

AN ACT
D.C. ACT 23-317

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 13, 2020

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

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

Sec. 2. Alcoholic beverage regulation.

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

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

“(D)(i) An on-premises retailer’s 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 register with the Board to sell beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption from one additional location other than the licensed premises. Board approval shall not be required for the additional registration under this subsection; provided, that:

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

“(II) 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) 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;

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

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

“(ii) The on-premises retailer’s 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.

“(iii) The on-premises retailer’s 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.

“(iv) An on-premises retailer’s licensee who has been registered to offer beer, wine, or spirits for carryout or delivery in accordance with this subparagraph may do so for no longer than 30 calendar days. The Board may approve a written request from an on-premises licensee to extend carryout or delivery alcohol sales 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 from the additional location for more than 60 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.

“(v) The on-premises retailer’s 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.

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

(b) Chapter 4 is amended as follows:

(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 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.

Sec. 3. Corporate filing extension clarification.

The amendatory section 29-102.12(e) of the District of Columbia Official Code in section 204 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended 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. 4. Cooperative association remote meetings.

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

(a) Section 405.01(e) is amended by striking the phrase “The articles of incorporation or bylaws may provide that an annual” and inserting the phrase “An annual” in its place.

(b) Section 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. 5. Trade name renewals and taxation of microgrants.

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

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

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

(b) 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. 6. 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.

(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 imposed by the third-party food delivery platform on the restaurant as a term of a contract or agreement between the platform and the restaurant in connection with the restaurant’s use of the 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:

(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 § 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.

Sec. 7. Emergency credit alerts.

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

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

“§ 28-3862.01. COVID-19 Emergency credit alert.

“(a) If a consumer demonstrates evidence of financial hardship resulting directly or indirectly from the cause of the public health emergency 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 following (“covered time period”), a consumer reporting agency that maintains a file on the consumer shall include an alert (“COVID-19 alert”) in that file indicating that the consumer has been financially impacted by the COVID-19 emergency and shall provide that alert along with or accompanying any consumer report or credit score provided by the agency, beginning on the date of such request, unless the consumer requests that such COVID-19 alert be removed.

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

“(c) This section shall not apply to a federal credit union, as defined by 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 this non-applicability exception shall not apply to any entity to which the savings clause at 12 U.S.C. § 25b(b)(2)) applies.

“(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 COVID-19 alert to accompany the credit report.

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

“(A) Injunctive relief to prevent or restrain further violation of this section;

“(B) Actual damages; and

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

“(2) If a credit reporting agency willfully violates this section, the affected consumer may obtain punitive damages, except in the case of negligence as provided by 15 U.S.C. § 1681h(e)).

“(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 restitution for property lost or damages 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.

“(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.”.

Sec. 8. Rental 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 (“covered time period”), a provider shall develop a rent-payment-plan program (“Program”) for eligible residential and commercial tenants. Under the Program, a provider shall:

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

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

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

(4) Notify all tenants of the availability, terms, and application process for the Program.

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

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

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

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

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

(d) A provider shall approve each application in which a 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 pursuant to this section shall retain the application, whether approved or denied, for at least 3 years.

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

(A) For residential tenants, the Rent Administrator and 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. The Department of Consumer and Regulatory Affairs shall forward the complaint to the Office of Administrative Hearings for adjudication.

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

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

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

(B) Is not currently receiving a rent reduction pursuant to section 202 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178); provided, that a tenant not currently receiving such a rent reduction otherwise remains eligible under this section; and

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

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

(A) 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; and

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

(3) “Non-housing provider” means a person 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. 9. Commercial tenant rent increase clarification.

The amendatory section 203(e) of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 66 DCR 4178), in section 2(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR ____), is amended as by striking the phrase “commercial property” and inserting the phrase “commercial retail property” in its place.

Sec. 10. Eviction clarification

Section 16-1501 of the District of Columbia Official Code 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.”.

Sec. 11. Amenity fees.

Section 211 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; 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), and consistent with applicable law or an order issued 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 housing provider temporarily stops providing:

“(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.”.

Sec. 12. Residential accommodation cleaning requirements.

(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.

(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. 13. 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 of Out of School Time Grants and Youth Outcomes may waive the requirement to conduct an annual, community-wide needs assessment pursuant to subsection (a)(1) of this section.”.

Sec. 14. 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) Subsection (d) is 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.”.

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

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

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

“(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 again thereafter until at least 5 years have passed following the individual’s last day of service on the Board.”.

Sec. 15. 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. 16. 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. 17. 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 2019 coronavirus (SARS-CoV-2) in the District, the Director of the Department of Health 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. 18. Shared Work program clarification.

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

“(5) “Normal weekly hours of work” means the usual hours of work 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.”.

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

(1) Subsection (a) is repealed.

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

(A) The amendatory section 5(c) of the Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-174(c)), in paragraph (2) is amended to read as follows:

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

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

“(2) During the public health emergency, for employers that have reported quarterly earnings to the Department of Employment Services for fewer than 3 quarters.”.

(B) Paragraph (3) is amended by striking the number “7th” and inserting the number “15th” in its place.

Sec. 19. Paid sick leave enforcement clarification.

The amendatory section 1152(b-1) 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(b-1)), in section 104 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020 (D.C. Act 23-286; 67 DCR 4178), is amended to read as follows:

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

Sec. 20. 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. 21. Ballot access reform.

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 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:

“(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.”.

(b) 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. 22. ANC petitioning and grantmaking.

The Advisory Neighborhood Commissions Act of 1976, 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 16(m)(1) (D.C. Official Code § 1-309.13(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.

Sec. 23. 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:

“(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 to read 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 personal knowledge or by the individual’s presentation of a current government-issued identification that contains the signature and photograph of the individual to the notary public during the video conference;

“(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 for 3 years from the date 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.”.

(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 regardless of the notary public's physical location at the time of the notarial act so long as the requirements of section 6(b) are met.”.

Sec. 24. Electronic witnessing.

(a) Title 16 of the District of Columbia 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:

(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 Code is amended as follows:

(1) Section 21-2011 is amended as follows:

(A) New paragraphs (5B-i), (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:

“(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 paragraph (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 § 7-2304.01, the electronic presence of the signatory.”.

Sec. 25. Contractor reporting of positive cases.

(a) A District government contractor shall immediately report to the District government’s contract administrator and contracting officer if the contractor learns, or has reason to believe, that a covered 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 when either individual was exposed, or suspected to have been exposed, to SARS-CoV-2. The report shall contain the following information:

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

(2) The date on, and location at, which the exposed person 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 dates on which the employee was at such locations and addresses;

(4) The names of all covered individuals with whom the covered employee is known to have come into contact, or had a high likelihood of coming in 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 exposed person that will enable the District to protect the health or safety of District residents, employees, or the general public.

(b) A District government contractor 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.

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

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

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

(A) Tested positive for SARS-CoV-2

(B) Is in quarantine or isolation due to exposure or suspected exposure to the 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 or the contractor; and

(C) A member of the public who interacted with, or was in close proximity to, a person exposed to SARS-CoV-2 while the exposed person carried out performance under a District government contract while the exposed person was at a District government facility or a facility maintained or served by the contractor under a District government contract.

(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.

Sec. 26. Liability clarification.

The amendatory section 5a(d)(3A)(B) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01(d)(3A)(B)), in section 3(b) of the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020, effective May 4, 2020 (D.C. Act 23-299; 67 DCR ____), is amended as follows:

(a) Strike the phrase "volunteer, or District government contractor" and insert the phrase "volunteer, donor, or District government contractor" in its place.

(b) Strike the phrase "purpose, or contractual or voluntary service" and insert the phrase "purpose, contractual or voluntary service, or donation" in its place.

Sec. 27. 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.”.

Sec. 28. 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) 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 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. The Land Disposition and

ENROLLED ORIGINAL

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.

Sec. 29. Applicability.

This act shall apply as of March 11, 2020.

Sec. 30. Fiscal impact statement.

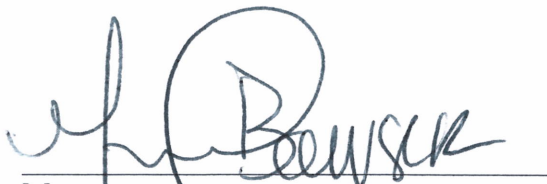
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 31. 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
May 13, 2020



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B23-0750**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

FINAL READING , May 5, 2020

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☒ ROLL CALL VOTE - Result

PASSED

(12-0-0-0)

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Grosso	X				T. White	X			
Allen	X				McDuffie	X				Todd	X			
Bonds	X				Nadeau	X								
Cheh	X				R. White	X								
Gray	X				Silverman	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

5/8/2020

Date