

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, additional flexibility and authority to the Executive to address critical needs of District residents during a public health emergency including wage replacement, business relief, and additional authorities and exemptions regarding health, public safety, and consumer protection.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "COVID-19 Response Emergency Amendment Act of 2020".

TITLE I. LABOR AND WORKFORCE PROTECTIONS

Sec. 101. Wage replacement.

Section 401(5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 et seq.), is amended to read as follows:

"(5) An individual shall be deemed "unemployed" with respect to any week during which he performs no service and with respect to which no earnings are payable to him or with respect to any week of less than full-time work if 66% of the earnings payable to him with respect to such week are less than his weekly benefit amount plus \$50. This includes a temporary period of no earnings as a result of a Department of Health recommendation that the individual enter

34 quarantine or self-quarantine or if an individual cannot work because an employer has ceased or
35 reduced operations at the recommendation of the Department of Health.”

36 (b) Section 10 is amended by adding a new paragraph (10) to read as follows:

37 “(10) That an individual is unemployed because the Department of Health has
38 recommended a period of quarantine or self-quarantine or if an individual cannot work because
39 an employer has ceased or reduced operations at the recommendation of the Department of
40 Health, provided that paragraph (5) shall not apply to any such individual.”

41 Sec. 102. Employment protections.

42 Section 17 of the D.C. Family and Medical Leave Act of 1990, effective October 3, 1990
43 (D.C. Law 8-181; D.C. Official Code § 32-501(4)), is amended by adding a new paragraph (3) to
44 read as follows:

45 “(3) With respect to Section 6 of this act in the case of an employee who has been
46 recommended to quarantine or self-quarantine by the Department of Health, and to any
47 individual who has tested positive for the COVID-19 virus, to any employer.

48 TITLE II. BUSINESS RELIEF.

49 Sec. 201. Delayed remittances.

50 Section 47-2015 of the District of Columbia Official Code is amended by adding a new
51 subsection (a-2) to read as follows:

52 “(a-2) Notwithstanding any other provision of this title, a the Mayor or the Chief
53 Financial Officer may allow a vendor required to file a return pursuant to subsection (a) to file
54 the return and gross receipts taxes up to 90 days late without penalty, provided that the gross
55 receipts are paid in full by the end of the tax year.”

56 Sec. 202. Public health emergency small business grant program.

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

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

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

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

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

65 “(a)(1) Upon the Mayor’s declaration of a public health emergency pursuant to Section
66 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.
67 Law 14-194; D.C. Official Code § 7-2304.01), to D.C. Official Code § 7-2304 the Mayor may, in
68 the Mayor’s sole discretion, disburse grants to an eligible small business; provided, that the
69 eligible small business:

70 “(A) Submits a grant application in the form and with the information
71 required by the Mayor; and

72 “(B) Can demonstrate, to the satisfaction of the Mayor, financial distress
73 caused by a reduction of business as a result of the cause of the public health emergency.

74 “(2) A grant issued pursuant to this section may be expended for the following:

75 “(A) Employee wages and benefits. For the purposes of this section,
76 “benefits” means fringe benefits associated with employment, including health insurance;

77 “(B) Operating costs of the business.

78 “(C) Repayment of loans obtained through the United States Small
79 Business Administration.”

80 “(c) Funds for the program may be made available:

81 “(1) Reprogramming of funds pursuant to Chapter 3 of Title 47;

82 “(2) Draws on a fund established under section 405a of the District of Columbia
83 Home Rule Act, approved December 24, 1973, (87 Stat. 813; D.C. Official Code § 1-204.05a);

84 “(3) Any other funds available law.

85 “(d) For the purposes of this section, the term “small business” means a business
86 enterprise eligible for certification under Section 2332 of this act.

87 “(e) the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
88 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
89 rules to implement the provisions of this section.”

90 TITLE III. PUBLIC HEALTH, SAFETY, AND CONSUMER PROTECTION.

91 Sec. 301. The District of Columbia Public Emergency Act of 1980, effective March 5,
92 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

93 (a) Section 5a(d)(3) (D.C. Official Code § 7-2304.01(d)(3)) is amended by striking the
94 phrase “solely for the duration of the public health emergency” and inserting the phrase “solely
95 for actions take during the public health emergency” in its place.

96 (b) Section 7 (D.C. Official Code § 7-2306) is amended as follows:

97 (1) Subsection (a) is amended by striking the phrase “15 calendar days” and
98 inserting the phrase “30 calendar days” in its place.

99 (2) Subsection (b) is amended by striking the phrase “15-day period” and
100 inserting the phrase “30-day period” in its place.

101 (3) Subsection (c) is amended by striking the phrase “15 days” and inserting the
102 phrase “30 days” in its place.

103 Sec. 302. Price gouging.

104 Section 2(b)(1) of the Natural Disaster Consumer Protection Act of 1992, effective
105 March 20, 1992 (D.C. Law 9-80; D.C. Official Code § 28-4102(b)(1)) is amended by striking the
106 phrase “of a natural disaster,” and inserting the phrase “of a natural disaster or a public health
107 emergency declared in accordance with section 5a of the District of Columbia Public Emergency
108 Act of 1980, effective October 17, 2002 (D.C. Law 3-149; D.C. Official Code § 7-2304.01),” in
109 its place.

110 Sec. 303. Disconnection of electric service.

111 The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9,
112 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 et seq.), is amended by adding a new
113 section 106a to read as follows:

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

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

119 “(b) An electric company shall not disconnect residential electric service during a public
120 health emergency.”.

121 Sec. 304. Disconnection of gas service.

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

125 “Sec. 7a. Disconnection of service in public health emergency prohibited.

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

130 “(b) A gas company shall not disconnect residential gas service during a public health
131 emergency.”.

132 Sec. 305. Disconnection of water service.

133 Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,
134 1954 (68 Star. 101; D.C. Code § 43-1524 et seq.), is amended by adding a new paragraph (c) to
135 read as follows:

136 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a
137 period of time during which the Mayor has declared a public health emergency pursuant to
138 Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
139 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

140 “(2) During a period of time in which the Mayor has declared a public health
141 emergency pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980,
142 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), notwithstanding
143 any other provision of this act, the water supply to any property may not be shut off during a
144 public health emergency.”.

145 Sec. 306. Eviction Prohibition.

146 Section 501(k) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
147 Official Code § 42-3501.01(k)), is amended by adding a new subparagraph (3) to read as
148 follows:

149 “(3) While an emergency executive order is in effect pursuant to §7.2306.”.

150 Sec. 307. Prescription drugs.

151 Section 208 of the District of Columbia Health Occupations Revision Act of 1985,
152 effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1208.02), is amended by
153 adding a new subsection (g-2) to read as follows:

154 “(g-2)(1) An individual licensed to practice pharmacy pursuant to this chapter may
155 prescribe and dispense a one-time refill of patient prescription medications prior to the expiration
156 of the waiting period between refills, if certified to do so by the Board and pursuant to a written
157 protocol established by the Board and the Board of Medicine under paragraph (2) of this
158 subsection, to allow District residents to maintain an adequate supply of necessary medication
159 during a public emergency, as defined by section 2(3) of the District of Columbia Public
160 Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-
161 2301(3)).

162 “(2) The Board and the Board of Medicine shall jointly develop and issue
163 emergency regulations establishing protocols for the prescription and dispensation of one-time
164 patient prescription refills during a public emergency.”.

165 Sec. 308. Public assistance benefits.

166 Notwithstanding any provision of law, during a period time in which the Mayor has
167 declared a public health emergency pursuant to Section 5a of the District of Columbia Public
168 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
169 2304.01), the Mayor may waive any provision in the District of Columbia Public Assistance Act
170 of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) to the
171 maximum extent permitted by controlling Federal laws and waivers granted to the District of

172 Columbia as is necessary to ensure continuity of public benefits and services for District
173 residents.

174 Sec. 309. Extension of licenses and registrations.

175 Notwithstanding any provision of law, during a period time in which the Mayor has
176 declared a public health emergency pursuant to Section 5a of the District of Columbia Public
177 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
178 2304.01), the Mayor may waive any provision in the District of Columbia Public Assistance Act
179 of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) the
180 Mayor may extend the validity of a license, registration, or permit that would otherwise require
181 in person-renewal, including drivers licenses, vehicle registrations, professional licenses.

182 TITLE IV. PUBLIC BODY MEETINGS

183 Sec. 401 Advisory Neighborhood Commission Meetings.

184 Section 14(b)(1) of the Advisory Neighborhood Commission Act of 1975, effective
185 October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*) is amended by striking
186 the phrase “by the Commission.” and inserting the phrase “by the Commission; provided that no
187 meetings shall be required during a public health emergency declared by the Mayor pursuant to
188 Section 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981
189 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*) and the number of required meetings in a
190 given year shall be reduced by one for every 30 days that a public health emergency is in effect
191 during the year.”.

192 Sec. 402 Other boards and commissions.

193 Notwithstanding any provision of law, during a period time in which the Mayor has
194 declared a public health emergency pursuant to Section 5a of the District of Columbia Public

195 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
196 2304.01) any requirement for of a board, commission, or other public body to meet periodically
197 is waived.

198 Sec. 403 Freedom of Information Act.

199 Section 202 of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C.
200 Law 1-96; D.C. Official Code § 2-532), is amended as follows:

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

202 (1) Paragraph (1) is amended by striking the phrase “Sundays, and” and inserting
203 the phrase “Sundays, days of a COVID-19 closure, and” in its place

204 (2) Paragraph (2)(A) is amended by striking the phrase “Sundays, and” and
205 inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place

206 (b) Subsection (d)(1) is amended by striking the phrase “Sundays, and” both times it
207 appears and inserting the phrase “Sundays, days of a COVID-19 closure, and” in its place.

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

209 (1) Paragraphs (1) and (1A) are redesignated as paragraphs (1A) and 1(B)
210 respectively.

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

212 “(1) “COVID-19 closure” means:

213 “(A) The Mayor has issued an emergency executive order, or a public
214 health emergency executive order, pursuant to the District of Columbia Public Emergency Act of
215 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 et seq.), or
216 otherwise declared a state of emergency; or

217 “(B) A public body is closed due to the COVID-19 coronavirus disease, as
218 determined by the personnel authority of the public body.”.

219 TITLE V. COUNCIL AUTHORITY

220 Sec. 501. Budget Submission Requirements

221 Section 2 of the Fiscal Year 2021 Budget Submission Requirements Resolution of 2019,
222 effective November 22, 2019 (Res. 23-268; 66 DCR 15372), is amended by striking the phrase
223 “not later than March 19, 2020” and inserting the phrase “not later than May 1, 2020 or 5
224 calendar days following the end of a public health emergency declared in accordance with
225 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002
226 (D.C. Law 3-149; D.C. Official Code § 7-2304), whichever is sooner” in its place.

227 Section 502. Virtual meetings.

228 Section 367 of the Rules of Organization and Procedure for the Council of the District of
229 Columbia, Council Period 23, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended by
230 striking the phrase “remote voting.”

231 TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

232 Sec. 601. Fiscal impact statement.

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

236 Sec. 602. Effective date.

237 This act shall take effect following approval by the Mayor (or in the event of veto by the
238 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
239 90 days, as provided for emergency acts of the Council of the District of Columbia in section

- 240 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
- 241 D.C. Official Code § 1-204.12(a)).