, at 1.

⁶ Pepco's December 17, 2019 Letter at 2.

⁷ Pepco's December 17, 2019 Letter at 2.

rates; 2) Transmission Enhancement Charges pursuant to Schedule 12 of PJM Open Access Transmission Tariff; and 3) the FERC Docket No. E105-121-009 Settlement pertaining to the allocation of costs for Regional Transmission Enhancement Projects among transmission owners in PJM.⁸ Pepco indicated that the resulting Pepco Zone's Retail Transmission Revenue Requirement has increased from the current revenue requirement of \$71.6 million to \$101.8 million, an increase of roughly \$30.2 million or 42.2 percent.⁹

4. On July 30, 2020, Pepco filed a revised, proposed update to its Rider SOS transmission retail rates tariff, supplementing the Company's original December 17, 2019, tariff amendment.¹⁰ The Company notes that the incorporation of the original three (3) items described above into the Company's transmission rates "remains unchanged" in July 30, 2020, tariff amendment as compared with the December 17, 2019, tariff amendment.¹¹ The July 30, 2020, filing does include a fourth additional item, the Procurement Cost Adjustment (PCA)-related transmission retail rate adjustment, which was not included in the original filing.¹² The Company estimates that the net impact (including the impact to the PCA) of this adjustment to a Residential SOS customer using 650 kWh per month is \$2.15 per month.¹³

5. Pepco proposes to amend the following fourteen (14) tariff pages which contain the revised retail transmission rates:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
One Hundred Tenth Revised Page No. R-1
Superseding One Hundred Ninth Revised Page No. R-1**

**P.S.C.-D.C. No. 1
One Hundred Tenth Revised Page No. R-2
Superseding One Hundred Ninth Revised Page No. R-2**

**P.S.C.-D.C. No. 1
One Hundred Third Revised Page No. R-2.1
Superseding One Hundred Second Revised Page No. R-2.1**

**P.S.C.-D.C. No. 1
One Hundred Third Revised Page No. R-2.2**

⁸ Pepco's December 17, 2019 Letter at 1, 3.

⁹ Pepco's December 17, 2019 Letter, Attachment B, at 1.

¹⁰ *Formal Case No. 1017*, Letter from Dennis P. Jamouneau, Assistant General Counsel, Potomac Electric Power Company, to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, filed December 17, 2019 ("Pepco's July 30, 2020 Letter").

¹¹ Pepco's July 30, 2020 Letter at 3.

¹² Pepco's July 30, 2020 Letter at 3.

¹³ Pepco's July 30, 2020 Letter at 2.

Superseding One Hundred Second Revised Page No. R-2.2

**P.S.C.-D.C. No. 1
Thirty-Third Revised Page No. R-41
Superseding Thirty-Second Revised Page No. R-41**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.1
Superseding Thirty-First Revised Page No. R-41.1**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.2
Superseding Thirty-First Revised Page No. R-41.2**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.3
Superseding Thirty-First Revised Page No. R-41.3**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.4
Superseding Thirty-First Revised Page No. R-41.4**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.5
Superseding Thirty-First Revised Page No. R-41.5**

**P.S.C.-D.C. No. 1
Third Revised Page No. R-41.5a
Superseding Second Revised Page No. R-41.5a**

**P.S.C.-D.C. No. 1
Thirty-Second Revised Page No. R-41.6
Superseding Thirty-First Revised Page No. R-41.6**

**P.S.C.-D.C. No. 1
Thirty-First Revised Page No. R-41.7
Superseding Thirtieth Revised Page No. R-41.7**

**P.S.C.-D.C. No. 1
Thirty-First Revised Page No. R-41.8
Superseding Thirtieth Revised Page No. R-41.8**

6. All persons interested in commenting on Pepco’s proposed tariff amendment may submit written comments no later than thirty (30) days after the publication of this NOPT in the

D.C. Register addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 and submitted electronically on the Commission's website at https://edocket.dcpsec.org/public/public_comments. Copies of the proposed tariff amendment may be obtained by visiting the Commission's web site at www.dcpsec.org. Once at the website, open the "eDocket" tab, click on the "Searchable database" and input "FC1017" as the case number and "873" and "862" as the item numbers. Copies of the proposed tariff amendment may also be purchased, at cost, by contacting the Commission Secretary at the address provided above or by email at psc-commissionsecretary@dc.gov.

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 1, 2020.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on October 1, 2020. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: October 1, 2020

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Apel	Angela Marie	Sutton Towers Condominium Association 3101 New Mexico Avenue Avenue, NW, Suite 200	20016
Bellamy	Sharon Denise	United States International Trade Commission 500 E Street, SW	20436
Briscoe	Glenda M.	Wells Fargo Bank, N.A. 1300 I Street, NW, 12th Floor West Tower	20005
Burwell	Donna	Winston & Strawn, LLP 1901 L Street, NW	20036
Carr	Judy Ann	Kriegsfeld Corporation 2905 Pomeroy Road, SE, #102	20020
Daniels	Cheryl A.	Self 5533 B Street, SE	20019
Dozier	Joyce R.	Alan Lescht and Associates, P.C. 1825 K Street, NW, Suite 750	20006
Edwards	Sandra Marion	U.S. Department of Housing & Urban Development 451 7th Street, SW	20410
Ford	Marlo	Self 1441 3rd Street, SW	20024
Gutierrez	Bianca Yasmin	Giffords 1310 L Street, NW, Suite 600	20091
Hall	Colleen Anne	Paul Hastings 2050 M Street, NW	20036
Hatcher	Tatiana	DBH/Saint Elizabeths Hospital 1100 Alabama Avenue, SE	20032
Hawkins	Merlene S.	Housing & Urban Development - Ginnie Mae 425 3rd Street, SW	20024

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

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Hilliard	Laurette A.	House of Ruth 5 Thomas Circle, NW, 4th Floor	20005
Kuchmy	Lorraine M.	Livingston Group, LLC 499 South Capitol Street, SW, Suite 600	20003
Leath	Janine S.	Federal Energy Regulatory Commission 888 First Street, NE	20426
Lopez	Wanda	Kasowitz Benson Torres LLP 1399 New York Avenue, NW, Suite 201	20005
Markovitz	Heidi	Self 3001 Veazey Terrace, NW, Apartment 811	20008
McCain-Gillis	Billie	Federation for American Immigration Reform 25 Massachusetts Avenue, NW, 330	20001
Payonk	Mary Ann	Olender Reporting, Inc. 1100 Connecticut Avenue, NW, Suite 810	20036
Ramsay	Angela Marie	IAM National Pension Fund 99 M Street, SE, Suite 600	20003
Rice	Nichele Y.	Davis Wright Tremaine, LLP 1301 K Street, NW, Suite 500 East	20005
Ross	Zalma A.	ZAR NOTARY 5542 Bass Place, SE	20019
Salgado	Wendy	Zantzing, Inc. 5141 MacArthur Boulevard, NW	20016
Short	Tosha Ann	Suntrust bank 1445 New York Avenue, NW	20005
Stewart	Deborah A.	Pardo & Drazin, LLC 4400 Jenifer Street, NW, #2	20015

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: October 1, 2020****Page 4 of 4**

Stone	Steven	Rubin Winston Diercks Harris & Cooke,LLP 1250 Connecticut Avenue, NW, Suite 700 20036
Walker	Keisha J.	Council for the Accreditation of Educator Preparation 1140 19th Street, NW, #400 20036
Williams	Marilyn R.	Kellogg, Hansen, Todd, Figel & Frederick, PLLC 1615 M Street, NW, Suite 400 20036

THE GOODWILL EXCEL CENTER, PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Construction Project Management**

The Goodwill Excel Center, Public Charter School (GEC) is seeking bids to provide project management for the design and buildout of the second campus of its adult public charter high school in Washington D.C. Specifications are contained in the Scope of Work section of the Request for Proposals, available at <https://www.dcgoodwill.org/excel-center/open-rfps/>. The deadline to respond to the RFP is September 11, 2020 at 5pm. Contact – Josh Wallish, General Counsel, 1140 3rd St NE, Suite 350, Washington, DC 20002, (202) 719-1235, josh.wallish@dcgoodwill.org.

THE SOJOURNER TRUTH PUBLIC CHARTER SCHOOL**NOTICE: FOR REQUEST FOR PROPOSAL**

The Sojourner Truth Public Charter School, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals for vendors to provide the following services for SY20.21:

- Psychological Services, and/or
- Occupational Therapy, and/or
- Social Work Services, and/or
- Speech Pathologist Services for Students

Proposal Submission

For consideration, your proposal must be received by the school no later than **5:00 p.m. EST on Friday, August 28, 2020**. Contact jgonzalez@truthpcs.org for a copy of the Scope of Work. Proposal submissions should be emailed to jlgonzalez@truthpcs.org. No phone calls.

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL

NOTICE OF REQUEST FOR PROPOSALS

Copier Lease & Maintenance

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—seeks contractors to provide and maintain five (5) networkable copiers at its site in Southeast Washington, DC.

Full RFP:

Interested vendors can obtain the full RFP by emailing dschlossman@tmapchs.org or at the link below. Amendments and extensions of the RFP—if any—will be published exclusively on the page linked below (with e-mail notice to bidders who have already submitted proposals including e-mail addresses):

<https://thurgoodmarshallacademy.org/about/employment-opportunities/>

Questions & Information:

- Please address questions concerning this RFP to **David Schlossman**, dschlossman@tmapchs.org
- The school may cover a portion of costs with federal funds at a percentage based upon availability of funds.
- Further information about Thurgood Marshall Academy—including the school's nondiscrimination policy—may be found at www.thurgoodmarshallacademy.org.

Deadline & Submission:

- Submissions must respond to the full RFP.
- Proposals **must not exceed 10 pages (other than contracts) and 5MB file size.**
- For best consideration submit bids by **Thursday, September 10, 2020**, via e-mail to dschlossman@tmapchs.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Governance Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, September 9, 2020 at 9:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|------------------------------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, September 9, 2020 at 11:00 a.m. The meeting will be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. (use 125 O Street, S.E. for directions), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com. Due to COVID-19, the General Manager has suspended public access to DC Water facilities. Please see the website for remote access information for the meetings.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | |
|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Other Business | Committee Chairperson |
| 3. Executive Session | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

**BOARD OF ZONING ADJUSTMENT
PUBLIC MEETING NOTICE
WEDNESDAY, SEPTEMBER 16, 2020
Virtual Meeting via WebEx**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to decide items on the agenda out of turn.

TIME: 9:30 A.M.

I. DECISION

Application No. 20014-A Addisleigh Park Washington Properties, LLC, pursuant to 11 DCMR Subtitle Y § 703, for a **modification of consequence** to the conditions of BZA Order No. 20014, to allow a redesign and a change in uses in the approved building at premises in the MU-4 Zone at premises 1803 Rhode Island Avenue, N.E. (Square 4209, Lot 5). R-16 Zone at premises 5331 Colorado Avenue, N.W. (Square 2718, Lot 804). (ANC 5C)

Application No. 20184 of Fort Lincoln-Eastern Avenue LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the theoretical lot subdivision requirements of Subtitle C § 305.1, and under the new residential developments requirements of Subtitle U § 421, to allow a new residential development project of 51 townhouses in the RA-1 and RA-4 Zones at premises bounded between Eastern Avenue N.E., Bladensburg Road N.E., and Fort Lincoln Drive N.E. (Square 4325, Lots 802 and 44, and Parcel 0174/15). (ANC 5C)

Appeal No. 20191 of DC for Reasonable Development, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on August 16, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue demolition permit D1600814, to permit the demolition of several aspect of the McMillan Sand Filtration Site, and from the decision made on August 27, 2019 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue foundation permit FD1800040 to permit the foundation of a new community center in the RA-2 Zone at premises 2940 North Capitol Street N.W. (Square 3128, Lot 800). (ANC 2D)

Application No. 20204 of 1001 Bryant Street LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development provisions of Subtitle U § 421.1, to combine the two lots into one record lot and construct a new 16-unit apartment house in the RA-1 Zone at premises 1001-1003 Bryant Street N.E. (Square 3869, Lots 25 and 26). (ANC 5C)

II. CONSENT CALENDAR

A. Request for Time Extension

BZA VIRTUAL PUBLIC MEETING NOTICE
SEPTEMBER 16, 2020
PAGE NO. 2

Application No. 14096-C of Wilson NPB LLC, pursuant to 11 DCMR Subtitle Y § 705, for a two-year time extension for BZA Order No. 14096-B, approving a special exception under the Zoning Regulations of 1958 from the unused bonus density requirements under § 768, to permit the interior renovation of an existing building in the D-7 Zone District (formerly DD/C-5 Zone District) at premises 529 14th Street, N.W. (Square 254, Lot 53). (ANC 2C)

Application No. 20278 of Dylan Hanson, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the side yard requirements of Subtitle D § 206.7, to construct a two-story rear addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 3015 25th Street, N.E. (Square 4288, Lot 820). (ANC 5C)

PLEASE NOTE:

This public meeting will be held virtually through WebEx for the Board to deliberate on or decide the items listed on the agenda. Information for the public to view or listen to the public meeting will be provided on the Office of Zoning website and in the case record for each application or appeal as soon as possible in advance of the meeting date.

Do you need assistance to participate?

Amharic

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የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码(202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

BZA VIRTUAL PUBLIC MEETING NOTICE
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특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**FREDERICK L. HILL, CHAIRPERSON
LORNA L. JOHN, VICE-CHAIRPERSON
VACANT, MEMBER
CHRISHAUN SMITH, MEMBER,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING****Z.C. Case No. 15-24B**

**(JBG/6th Street Associates, LLC and Gallaudet University – 2nd-Stage PUD,
Consolidated PUD and Related Map Amendment, and Modification of Significance
to an Approved 1st-Stage PUD @ Square 3591, Lots 4 and 6; and
Parcels 129/70, 129/103, and a Portion of Parcel 141/69)**

August 17, 2020**THIS CASE IS OF INTEREST TO ANCs 5D and 6C**

JBG/6th Street Associates, LLC and Gallaudet University (together, the “Applicant”) filed an application with the Office of Zoning for approval of a second-stage planned unit development (“PUD”), a consolidated PUD and related map amendment, and a modification of significance to a previously approved first-stage PUD for the above-referenced property. The application was filed on August 4, 2020 and completed on August 13, 2020.

The property that is the subject of this Application is located in the Union Market/Florida Avenue Market area in northeast Washington, D.C. (Ward 5), and consists of three of the four* development parcels that comprise the previously approved PUD. Parcels 1 and 2 consist of Parcels Lots 129/103 and 129/70, respectively, and immediately abut Gallaudet University, east of 6th Street; and Parcel 3 consists of Square 3591, Record Lots 4 and 6, and is located between 5th and 6th Streets. This property is currently zoned C-3-A/C-3-C, through a PUD-related map amendment, with an underlying zone of PDR-1. The additional land that is part of this application, and not part of the previously approved PUD, is a 5,977-square-foot portion of Parcel Lot 141/69, which is zoned RF-1 and is a part of the Gallaudet University Campus that is being added to Parcel 2.

The Project will introduce new residential, retail, and/or lodging uses into the neighborhood.

- Parcel 1 - the University contemplates a variety of university-related uses including educational, assembly, administrative, and office uses. It will have 93,088 square feet of floor area, with a maximum density of 2.7 floor area ratio (“FAR”), and a maximum height of 89 feet.
- Parcel 2 - will feature two mixed-use buildings along 6th Street, totaling 224,057 square feet of floor area, with a maximum density of 2.6 FAR, and a maximum height of 70 feet. The ground floor will have retail uses, with creative and incubator space that includes deaf culture and ASL learning, and residential use above.
- Parcel 3 - will have ground-floor retail with residential uses above and flexibility for lodging use and/or a fitness center. It will contain 545,332 square feet of floor area, with a maximum density of 6.9-7.02 FAR and a maximum height of 120 feet.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

* Parcel 4 consists of Parcel 129/112, which is between 5th and 6th Streets and is not a part of this application.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 17-05B
Z.C. Case No. 17-05B
2100 2nd Street SW LLC
(Modification of Significance of Design Review @
Lot 10 in Square 613 [2100 First Street, S.W.]
July 27, 2020

Pursuant to notice, at its December 16, 2019, public hearing, as continued to its June 22, 2020, public hearing¹, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 2100 2nd Street, SW, LLC (the “Applicant”) for:

- A modification of significance pursuant to Subtitle Z § 704 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations [“Zoning Regulations of 2016”], to which all subsequent citations refer unless otherwise specified) to the design review approval granted by Z.C. Order No. 17-05 (the “Original Order”), as modified by Z.C. Order No. 17-05A, for Lot 10 in Square 613, with a street address of 2121 First Street, S.W. (the “Property”); and
- A temporary lodging use by special exception pursuant to Subtitle C §§ 1102.4 and 1102.5 and Subtitle X, Chapter 9, as authorized for a design review pursuant to Subtitle X §§ 603 and 604, in addition to the residential and retail uses approved by the Original Order.

The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to the Original Order, effective on October 12, 2018, the Commission granted design review approval for the conversion of the former headquarters of the United States Coast Guard into a mixed-used residential building with ground-floor retail (the “Approved Project”).
2. In Z.C. Order No. 17-05A, effective on November 9, 2018, the Commission approved a modification of the Approved Project to modify the plans approved by the Original Order.

NOTICE

3. On May 14, 2020, the Office of Zoning (“OZ”) sent the notice of the June 22, 2020, virtual public hearing to: (Exhibit [“Ex.”] 22.)

¹ The Application was originally scheduled to be heard at the Commission’s December 16, 2019 public hearing. The hearing was subsequently continued to April 6, 2020, to allow the Commission to consider the Office of Planning’s text amendment in Z.C. Case 20-01 that would affect the Application. The public hearing was subsequently postponed and rescheduled for June 22, 2020, as a virtual hearing due to the state of emergency declared for the District in response to the COVID-19 Pandemic on March 11, 2020. (Mayor’s Order 2020-045.)

- The affected Advisory Neighborhood Commissions (“ANC”) 6D, the “affected ANC,” pursuant to Subtitle Z § 101.8;
 - The affected ANC Single Member District (“SMD”) 6D05;
 - The Office of the ANCs;
 - The Office of Planning (“OP”);
 - The District Department of Transportation (“DDOT”);
 - The Department of Energy and Environment (“DOEE”);
 - The Department of Consumer and Regulatory Affairs (“DCRA”);
 - The District of Columbia Housing Authority (“DCHA”);
 - The Council of the District of Columbia (“DC Council”); and
 - Property owners within 200 feet of the Property (“200-Footers”).
4. OZ also published notice of the June 22, 2020 virtual public hearing in the *D.C. Register* (67 DCR 5339) as well as through the calendar on OZ’s website. (Ex. 20.)

PARTIES

5. The only party to Z.C Case No. 17-05 other than the Applicant was ANC 6D.
6. The Applicant served the Application on ANC 6D and the 200-Footers on August 19, 2019, as attested by the Certificate of Service filed with the Application. (Ex. 1D.)
7. The Applicant served the Revised Application, as defined below, on ANC 6D on February 19, 2020, as attested by a Certificate of Service. (Ex. 15.)

II. THE APPLICATION

PROJECT DESCRIPTION

8. The Application proposed to add a temporary lodging use in a portion of the Approved Project in order to use approximately 150 of the 480 proposed residential units for a temporary lodging use during the lease-up phase of the Approved Project. The Applicant has partnered with WhyHotel, a hospitality management company specializing in this form of “turn-key, pop-up hotel,” to operate the lodging use during the initial two-year lease-up period.

RELIEF REQUESTED

9. The Applicant initially requested variance relief to permit the temporary lodging use (the “Original Application”), but subsequently withdrew this relief and replaced it with a request for special exception relief under Subtitle C § 1102.5, which permits certain uses, including lodging, as special exception uses within the 100-year floodplain (the “Revised Application”) that the Commission adopted after the Application was filed pursuant to Z.C. Order No. 20-01. (Ex. 1-1E, 9, 15-15B.)

JUSTIFICATION FOR RELIEF

10. The Applicant asserted that it meets the requirements of Subtitle C §§ 1102.4 and 1102.5 to permit lodging uses in the 100-year floodplain as a special exception from the waterfront use standards by providing the following:

- The required site plan; (Ex. 15A.)
 - The flood resistant design measures for the Approved Project, which include the provision of Aqua Fence perimeter barrier system; and (Ex. 15A.)
 - The evacuation plan, consisting of the Flood Emergency Action Plan (“EAP”) and the Flood Emergency Operations and Maintenance Plan (“O&M Plan”), together with a graphical representation. (Ex. 15A, 15B.) The EAP and O&M Plan, which DOEE had approved, described the protocol for monitoring flood warnings and implementing procedures for notifying staff, residents, and temporary guests within the various uses of the building of an impending flood, for initiating deployment of Aqua Fence barrier system, and for initiating evacuation of the Approved Project. The EAP and O&M Plan expressly incorporated the Application’s proposed lodging use, which would be located above the 500-year floodplain on the fourth and fifth floors.
11. The Application asserted that it met the general special exception requirements of Subtitle X, Chapter 9, to be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and to not adversely affect the use of neighboring properties because
- The Application’s purpose is to ensure the overall success of the Approved Project and would not redefine its intent; and
 - The Application’s proposed lodging use:
 - Is consistent with the general purpose and intent of both the Commission’s approval in the Original Order and the CG-5 zone;
 - Would not result in adverse impacts to the surrounding neighborhood but instead would help develop interest in the area by avoiding significant vacancies in the Approved Project, bringing people to the area and so supporting the long-term success of both the Approved Project and of the surrounding community; and
 - Would not utilize any of the Inclusionary Zoning (“IZ”) units proposed by the Approved Project, nor would it affect the timeline of their availability.
12. The Applicant testified at the June 22, 2020, public hearing that although the Application as a design review did not require any public benefits, that the Applicant had agreed to extend the hotel employee discount to ANC 6D residents and to participate in a career day sponsored by ANC 6D to hire from the neighborhood. (Transcript of the June 22, 2020 Public Hearing at 15.)

III. RESPONSES TO THE APPLICATION

OZ

13. Pursuant to Subtitle C § 1102.5(b), OZ referred the Revised Application to the relevant District agencies – DOEE, the Metropolitan Police Department (“MPD”), the D.C. Fire and Emergency Medical Service Department (“FEMS”), and the D.C. Homeland Security and Emergency Management Agency (“HSEMA”) – on February 26, 2020. (Ex. 16.)

OP

14. OP submitted two reports to the record analyzing the Application:

- A December 6, 2019, report that recommended approval of the Original Application for variance relief; and (Ex. 10.)
 - A March 27, 2020, report (the “Supplemental OP Report”) that recommended approval of the Revised Application for special exception relief. (Ex. 19.)
15. The Supplemental OP Report recommended approval of the Revised Application, subject to the Applicant’s proposed two-year term based on the following conclusions:
- The Revised Application included all of the information required by Subtitle C § 1102.5;
 - The temporary use of approximately 30% of the residential units would “not result in substantial detriment to the public good, but would rather help to activate the area and help to promote viable retail as the residential building leases up”; and
 - The Revised Application would be consistent with the Approved Project and the goals of the CG-5 zone and would not negatively impact the Zoning Regulations.
16. The Supplemental OP Report included the following responses from the District Department of Housing and Community Development (“DHCD”) and DDOT:
- DHCD submitted the following comments:
 - *DHCD understands the proposed temporary lodging use will have no impact on the already identified IZ units (stemming from new GFA and penthouse habitable space), in particular all the required IZ units will be available in the initial lease up phase and will not be delayed by this temporary use;*
 - *DHCD recommends full disclosure to the IZ and market rate tenants of the temporary lodging use;*
 - *DHCD does not object to the Modification of Significance, we do however want to recognize that the temporary lodging use is expressly a means to establish a higher rent market where one currently does not exist and would welcome IZ units in addition to those originally required so that a greater measure of affordability is retained as the market develops; and*
 - DDOT stated that it had no issues with the Application.

ANC 6D

17. ANC 6D submitted two reports responding to the Application, both presenting the decisions from duly noticed public meetings at which quorums were present:
- A written report dated December 10, 2019, stating that the ANC voted to oppose the Original Application at its December 9, 2019 meeting (the “First ANC Report”); and (Ex. 11.)
 - A written report dated July 14, 2020, stating that the ANC voted to oppose the Revised Application at its July 13, 2020 meeting (the “Second ANC Report,” and collectively with the First ANC Report, the “ANC Reports”). (Ex. 30.)
18. The ANC Reports asserted that the Applicant had not sufficiently demonstrated that the proposed modification was “in concert” with the Commission’s approval in the Original Order for a residential rental apartment building.
19. The Second ANC Report stated its concerns that:

- The Applicant was not proposing any benefits or changes to the Approved Project that “could balance this significant change to a project that has already been reviewed and approved by the ANC and the Zoning Commission;” and
- The lodging use would reduce the availability of apartment units and thereby inflate rental prices for the residential units.

20. ANC 6D Chair, Gail Fast, whom the ANC Reports designated to represent the ANC’s position, submitted written testimony to the record that reiterated the ANC Reports and asserted that the Applicant should proffer additional community benefits, particularly addressing the economic and housing issues, in order to mitigate the Application’s proposed modification. (Ex. 18, 28.)

DOEE

21. DOEE submitted a report in response to the Revised Application that: (Ex. 26.)
- Noted that the building would need to continue to comply with the previously approved floodplain management requirements; and
 - Stated that DOEE approved the proposed lodging use provided it be located at or above the design flood elevation (14 feet NAVD88) in accordance with Title 20 DCMR § 3104.2(2).

DC FIRE AND EMS (“FEMS”)

22. FEMS submitted a letter in response to OZ’s referral stating that it had reviewed the Revised Application and had no objection to the proposed lodging use. (Ex. 17.)

OTHER AGENCIES

23. MPD and HSEMA did not respond to OZ’s referral of the Application.

CONCLUSIONS OF LAW

1. The Commission is authorized to hold hearings on modifications of significance, provided that, pursuant to Subtitle Z § 704.1, the hearing “shall be limited to the impact of the modification on the subject of the original application, and shall not permit the Commission to revisit its original decision.”
2. Subtitle Z § 703.5 defines a modification of significance as “a modification to a contested case order or the approved plans of greater significance than a modification of consequence.”
3. Subtitle Z § 703.6 includes “additional relief or flexibility from the zoning regulations not previously approved” as an example of a modifications of significance.
4. The Commission concludes that the Application meets the definition of a modification of significance as a request to add additional relief from the zoning regulations in the form of the special exception from the floodplain uses.

5. The Commission concludes that the Application is consistent with the Approved Project, as authorized by the Original Order, as modified by Z.C. Order No. 17-05A, because the lodging use will be temporary, will only utilize a portion of the residential units, and will not utilize any of the approved IZ units.
6. Subtitle Z § 603.3 authorizes the Commission to consider an application for a special exception as part of a Design Review approval provided the Commission evaluates the application against the applicable special exception criteria, in this case the specific criteria of Subtitle C § 1102.4 and 1102.5 and the general criteria of Subtitle X, Chapter 9.
7. The Commission concludes that the Application has demonstrated that it meets the special exception requirements of Subtitle C § 1102.5 to permit a lodging use in the floodplain, as detailed below.

Subtitle C § 1102.5(a)(1) - *A site plan showing the one hundred (100)-year floodplain boundaries and base flood elevations for the property that is certified by a registered professional engineer, architect, landscape architect, or other qualified person.*

8. The Applicant submitted this site plan. (Ex. 15A.)

Subtitle C § 1102.5(a)(2) - *A description of how the project has been designed to meet applicable flood resistant design and construction standards that is certified by a registered professional engineer, architect, landscape architect, or other qualified person.*

Subtitle C § 1102.5(a)(3) - *An evacuation plan that describes the manner in which the property would be safely evacuated before or during the course of a one-hundred (100)-year flood event.*

Subtitle C § 1102.5(a)(4) - *A description of how of the proposed use would not result in any adverse impacts to the health or safety for the project's occupants or users due to the proposed use's location in the floodplain.*

9. The Commission concludes that the Application meets these criteria and will “not result in any adverse impacts to the health or safety for the project’s occupants or users” because:
 - The Application provided sufficient documentation, including the EAP and O&M Plan approved by DOEE, of the floodproofing designs for the Approved Project and of the procedures and policies in place to alert building residents and guests of flood hazards and to effectuate an efficient and safe evacuation of the building in the event of a flood;
 - The Application will only provide the lodging use at or above the design flood elevation required by DOEE (14 feet NAVD88); and
 - The Approved Project, as revised by this Order, would continue to be subject to the DOEE-approved floodplain management plans.
10. The Commission concludes that the Application meets the general special exception requirements of Subtitle X § 901.2 because:
 - Lodging uses are permitted as a matter of right in the CG-5 zone and only require a special exception if located in the 100-year floodplain;

- The Application is requesting only a temporary modification to help develop the market in the surrounding neighborhood for the Approved Project’s residential and retail uses, and thereby ensure the long-term success of the Approved Project; and
- The Application has provided sufficient evidence that the lodging use will not result in adverse impacts to the surrounding community.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

11. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
12. The Commission finds persuasive OP’s recommendation that the Commission approve the Application with a two-year time limitation with no permitted extensions and concurs in that judgment.
13. The Commission acknowledges DHCD’s desire that the Application offer additional IZ units, but notes that as a design review project, the Applicant is not required to provide public benefits. As such, the Commission is not able to condition its approval of the Revised Application on the provision of additional IZ units. The Commission notes that DHCD had no objection to the Application and that the lodging use will not impact the IZ units included in the Approved Project. The Commission concurs with OP’s conclusion that the temporary lodging use will not result in any significant adverse impacts to the public good.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

14. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.); *see* Subtitle Z § 406.2.) To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)
15. The Commission acknowledges the ANC’s concern of the potential economic impacts of the proposed lodging use, but believes that the two-year term, with no exceptions, will address this concern. The Commission does not find persuasive the ANC’s requested public benefits because these do not relate directly to the special exception relief requested and are also beyond the scope of the design review process, which does not include public benefits. The Commission acknowledges the ANC’s concern that the Approved Project only required eight IZ units for 485 market-rate units but notes that this complied with the

IZ provisions of the Zoning Regulations because the Approved Project was a conversion of office space to residential uses that had limited IZ requirements. The Commission did note that it hoped that OP would consider increasing the IZ requirements for office-to-residential conversions as part of OP's pending IZ amendment. The Commission notes that the Applicant is able to enter into a private agreement with the community and the ANC regarding the provision of the contemplated community benefits, including the two referenced by the Applicant's testimony, but that these conditions did not serve to mitigate any potential impacts of the special exception relief and were also not required by the design review regulations. For these reasons, the Commission did not find the ANC's recommendation of denial persuasive.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for:

- A Modification of Significance pursuant to Subtitle Z § 704 of Z.C. Order No. 17-05, as modified by Z.C. Order No. 17-05A; and
- A special exception pursuant to Subtitle C §§ 1102.4 and 1102.5 and Subtitle X, Chapter 9, as authorized for a design review pursuant to Subtitle X §§ 603 and 604, subject to the addition of new Condition No. 13, to read as follows (deletions shown in **bold** and ~~strikethrough~~ text; additions in **bold** and underlined text). All other conditions of Z.C. Order No. 17-05, as modified by Z.C. Order No. 17-05A, remain unchanged and in effect.

13. **The Applicant shall be permitted to use up to 150 of the proposed residential units, not including the units designated for Inclusionary Zoning, at or above the DOEE-approved design flood elevation (14 NAVD88), for a temporary lodging use for a period of two years from the effective date of Z.C. Order No. 17-05B. The Applicant shall not be permitted to extend the duration of the temporary lodging use.**

VOTE (July 27, 2020): **5-0-0** (Peter A. Shapiro, Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, and Peter G. May to **APPROVE**)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 17-05B shall become final and effective upon publication in the *D.C. Register*; that is, on August 28, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED (D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.*) (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 17-05C
Z.C. Case No. 17-05C
2100 2nd Street SW, LLC
(Modification of Consequence of Design Review @
Lot 10 in Square 613 [2121 First Street, S.W.]
May 11, 2020

At its properly notice public meeting on May 11, 2020, the Zoning Commission for the District of Columbia (the “Commission”) considered the application (the “Application”) of 2100 2nd Street SW, LLC (the “Applicant”) for:

- A modification of consequence to modify Condition Nos. 1 and 5 of Z.C. Order No. 17-05 (the “Original Order”), as modified by Z.C. Order Nos. 17-05A and 17-05B, and the plans approved thereby, for Lot 10 in Square 613, with a street address of 2121 First Street, S.W. (the “Property”) in the CG-5 zone; and
- A waiver from Subtitle Z §§ 703.5 and 703.6 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations [“Zoning Regulations of 2016”], to which all subsequent citations refer unless otherwise specified) to consider these modifications as a modification of consequence, pursuant to Subtitle Z § 101.9.

The Application proposed to substitute the DC Central Kitchen (“DCCK”) in place of a retail use, which was approved by the Original Order. The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z. For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

PRIOR APPROVALS

1. Pursuant to the Original Order, effective on October 12, 2018, the Commission granted the Applicant design review approval for the conversion of the former headquarters of the United States Coast Guard into a mixed-used residential building with ground-floor retail (the “Approved Project”).
2. Pursuant to Z.C. Order No. 17-05A, effective on November 9, 2018, the Commission approved a modification of the Approved Project to modify the originally approved plans.
3. Pursuant to Z.C. Order No. 17-05B, effective on August 28, 2020, the Commission approved a modification of significance to add a special exception to permit a temporary lodging use.

PARTIES

4. The only party to Z.C Case No. 17-05 other than the Applicant was Advisory Neighborhood Commission (“ANC”) 6D, the “affected” ANC pursuant to Subtitle Z § 101.8.

5. The Applicant served the Application on ANC 6D and the Office of Planning (“OP”) on April 24, 2020, as attested by the Certificate of Service submitted with the Application. (Exhibit [“Ex.”] 2D.)

II. THE APPLICATION

RELIEF REQUESTED

6. The Application requested a modification of consequence to revise the plans and conditions approved by the Original Order in order to include DCCK as a service use on the ground floor of the Approved Project. DCCK is a nonprofit and social enterprise that combats hunger and poverty through job training and job creation for individuals facing high barriers to employment, while also providing food to DC Schools and others. The Application proposes that DCCK will occupy a total of 35,000 square feet, composed of 20,000 square feet on the ground floor and 15,000 square feet on a to-be constructed partial second floor.
7. The Application specifically requested the following modifications:
 - Add service uses to the retail uses approved for the ground floor;
 - Add approximately 15,000 square feet as a partial second floor for DCCK, resulting in an increase of 0.14 floor area ratio (“FAR”) above the approved 4.45 FAR (to a total FAR of 4.59, within the maximum 5.0 FAR permitted in the CG-5 zone)¹, requiring the Commission’s discretionary approval pursuant to Subtitle K § 505.3(c); and
 - Modify Condition No. 5 of the Original Order to include DCCK in the Approved Project’s loading management plan.
8. The Application requested that the Commission consider these modifications as a modification of consequence, even though it acknowledged that a modification of approved uses is typically considered a modification of significance pursuant to Subtitle Z §§ 703.5-703.6², because:
 - The proposed service use is permitted as a matter of right in the CG-5 zone;
 - It will not result in any exterior changes to the building;
 - The timing, facility, and operational concerns with DCCK’s current locations, including the termination of existing leases (particularly its primary food production facility, which is set to expire in October 2020), which would negatively impact DCCK’s ability to continue to provide its services during the COVID-19 pandemic, and that adequate facilities are critical to its mission. (Ex. 2, pp. 3-4.)

III. RESPONSES TO THE APPLICATION

¹ Due to a calculation error, the Applicant’s Statement (Ex. 2) and the OP Report (Ex. 6) incorrectly described the Application as proposing a 0.01 increase in FAR. However, the Application’s plans (Ex. 2H) correctly depicts the new mezzanine as consisting of 15,000 square feet resulting in the correct 0.14 FAR increase. The resulting increase to an overall FAR of 4.59 remains under the 5.0 FAR permitted pursuant to Subtitle K § 505.3(c).

² The Applicant did not formally request a waiver pursuant to Subtitle Z § 101.9.

OP

9. On May 1, 2020, OP submitted a report (the “OP Report”) that did not object to the Application’s request that the Commission consider the Application as a modification of consequence for the reasons stated in the Application, even though OP recognized that the proposed modification would normally qualify as a modification of significance as a proposal to modify the uses of the Approved Project. (Ex. 6.)
10. The OP Report recommended approval of the Application.

ANC

11. On April 14, 2020, ANC 6D submitted a report (the “ANC Report”), stating that at its duly noticed public meeting on April 13, 2020, at which a quorum was present, the ANC voted to support the Application and noted that:
 - DCCK’s use would complement the Approved Project’s uses; and
 - DCCK would provide “a training program for deeply disadvantaged populations and integrating them into the community” which “directly serves [the ANC’s] interest in the maintaining social diversity in our own community.” (Ex. 3.)

OTHER RESPONSES

12. Patrick Davis, Chief Operating Officer of DC Public Schools (“DCPS”), submitted a letter in support of the Application (the “DCPS Letter”) that noted: (Ex. 4.)
 - The importance of DCCK’s job training and job creation programs, along with its programs providing food to DCPS;
 - That the proposed location would allow DCCK to consolidate its operations in a single efficient location; and
 - That the specific proposed location in Buzzard Point would be complementary to the restaurant and hospitality uses planned for the surrounding neighborhood.
13. Ward 6 Councilmember Charles Allen submitted a letter in support of the Application that noted: (Ex. 5.)
 - DCCK’s longtime presence in Ward 6;
 - The importance of DCCK’s service programs to the ward and District as a whole; and
 - That consolidating all of DCCK’s operations at a single location would help support their mission.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications of consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a modification of consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”

3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of modifications of consequence.
4. Subtitle Z § 703.6 includes “a change of use” as an example of a modification of significance, which Subtitle Z § 703.5 requires be considered after a public hearing.
5. Subtitle Z § 101.9 authorizes the Commission, “for good cause shown, [to] waive any of the provisions of this subtitle if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.”
6. The Commission concludes that although the Application did not formally request a waiver pursuant to Subtitle Z § 101.9 to waive the modification of significance requirements, the Application effectively requested a waiver under Subtitle Z § 101.9, which establishes a “good cause” standard for approval.
7. The Commission concludes that there is good cause to grant the waiver from Subtitle Z §§ 703.5 and 703.6 because the circumstances surrounding the Application’s request are unique and justify overriding the Commission’s reluctance to consider a change of use as a modification of consequence for the following reasons:
 - The requested service uses are allowed as a matter of right in the CG-5 zone;
 - The District’s current state of emergency caused by the COVID-19 pandemic³ has suspended the Commission’s public hearings and slowed the permitting processes required to allow DCCK to move by October 2020 when its existing leases expire;
 - DCCK’s desire to consolidate its operations in a single, modern location combined with the delayed approval and permitting process caused by the District’s state of emergency in order to do so prior to the expiration of its current lease agreements;
 - The particular importance of DCCK’s service mission during the ongoing health crisis; and
 - The importance of adequate facilities to the furtherance of that mission.
8. The Commission concludes that ANC 6D, the only party to the case other than the Applicant and whose report stated support for the Application, would not be prejudiced by the granting of the waiver, which is not otherwise prohibited by the Zoning Regulations.
9. The Commission concludes that with the waiver, it can consider the Application as a modification of consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify the conditions and plans approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
10. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.

³ The Mayor’s Office declared a state of emergency for the District in response to the COVID-19 Pandemic on March 11, 2020. (Mayor’s Order 2020-045.)

11. The Commission concludes that the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding has been met because ANC 6D, the only party other than the Applicant to the case, filed a response to the Application on April 14, 2020, and therefore the Commission could consider the merits of the Application at its public meeting on May 11, 2020.
12. The Commission finds that the Application is consistent with the Approved Project, as authorized by the Original Order, as modified by Z.C. Order No. 17-05A, because:
 - DCKK's service use is analogous to the retail use originally approved and may result in fewer potential adverse impacts to the surrounding neighborhood;
 - The additional square footage, and resulting increased 4.59 FAR⁴, does not substantially change the exterior design approved by the Original Order, because the proposed FAR increase results from changes to the Approved Project's internal configuration;
 - The resulting increase in the Approved Project's overall FAR to 4.59 remains under the maximum 5.0 FAR permitted in the CG-5 zone pursuant to Subtitle K § 505.3(c) and contains more than 2.0 residential FAR;
 - The Application diversifies the Approved Project's uses;
 - The Application provides an important service for the community; and
 - The Approved Project will continue to be consistent with the objectives of the Capitol Gateway zones and not inconsistent with the Comprehensive Plan.

“GREAT WEIGHT” TO THE RECOMMENDATIONS OF OP

13. The Commission must give “great weight” to the recommendations of OP pursuant to § 13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.8. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).)
14. The Commission notes OP's lack of objection to the Application being considered as a modification of consequence and finds persuasive OP's recommendation that the Commission approve the Application and therefore concurs in that judgment.

“GREAT WEIGHT” TO THE WRITTEN REPORT OF THE ANC

15. The Commission must give “great weight” to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976. (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an

⁴The Commission acknowledges the erroneous statement that the FAR increase was 0.01 in the Applicant's Statement (Ex. 2) and in the OP Report (Ex. 6) instead of the correct 0.14 FAR increase, but notes that the Application's plans (Ex. 2H) correctly show the new mezzanine as consisting of 15,000 square feet that results in the 0.14 FAR increase.

affected ANC does or does not offer persuasive advice under the circumstances. (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted).)

16. The Commission finds the ANC Report’s support for the Application being considered as a modification of consequence persuasive and concurs with the ANC’s recommendation that the Commission approve the Application because the DCCK use will complement the Approved Project.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application for a modification of consequence to Condition Nos. 1 and 5 of Z.C. Order No. 17-05 and the plans approved thereby, as modified by Z.C. Order Nos. 17-05A and 17-05B, with a waiver of Subtitle Z §§ 703.3 and 703.4, to read as follows (deletions shown in **bold** and ~~striketrough~~ text; additions in **bold** and underlined text). All other conditions of Z.C. Order No. 17-05, as modified by Z.C. Order Nos. 17-05A and 17-05B, remain unchanged and in effect.

1. The Project shall be built in accordance with:
 - The plans, including flood proofing plans, and elevations dated May 16, 2017, and marked as Exhibit 16A of the record of Z.C. Case No. 17-05; as modified by the drawings submitted as Exhibits 26A, 30A, and 34A of the record of Z.C. Case No. 17-05, ~~and~~;
 - As modified by the guidelines, conditions, and standards contained in the Z.C. Order No. 17-05;
 - As amended by the plans submitted on August 10, 2018, marked as Exhibit 1C of the record of Z.C. Case No. 17-05A; ~~and~~
 - **As amended by the plans submitted on April 24, 2020, marked as Exhibit 2H of the record of Z.C. Case No. 17-05C; and**
 - **As modified by the guidelines, conditions, and standards herein.**

...

5. Loading Demand Management Measures. Prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant shall demonstrate that it has or will adhere to the following Loading Mitigation measures as set forth in the DDOT report **in Z.C. Case No. 17-05:**
 - a. A loading dock manager will be designated by the building management (duties may be part of other duties assigned to the individual). He or she will coordinate with vendors and tenants to schedule deliveries and will be on duty from 9:00 a.m.

to 5:00 p.m. and will coordinate with the community and neighbors to resolve any conflicts should they arrive;

- b.** **DC Central Kitchen (“DCCK”) will designate a loading coordinator (duties may be part of other duties assigned to the individual) who will coordinate with the Dock Manager regarding the delivery schedule for all DCCK deliveries.**
- b. c.** All tenants, **including DCCK**, will be required to schedule deliveries that utilize the loading dock (any loading operation conducted using a truck 20 feet in length or larger) and all loading activities are required to occur at the loading docks;
- c. d.** The dock manager will schedule deliveries such that the dock’s capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as not to compromise safety or impede street or intersection function;
- d. e.** The dock manager will monitor inbound and outbound truck maneuvers and will ensure that trucks accessing the loading dock do not block vehicular, bike, or pedestrian traffic along 2nd Street and 1st Street except during those times when a truck is actively entering or exiting a loading berth;
- e. f.** Trucks larger than WB-40 will not be permitted in any loading berths except for the northern most loading berth on 2nd Street;
- f. g.** Non-certified flaggers will be provided to assist with inbound and outbound truck maneuvers in each of the loading docks to ensure vehicular, bike, and pedestrian traffic is not impeded;
- g. h.** Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route Map; and
- h. i.** The dock manager will be responsible for disseminating suggested truck routing maps to the building’s tenants and to drivers from delivery services that frequently utilize the development’s loading dock as well as notifying all drivers of any access or egress restrictions. The dock manager will also distribute materials as DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager will also post these documents and notices in a prominent location within the service area.

VOTE (May 11, 2020): **5-0-0** (Michael G. Turnbull, Robert E. Miller, Anthony J. Hood, Peter A. Shapiro, and Peter G. May to **APPROVE**).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 17-05C shall become final and effective upon publication in the *D.C. Register*; that is, on August 28, 2020.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

Revised Schedule of Monthly Meeting Dates for Remainder of 2020

The Zoning Commission of the District of Columbia, in accordance with § 103.1 of the District of Columbia Municipal Regulations, Title 11-Z, Zoning, hereby gives notice that it has scheduled the following meetings. Meetings are held virtually via WebEx at 4:00 p.m. Information on viewing a meeting can be found on the Office of Zoning’s website at: <https://dcoz.dc.gov/>

The updated schedule of the Monthly Meetings for the remainder of 2020 of the Zoning Commission of the District of Columbia are as follows:

Previous Meeting Date(s)	New Meeting Date(s)
September 14, 2020	No change
October 19, 2020	October 15, 2020 October 29, 2020
November 9, 2020 November 30, 2020	November 19, 2020
December 14, 2020	December 17, 2020

Please note that these dates are subject to change.

Additional meetings as needed may be called by the presiding officer or by three (3) members.

The proposed agenda for each meeting is posted on the Office of Zoning’s website.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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