

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

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, provided that the gross receipts are paid in full by the end of the tax year.”

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

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).to D.C. Official Code § 7-2304 the Mayor may, in the Mayor’s sole discretion, disburse grants to an eligible small business; provided, that the eligible small business:

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

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

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

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

81 “(B) Operating costs of the business.

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

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

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

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

88 “(3) Any other funds available law.

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

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

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

95 Sec. 301. The District of Columbia Public Emergency Act of 1980, effective March 5,
96 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is amended as follows:

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

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

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

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

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

107 Sec. 302. Price gouging.

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

114 Sec. 303. Disconnection of electric service.

115 The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9,
116 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 et seq.), is amended by adding a new
117 section 106a to read as follows:

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

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

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

125 Sec. 304. Disconnection of gas service.

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

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

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

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

136 Sec. 305. Disconnection of water service.

137 Section 103 of the District of Columbia Public Works Act of 1954, approved May 18,
138 1954 (68 Star. 101; D.C. Code § 43-1524 et seq.), is amended by adding a new paragraph (c) to
139 read as follows:

140 “(c)(1) For the purposes of this subsection, the term “public health emergency” means a
141 period of time during which the Mayor has declared a public health emergency pursuant to
142 Section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17,
143 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01).

144 “(2) During a period of time in which the Mayor has declared a public health
145 emergency pursuant to Section 5a of the District of Columbia Public Emergency Act of 1980,

146 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), notwithstanding
147 any other provision of this act, the water supply to any property may not be shut off during a
148 public health emergency.”.

149 Sec. 306. Eviction Prohibition.

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

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

154 Sec. 307. Prescription drugs.

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

158 “(g-2)(1) An individual licensed to practice pharmacy pursuant to this chapter may
159 prescribe and dispense a one-time refill of patient prescription medications prior to the expiration
160 of the waiting period between refills, if certified to do so by the Board and pursuant to a written
161 protocol established by the Board and the Board of Medicine under paragraph (2) of this
162 subsection, to allow District residents to maintain an adequate supply of necessary medication
163 during a public emergency, as defined by section 2(3) of the District of Columbia Public
164 Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-
165 2301(3)).

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

169 Sec. 308. Public assistance benefits.

170 Notwithstanding any provision of law, during a period time in which the Mayor has
171 declared a public health emergency pursuant to Section 5a of the District of Columbia Public
172 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
173 2304.01), the Mayor may waive any provision in the District of Columbia Public Assistance Act
174 of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) to the
175 maximum extent permitted by controlling Federal laws and waivers granted to the District of
176 Columbia as is necessary to ensure continuity of public benefits and services for District
177 residents.

178 Sec. 309. Extension of licenses and registrations.

179 Notwithstanding any provision of law, during a period time in which the Mayor has
180 declared a public health emergency pursuant to Section 5a of the District of Columbia Public
181 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
182 2304.01), the Mayor may waive any provision in the District of Columbia Public Assistance Act
183 of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code §4-209.01 *et seq.*) the
184 Mayor may extend the validity of a license, registration, or permit that would otherwise require
185 in person-renewal, including drivers licenses, vehicle registrations, professional licenses.

186 **TITLE IV. PUBLIC BODY MEETINGS**

187 Sec. 401 Advisory Neighborhood Commission Meetings.

188 Section 14(b)(1) of the Advisory Neighborhood Commission Act of 1975, effective
189 October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*) is amended by striking
190 the phrase “by the Commission.” and inserting the phrase “by the Commission; provided that no
191 meetings shall be required during a public health emergency declared by the Mayor pursuant to

192 Section 5a of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981
193 (D.C. Law 3-149; D.C. Official Code § 7-2301 et seq.) and the number of required meetings in a
194 given year shall be reduced by one for every 30 days that a public health emergency is in effect
195 during the year.”.

196 Sec. 402 Other boards and commissions.

197 Notwithstanding any provision of law, during a period time in which the Mayor has
198 declared a public health emergency pursuant to Section 5a of the District of Columbia Public
199 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-
200 2304.01) any requirement for of a board, commission, or other public body to meet periodically
201 is waived.

202 Sec. 403 Freedom of Information Act.

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

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

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

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

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

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

213 (1) Paragraphs (1) and (1A) are redesignated as paragraphs (1A) and 1(B)
214 respectively.

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

216 “(1) “COVID-19 closure” means:

217 “(A) The Mayor has issued an emergency executive order, or a public
218 health emergency executive order, pursuant to the District of Columbia Public Emergency Act of
219 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 et seq.), or
220 otherwise declared a state of emergency; or

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

223 TITLE V. COUNCIL AUTHORITY

224 Sec. 501. Budget Submission Requirements

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

231 Section 502. Virtual meetings.

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

235 TITLE VI. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

236 Sec. 601. Fiscal impact statement.

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

240 Sec. 602. Effective date.

241 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
242 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
243 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

244 (b) December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and
245 publication in the District of Columbia Register.

246 (b) This act shall expire after 225 days of its having taken effect.