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Chairman Phil Mendelson

Councilmember Anita Bonds

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Councilmember Elissa Silverman

Councilmember Robert C. White, Jr.

Councilmember Brianne K. Nadeau

Councilmember Mary M. Cheh

Councilmember Brandon Todd

Councilmember Charles Allen

Councilmember Vincent C. Gray

Councilmember Trayon White, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

TITLE I. LABOR, WORKFORCE DEVELOPMENT, AND EDUCATION.

Sec. 101. Unemployment insurance clarification.

Section 101(b) of the COVID-19 Response Emergency Amendment Act of 2020, effective March 18, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended to read as follows:

“(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;

“(B) Employee has a reasonable expectation of continued employment with the current employer; or

“(3) During the public health emergency, there shall be no work-search requirement and no waiting week.”.

Sec. 102. Navigation and advocacy assistance for unemployment filers.

Section 12(h) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-111(h)), is amended as follows:

(a) The existing text is redesignated paragraph (1).

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

(2) 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 Claimant-Employer Advocacy Fund established pursuant to section 11(h) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 951; D.C. Code § 51-111(h)), may be expanded as follows; provided that funding is expanded commensurate with any expansion of scope:

(1) The uses of the fund may include any costs to engage, grant to, contract with, or facilitate the provision of navigators to help claimants file initial claims or to assist an applicant with a denied or rejected initial claim.

(2) The Department of Employment Services may provide funding to one or more organizations; provided, that the total amount of funding provided to assist and facilitate the assistance of claimants in a fiscal year shall not be less than twice the total amount available in the Fund to assist employers and facilitate the assistance of employers in a fiscal year.

Sec. 103. District work-share program expansion.

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

(1) Subsection (a)(4) is amended by striking the phrase “20% and not more than 40%” and inserting the phrase “10% and not more than 60%” in its place.

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

“(c) A shared work plan shall not provide payments to an individual if the individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.”.

(3) Subsection (d) is amended by striking the number “30th” and inserting the number “7th” in its place.

(b) Section 6(a) (D.C. Official Code § 51-175(a)) is amended by striking the phrase “A shared work plan shall be effective on the date that it is approved by the Director, except that, for good cause shown, a shared work plan may be made effective retroactive to any time within a period of 14 days prior to the date the plan is approved by the Director.” and inserting the phrase “The director shall establish the effective date of an approved shared work plan.” in its place.

(c) Section 8(b) (D.C. Official Code § 51-177(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “was approved before the week in question and is in effect” and inserting the phrase “is in effect” in its place.

(2) Paragraph (3) is amended by striking the phrase “20% but not more than 40%” and inserting the phrase “10% but not more than 60%” in its place.

(3) Paragraph (4) is repealed.

(d) Section 9(b) (D.C. Official Code § 51-178(b)) is repealed.

Sec. 104. Declaration of emergency sick leave.

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:

(a) A new section 3a is added to read as follows:

“Sec. 3a. Declared emergency leave requirement.

“(a)(1) An employer shall provide paid leave to an employee pursuant to this section for an absence from work due to any of the reasons for which paid leave may be used pursuant to sections 3102 and 5102 of the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178).

111 “(2) An employer shall provide paid leave to an employee who is absent from
112 work for the days the employee was scheduled to work up to a total of 14 consecutive days.

113 “(3)(A) Subject to subparagraph (B) of this paragraph, paid leave provided
114 pursuant to this section shall be compensated at the employee’s regular rate of pay or, in the case
115 of an employee who does not have a regular rate of pay, the employee’s rate of pay shall be
116 determined by dividing the employee’s total gross earnings, including all tips, commission,
117 piecework, or other earnings earned on an irregular basis for the most recent 2-week period that
118 the employee worked, by the number of hours the employee worked during that 2-week period.

119 “(B) In no case shall an employee’s rate of pay fall below the minimum
120 wage established by section 4(a) of the Minimum Wage Act Revision Act of 1992, effective
121 March 25, 1993 (D.C. Law 9-248; D.C. Code Official Code § 32-1003(a)).

122 “(4) The employer shall provide paid leave under this section to all employees
123 who commenced work for the employer at least 15 days before the request for leave.

124 “(5) An employer may require that paid leave provided pursuant to this section be
125 used at the same time as other leave to which the employee may be entitled pursuant to any
126 applicable federal or District law.

127 “(b) Nothing in this section shall be construed to require an employer to provide an
128 employee with paid leave under this section for more than 14 consecutive work days. If an
129 employee utilizes the paid leave made available pursuant to this section for 14 consecutive days -
130 and subsequently informs the employer of the employee’s continued need to be absent from
131 work , the employer shall inform the employee of any paid or unpaid leave to which the
132 employee may be entitled pursuant to federal law, other District law, or the employer’s own
133 policies.

“(c) An employer alleged to have violated this section shall be provided with an opportunity to cure such alleged violation by the Mayor. Such opportunity to cure shall last no more than 5 business days from the date the employer is notified in writing of the potential violation of the law. Such notice may be from the Mayor’s duly authorized representative via email or other electronic means or verbally to the employer or the employer’s authorized representative.

“(d) For the purposes of this section, the term “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.”.

(b) Section 3(c)(1) (D.C. Official Code § 32-351.02(c)(1)) is amended by striking the phrase “Paid leave” and inserting the phrase “Except as provided in section 3a, paid leave” in its place.

(c) Section 4 (D.C. Official Code § 32-351.03) 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) An employee who seeks to use paid leave pursuant to section 3a shall not:

“(1) Except for emergency leave pursuant to paragraph (2) of this subsection, be required by the employer to provide more than 24 hours’ notice of the need to use such leave;

“(2) Be required by the employee’s employer to provide more than reasonable notice of the employee’s need to use such leave in the event of an emergency;

““(3) Be subject to threats or retaliation, including verbal or written warnings; or

“(4) Be required by the employer to search for or identify another employee to perform the work hours or work of the employee using paid leave.” .

(d) Section 5 (D.C. Official Code § 32-351.04) is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) An employer shall not require an employee who uses paid leave under section 3a to provide certification of the need to use paid leave that is otherwise permitted under this act unless the employee uses 3 or more consecutive working days of paid leave.

“(2) When certification is required by an employer, the employee shall not be required to provide it until 3 weeks 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.”.

Sec. 105. Wage replacement for excluded workers.

(a) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations and available funding, during the COVID-19 emergency, a COVID-19 affected claimant may be eligible for special wage replacement in accordance with this section; provided, that the person is not receiving or eligible to receive benefits 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.*) (“UI Act”) or federally provided unemployment compensation under the Coronavirus Aid,

Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281) (“CARES Act”).

(b)(1) Upon application, a COVID-19 affected claimant shall receive special wage replacement, which the Director of the Department of Employment Services shall administer in the same manner as the Unemployment Compensation Program established pursuant to the UI Act. If a COVID-19 affected claimant applies by May 1, 2020, the claimant may be entitled to special wage replacement retroactive to March 11, 2020.

(2) Notwithstanding sections 9 and 10 of the UI Act (D.C. Official Code §§ 51-109 and 51-110), for a COVID-19 affected claimant, there shall be no waiting week for benefits, no work-search requirement, and the Mayor shall not require a COVID-19 affected claimant to demonstrate that he or she is available for work, has performed a work search, or is attending job training or a retraining course, or a job counseling course.

(c)(1) Subject to the availability of funds and subsection (d) of this section, the Director shall provide special wage replacement benefits to a COVID-19 affected claimant in accordance with this section and to the extent feasible, consistent with federal procedures.

(2) A claimant’s weekly benefit amount payable pursuant to this section shall be equal to one twenty-sixth (computed to the next higher multiple of \$1) of the individual's total income earned for work, as paid by check, debit card, direct deposit, cash, or other documentation required by this section or rules issued pursuant this section, during the quarter in which the individual earned the highest income over the last 4 quarters.

(3)(A) Except as provided in subparagraph (B), the maximum weekly benefit amount payable pursuant to this section shall not exceed the maximum benefit amount payable under section 7(b)(3)(C) of the UI Act.

(B) The Mayor, in the Mayor's discretion, may waive the restriction set forth in subparagraph (A) of this paragraph and provide a greater weekly benefit to a COVID-19 affected claimant of up to the total amount an employee receiving the maximum benefit amount payable pursuant section 7(b)(3)(C) of the UI Act coupled with a federal benefit amount under the Families First Coronavirus Response Act, approved March 18, 2020 (Pub. L. No. 116-127; 134 Stat. 178), the CARES Act, or other federal law or program that such an employee is receiving.

(4) The Director shall award benefits to claimants under this section on a weekly or biweekly basis in the order the Director determines claimants are eligible.

(d)(1) The Director shall continue to pay benefits to a claimant for the duration of the claimant's eligibility; except, that the Director may cease paying a claimant's benefits if the Director determines that sufficient funds do not exist to continue such payments.

(2) In the case of a COVID-19 claimant who is, or will, receive payments from other sources, the Director, at the Director's discretion, may reduce the benefits payable pursuant to this section by the amount paid to the claimant due to the COVID-19 emergency for severance, paid sick time, paid leave, or other benefit payment. The Director may, for good cause, waive this requirement.

(e)(1) Except as provided in subsection (b)(2) of this section, 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.*), the Mayor may issue emergency rules to implement this section, including establishing criteria that a COVID-19 affected claimant must meet to be eligible for benefits pursuant to this section, such as providing documentation of income received or of an income decrease due to the COVID-19 emergency.

(2) Except as provided in this section and any rules that may be issued pursuant to this section, the provisions of this section shall apply to claims for special wage replacement benefits filed pursuant to this section.

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

(1) “COVID-19 emergency” means the emergency 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) “COVID-19 affected claimant” means a person:

(A) Who is not eligible for unemployment compensation under the UI Act, the CARES Act, or other District or federal laws or programs;

(B) Who is a resident of the District, and can provide documentation, such as a rent payment or utility bill, of District residency; and

(C) Whose income has been substantially reduced due to loss of work or business during the COVID-19 emergency.

(3) “Director” means the Director of the Department of Employment Services, established by Reorganization Plan No. 1 of 1980.

(4) “Special wage replacement” means financial benefit payments that may be available for certain residents who have become demonstrably unemployed as a result of the COVID-19 emergency.

Sec. 106. Individual 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.*), issue an emergency grant or subgrant to an eligible worker; provided, that the eligible worker:

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

(B) Submits documentation demonstrating District residency; and

(C) Demonstrates, to the satisfaction of the Mayor, a significant reduction in personal or household income due to the circumstances giving rise to or resulting from the public health emergency.

(2) A grant issued pursuant to this section may be expendable by the eligible worker to meet the costs of basic living expenses.

(b) For the purposes of this section, the term “eligible worker” means a worker who is ineligible to receive benefits from the unemployment compensation 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.*) (“UI Act”) or federally provided unemployment compensation under the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281) (“CARES Act”).

(c) The Mayor may issue one or more grants to a third-party entity for the purpose of administering the grant program and issuing subgrants on behalf of the Mayor in accordance with the requirements of this section.

(d) The Mayor, pursuant to section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505), may issue emergency rules to implement the provisions of this section.

(e) Materials regarding the grants shall be considered “vital documents” and the Mayor shall publish all materials in accordance with the Language Access Act of 2004 effective June 19, 2004 (D.C. Law 15-167; 51 DCR 4688).

Sec. 107. 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 12631), 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 II. BUSINESS DEVELOPMENT AND CONSUMER PROTECTION

Sec. 201. Enhanced penalties for unlawful trade practices.

Section 28-3903(a) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (17) is amended by striking the phrase “Impose civil” and inserting the phrase “Except as provided in paragraph (18) of this subsection, impose civil” in its place.

(b) A new paragraph (18) is added to read as follows:

“(18) Notwithstanding section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3222), or 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 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 violation of this chapter or of any rule issued under the authority of this chapter shall be a Class 1 infraction pursuant to 16 DCMR § 3200.1(a).”.

Sec. 202. Microgrant program expansion.

Section 2316(b) 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 § 2-218.16(b)), is amended to read as follows:

“(b) For the purposes of this section, the term “eligible small business” means:

“(1) For a grant application received on or before April 7, 2020, 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.

“(2) For a grant application received after April 7, 2020, a business enterprise eligible for certification under section 2332, a nonprofit entity, a franchise employing fewer than 50 individuals, a Child Development Facility, or an independent contractor or self-employed individual determined ineligible for Unemployment Insurance by the Director of the Department of Employment Services.”

Sec. 203. Small retailer tax credit.

Section 47-1807.14 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase “For taxable years beginning” and inserting the phrase “Except as provided in subsection (b-1) of this section, for taxable years beginning” in its place.

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

“(b-1)(1) 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), a qualified corporation may claim a credit against the tax imposed by this chapter equal to 10% of the total rent paid by a qualified corporation for a qualified rental location during the taxable year or a tax credit equal to the total Class 2 real property taxes, imposed pursuant to § 47-811, paid by the qualified corporation for a qualified retail location owned location during the taxable year not to exceed the lesser of the real property tax during the taxable year or \$10,000; provided, that the qualified corporation:

“(A) Files a 2019 Corporation Business Franchise Tax Return (“D-20”) or Unincorporated Business Franchise Tax Return (“D-30”);

“(B) Amends its 2019 Corporation Business Franchise Tax Return (“D-20”) or Unincorporated Business Franchise Tax Return (“D-30”) if already filed; and

“(C) Provides records that demonstrate, to the satisfaction of the Chief Financial Officer, financial distress caused by a declared public health emergency.

Sec. 204. 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 § 7-2301(b)(15)), and notwithstanding the 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.*) (“Mortgage Lender Act”), or any provision of District, 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, a mortgage servicer that holds mortgage servicing rights to a residential mortgage loan or commercial mortgage loan, shall develop a deferment program for borrowers that, at a minimum:

- (1) Grants at least a 90-day deferment of mortgage payments for borrowers;
- (2) Permanently waives any late fee, processing fee, or any other fees accrued during the public health emergency; and
- (3) Does not report to a credit bureau any delinquency or other derogatory information that occurs as a result of the deferral.

(b) The mortgage servicer shall establish application criteria and procedures for borrowers to apply for the deferment program. The mortgage servicer shall approve each application in which a borrower:

- (1) Demonstrates to the mortgage servicer evidence of a financial hardship resulting from the public health emergency; and
- (2) Agrees in writing to pay the deferred payments at the end of the original term of the mortgage loan, or as otherwise agreed to by the applicant and the mortgage servicer.

(c)(1) A mortgage servicer 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 servicer shall make an application for deferment available to the Commissioner.

(d) 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 Act.

(e) A borrower receiving a mortgage deferral pursuant to subsection (b) of this section on a property that has a commercial or residential tenant shall reduce the rent charged for the property to any tenant during the period of time in which there is mortgage deferral in place in an amount proportional to the reduced mortgage amount paid by the lender to the mortgage servicer.

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

(1) “Commercial mortgage loan” means a loan for the acquisition of real property, or a loan secured by collateral in such real property, that is owned or used by a person or business for the purpose of generating profit, and shall include real property used for single-family housing, multifamily housing, retail, and office space.

(2) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.

(3) “Mortgage servicer” mean an entity that has mortgage servicing rights.

(4) “Mortgage servicing rights” means the right under a contractual agreement between the mortgage lender and a mortgage servicer for the mortgage servicer to receive scheduled periodic payments from a person or business pursuant to the terms of a mortgage loan and performs other services in connection with the mortgage, including maintaining account records and communicating with the borrower.

Sec. 205. Tenant protections.

(a) Section 312(a) and (b)(2) of the COVID Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

(b) 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 514 to read as follows:

“Sec. 514. 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.”.

(c) 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:

(1) Section 208(a)(1) (D.C. Official Code § 42-3502.08) 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) Section 904(c) is not in effect.”.

(2) Section 553 (D.C. Official Code § 42-3505.53) is amended as follows:

(A) The existing language 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 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.”.

(3) 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 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.”.

(4) Section 904 D.C. Official Code § 42-3509.04) is amended by adding a new subsection (c) to read as follows:

“(c) Any rent increase, whether under this chapter, 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 if:

“(1) The effective date on the notice of rent increase occurs 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);

“(2) The notice of rent increase was provided to the tenant during a period for which a public health emergency has been declared; or

“(3) The notice was provided to the tenant prior to, but takes effect following, a public health emergency.”.

(5) A new section 910 is added to read as follows:

“Sec. 910. 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 chap. 3800-4399), 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.”.

Sec. 206. Utilities.

(a) A cable operator, as that term is defined by section 103(6) of the Cable Television Communications Act of 1981 effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code § 34-1251.03(6)), shall not disconnect, suspend or degrade cable service 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.”.

(b) 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 to add a new section 3a 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 telecommunications service for non-payment of a bill, any fees for service or equipment, and other charges, or noncompliance with a deferred payment agreement during a public health emergency or for 15 calendar days thereafter.”.

(c) Notwithstanding any District law, the Attorney General may use the enforcement authority set forth at D.C. Official Code § 28-3909 against any merchant, including a utility provider, that violates any provisions of this act, the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), the COVID-19 Response Supplemental Emergency Amendment Act of 2020, passed on emergency basis April 7, 2020 (Enrolled version of Bill 23-X), or the COVID-19 Supplemental Response Temporary Amendment Act of 2020, passed on 1st reading on April 7, 2020 (Engrossed version of Bill 23-X).

(d) (d) Section 113a(c) of the District Department of the Environment Establishment Act of 2005 (D.C. Law 16-51, D.C. Official Code § 8-151.13a(c)) is amended to read as follows:

“(c)(1) Not less than \$1,260,000.00 in the Fund during Fiscal Year 2020 shall be used to pay for the costs of implementing the financial assistance programs authorized by Section 216b of the Water and Sewer Authority Rate 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).

“(2) 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 money in the fund in excess of \$1,260,000 may be used to assist residential customers located in the District of Columbia with the payment of an outstanding water bill balance.

Sec. 207. 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. The Attorney General of the District of Columbia, in consultation with the Board of Funeral Directors, shall create a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other available consumer rights. The Funeral Bill of Rights shall be published in the District of Columbia Register no later than May 1, 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 section 3013 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 3013); or”

“(mm) violate any provision of section 3117 of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 3117).”.

(c) Subsection 3013.2(l) of Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 3013.2(l)) is amended as follows:

(1) 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.

(2) Subparagraph (24) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(3) Subparagraph (25) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(4) New subparagraphs (26), (27), (28), and (29) are added to read as follows:

“(26) Failing to clearly and conspicuously post a General Price List, 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*, as amended), on any websites maintained by the applicant or licensee;

“(27) Failing to provide to any customer a General Price List, 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*, as amended);

“(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,

passed on emergency basis on April 7, 2020 (Enrolled version of Bill 23-X), on any websites 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 April 7, 2020 (Enrolled version of Bill 23-X), during an initial meeting to discuss or make arrangements for the purchase of funeral goods or services.”.

(d) Section 3110 of Title 17 of the District of Columbia Municipal Regulations (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, an 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 April 7, 2020 (Enrolled version of Bill 23-X), after the completion or termination of a funeral contract.”.

Sec. 208. Debt collection.

Section 28-3814 of the D.C. Official Code is amended as follows:

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

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

“(1B) “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.”.

(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 either 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 the Natural Disaster Consumer Protection Act, effective March 20, 1992 (D.C. Law 9-80; D.C. Official Code § 28-4102).”.

(b) New subsections (l), (m), and (n) are added to read as follows:

“(l)(1) Notwithstanding any other provision of this chapter this subsection shall apply to conduct and practices in connection with the collection of obligations arising from consumer credit sales, consumer leases, and direct installment loans, 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:

“(A) Initiate, file, or threaten to file any new collection lawsuit;

“(B) Initiate, threaten to initiate, or act upon any legal or equitable 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 legal or equitable remedy for the repossession of any vehicle;

“(D) Apply for, cause to be served, enforce, or threaten to apply for, cause to be served, or enforce any bench warrant;

“(E) Visit or threaten to visit the household of a debtor at any time;

“(F) Visit or threaten to visit the place of employment of a debtor at any time; or

“(G) Confront or communicate in person with a debtor regarding the collection of a debt in any public place at any time.

“(m)(1) During a public health emergency, no debt collector shall initiate any communication with any debtor via any written or electronic communication, including email or text message, or telephone, provided that 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 said communication.

“(2) This subsection shall not apply to 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;”

“(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;

“(3) Supersede any obligation under the District of Columbia Rules of Professional Conduct, to the extent of any inconsistency.”.

Sec. 209. 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), no summons shall be issued to any party under this section.”.

Sec. 210. Carry out and delivery.

(a) (a) Section 203 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

(b) Chapter 1 of Title 25 of the District of Columbia Official Code 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 (a “Convention Center food and alcohol business”) that registers with the Board and receives written authorization from ABRA may, pursuant to § 25-113(a)(3)(C), 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 such carry out or delivery orders are accompanied by one or more prepared food items.

“(2) Board approval shall not be required for a registration under this subsection.”.

(2) Section 25-113(a)(3)(C) is amended to read as follows:

“(C) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H, D/H, 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. Board

approval shall not be required for a registration under this subparagraph; however, the licensee shall receive written authorization from ABRA prior to beginning carry out or delivery of beer, wine, or spirits pursuant to this subparagraph.”.

Sec. 211. Opportunity accounts expanded use.

The Opportunity Accounts Act of 2000, effective June 19, 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 by:

(i) Striking the phrase “in at least the same amount” and inserting the phrase “consistent with subsection (a) of this section” in its place.

(ii) Striking the the phrase “and” and inserting a semicolon in its place.

(C) Paragraph (2) is amended by:

(i) Striking the phrase “than \$3,000” and inserting the phrase “than \$6,000” in its place; and

(ii) Striking the period and inserting 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 may 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.

(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 inserted to read as follows:

653 “(4) Making payments necessary to enable the account holder to meet necessary
654 living expenses in the event of a sudden, unexpected loss of income.”.

655 (2) Subsection (c) is amended by striking the phrase “An account holder” and
656 inserting the phrase “Except during a period of time for which the Mayor has declared a public
657 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
658 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), an
659 account holder.

660 (3) New paragraphs (c-1), (c-2), and (c-3) are added to read as follows:

661 “(c-1) If an account holder makes an emergency withdrawal for the purposes of
662 subsection (b)(2) or (3) of this section, the account holder shall only withdraw funds deposited
663 by the account holder and shall not withdraw matching funds.

664 “(c-2) If an account holder makes an emergency withdrawal for the purposes of
665 subsection (b)(1) of this section, the account holder shall only withdraw funds deposited by the
666 account holder and shall not withdraw matching funds, unless the withdrawal is for a medical
667 emergency.

668 “(c-3) If an account holder makes an emergency withdrawal for the purposes of
669 subsection (b)(4) of this section, the account holder may withdraw funds deposited by the
670 account holder and matching funds.”.

671 (4) The lead-in language of subsection (e) is amended to read as follows:

672 “(e) An account holder shall not be required to repay funds withdrawn from the
673 opportunity account for an emergency withdrawal but must resume making deposits into the
674 opportunity account no later than 90 days after the emergency withdrawal. If the account holder
675 fails to make a deposit no later than 90 days after the emergency withdrawal:”.

Sec. 212. 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)(1) During a period of time for which the Mayor has declared 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), including the COVID-19 emergency, an agency shall make advance payments to a certified contractor, when the payments are necessary to achieve the purposes of this subchapter and may provide an advance of more than 10% of the total value of the contract.

“(2) “COVID-19 emergency” means the emergency 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. 213. 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, approved April 14, 1906 (34 Stat. 114; 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:

“(10) A commercial property that has closed during a period of time that 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 public health emergency, and for 60 days thereafter.”.

TITLE III. JUDICIARY AND PUBLIC SAFETY.

Sec. 301. 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:

(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. 302. Corrections Information Council halfway house inspections.

Section 11201a of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01), is amended as follows:

(a) A new subsection (d-1) is added to read as follows:

“(d-1) When 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 Executive Director shall conduct a comprehensive inspection of each halfway house in the District at least once every 14 days and prepare and transmit a report of each inspection as required pursuant to subsection (f-1) of this section.”.

(b) A new subsection (f-1) is added to read as follows:

“(f-1) The Executive Director shall prepare and transmit a report of each inspection conducted pursuant to subsection (d-1) of this section to the Deputy Mayor for Public Safety and Justice, the Council Chairman and the Chair of the Council’s Committee on the Judiciary and Public Safety, the Director of the Department of Corrections, and the Attorney General, no later than 48 hours after the inspection.”.

Sec. 303. 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 remove 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. 304. 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.

“In a civil action initiated by the Attorney General for violations of this act, 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 108d(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 108d(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and (e)).”.

Sec. 305. 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 phrase “15 days” and inserting the phrase “90 days” in its place.

Sec. 306. 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. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) A new section 3a-i is added to read as follows:

“Sec. 3a-i. Good time credit for felony offenses committed before August 5, 2000.

“(a) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed before August 5, 2000 shall be retroactively awarded good time credit, in the amount of 54 days per year as authorized pursuant to 18 U.S.C. § 3624(b), for the time the defendant has served on the offense for which the sentence was imposed.

“(b)(1) Except as provided in paragraph (2), good time credit awarded pursuant to subsection (a) shall be applied toward the minimum term and maximum term and to any mandatory minimum term of incarceration.

“(2) In the event of a maximum term of life, only the minimum term shall receive retroactive good time credit pursuant to paragraph (1).”.

(b) A new section 3d is added to read as follows:

“Sec. 3d. Motions for compassionate release for individuals convicted of felony offenses.

“(a) 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 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:

791 “(A) A debilitating medical condition involving an incurable, progressive
792 illness, or a debilitating injury from which the defendant will not recover;

793 “(B) Elderly age, defined as a defendant who is:

794 “(i) 60 years of age or older;

795 “(ii) Suffers from a chronic or serious medical condition related to
796 the aging process; and

797 “(iii) Has served at least 20 years in prison or has served the
798 greater of 10 years or 75% of their sentence;

799 “(C) Death or incapacitation of the family member caregiver of the
800 defendant’s children;

801 “(D) Incapacitation of a spouse or a domestic partner when the defendant
802 would be the only available caregiver for the spouse or domestic partner; or

803 “(E) Vulnerability to severe medical complications or death as a result of
804 COVID-19.

805 “(b) Motions brought pursuant to this section may be brought by the Bureau of Prisons,
806 the United States Parole Commission, or the defendant.

807 “(c) In order to provide for timely review, the Court may waive the appearance of
808 defendants currently held in Bureau of Prisons facilities.”.

809 **TITLE IV. HEALTH AND HUMAN SERVICES.**

810 Sec. 401. Public health emergency.

811 (a) Section 301(b) of the COVID-19 Response Emergency Amendment Act of 2020,
812 effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

(b) 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:

(1) Section 5a(d)(3) (D.C. Official Code § 7-2304.01(d)(3)) is amended to read as follows:

“(3) Exempt any individual or contractor, either from the District of Columbia or from other jurisdictions, from civil liability for damages for any actions taken within the scope of the individual’s employment or voluntary service, or the contractor’s scope of work, to implement the provisions of the District of Columbia response plan and of 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.*), except in instances of gross negligence, and solely for actions taken during the public health emergency; and”

(2) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the Mayor to extend the 15-day March 11, 2020, emergency executive order and public health emergency executive order (“emergency orders”) issued in response to the coronavirus (COVID-19) for an additional 90-day period. After the additional 90-day extension authorized by this subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant to subsection (b) or (c) of this subsection.”.

TITLE V. GOVERNMENT DIRECTION AND SUPPORT.

Sec. 501. Tolling of matters transmitted to the Council.

(a) Section 502(c) of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093) is repealed.

(b) 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 (a) 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.

(2) 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

(3) 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.

(4) 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 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.

(c) 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 Home Rule Act.

Sec. 502. Council Code of Conduct.

The Council of the District of Columbia, Code of Official Conduct, Council Period 23, effective January 2, 2019 (Res. 23-1; 66 DCR 272), is amended as follows:

(a) Rule VI(c) 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.”.

(b) Rule X(f)(1)(C) 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. 503. 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 13 (D.C. Official Code § 1-309.10) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “Sundays and legal holidays,” and inserting the phrase “Sundays, 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),”;

(2) Subsection (c)(2)(A) is amended by striking the phrase “at least 45 calendar days” and inserting the phrase “at least 45 calendar days, excluding 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),”.

(b) Section 16(j)(3) (D.C. Official Code § 1-309.13(j)(3)) is amended by adding a new subparagraph (C) to read as follows:

“(C) Sub-subparagraph (i) of subparagraph (A) 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).”.

Sec. 504. Financial disclosures and lobbyist activity reporting extensions; online campaign finance training and disbursement approval extension.

(a) Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; 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.

(b) 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:

“(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(a) (D.C. Official Code § 1-1162.30(a)) 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.”.

(c) 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. 505. 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 by adding a new paragraph (9B) to read as follows:

“(9B) For the June 2, 2020, Primary Election, mail every registered qualified elector an absentee ballot application and a postage-paid, self-adhesive return envelope, and for the June 16, 2020, Ward 2 Special Election, mail every registered qualified elector in Ward 2 an absentee ballot application and a postage-paid, self-adhesive return envelope;”.

(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.

(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 section shall not apply to the June 2, 2020, Primary Election and the June 16, 2020 Ward 2 Special Election.”.

(d) Section 9(b) (D.C. Official Code § 1-1001.09(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “paragraphs (2) and (3)” and inserting the phrase “paragraphs (2), (3), and (4)” in its place.

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

“(4) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2 Special Election, each registered qualified elector may cast his or her vote in any voting precinct, regardless of his or her residence address.”.

Sec. 506. Absentee ballot request signature waiver.

Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (7 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. 507. Administrative hearings deadline tolling.

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):

(a) The 90-day time period for requesting a hearing pursuant to section 1009(a) 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(a)), to review 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 shall be tolled.

(b) The 90-day time period for requesting a hearing pursuant to section 1009(b) 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(b) to review 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 shall be tolled.

Sec. 508. Approval of Mayoral nominations

Consistent 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), the Council of the District of Columbia confirms the appointments and reappointments of:

(1) Dr. Roger A. Mitchell, Jr. as the Chief Medical Examiner of the Office of the Chief Medical Examiner for a term to end June 3, 2026, transmitted by the Mayor to the Council for its approval on February 6, 2020;

(2) Ms. Deborah Evans-Bailey as a community member who is not a District government employee to the Violence Fatality Review Committee for a term to end October 12, 2023, transmitted by the Mayor to the Council for its approval on February 24, 2020;

(3) Dr. Erin Hall as a representative from a hospital in the District member to the Violence Fatality Review Committee for a term to end October 12, 2023, transmitted by the Mayor to the Council for its approval on February 24, 2020;

(4) Dr. Michael Eric Dyson as a member with a background in victim's rights to the Clemency Board, for a term to end four years after the date of confirmation, transmitted by the Mayor to the Council for its approval on February 24, 2020;

1011 (5) Mr. George Schutter as the Chief Procurement Officer of the Office of
 1012 Contracting and Procurement for a term to end July 14, 2025, transmitted by the Mayor to the
 1013 Council for its approval on February 14, 2020;

1014 (6) Ms. Olivia Elder as a public member of the Commission on Re-Entry and
 1015 Returning Citizens Affairs, replacing Nicole Porter, for a term to end August 4, 2022, transmitted
 1016 by the Mayor to the Council for its approval on February 26, 2020;

1017 (7) Mr. Dominic Henry as a public member of the Commission on Re-Entry and
 1018 Returning Citizens Affairs, replacing Tanisha Murden, for a term to end August 4, 2022,
 1019 transmitted by the Mayor to the Council for its approval on February 26, 2020;

1020 (8) Mr. Taurus Phillips of the Commission on Re-Entry and Returning Citizens
 1021 Affairs, replacing Eric Weaver, for a term to end August 4, 2022, transmitted by the Mayor to
 1022 the Council for its approval on February 26, 2020;

1023 (9) Mr. Corwin Knight as a public member of the Commission on Re-Entry and
 1024 Returning Citizens Affairs, for a term to end August 4, 2022, transmitted by the Mayor to the
 1025 Council for its approval on February 26, 2020;

1026 (10) Mr. Clarence Johnson as a public member of the Commission on Re-Entry
 1027 and Returning Citizens Affairs, for a term to end August 4, 2022, transmitted by the Mayor to the
 1028 Council for its approval on February 26, 2020;

1029 (11) Mr. Christopher Bradshaw as a voting member of the Food Policy Council,
 1030 for a term to end March 1, 2023, transmitted by the Mayor to the Council for its approval on
 1031 March 9, 2020;

1032 (12) Mrs. Dalila Boclin as a voting member of the Food Policy Council, for a
 1033 term to end March 1, 2021, transmitted by the Mayor to the Council for its approval on March 9,
 1034 2020;

1035 (13) Mr. Ronnie Webb as a voting member of the Food Policy Council, for a term
 1036 to end March 1, 2023, transmitted by the Mayor to the Council for its approval on February 11,
 1037 2020;

1038 (14) Mr. Edwin H. Dugas as a part-time commissioner of the Real Property Tax
 1039 Appeals Commission, for a term to end April 30, 2024, transmitted by the Mayor to the Council
 1040 for its approval on February 11, 2020.

1041 (15) Mr. Ronald Hudson as a part-time commissioner of the Real Property Tax
 1042 Appeals Commission, replacing Donald Isaac, Jr., for a term to end April 30, 2022, transmitted
 1043 by the Mayor to the Council for its approval on February 11, 2020.

1044 (16) Ms. Lauren Pair as Rent Administrator, for a term to end June 27, 2023,
 1045 transmitted by the Mayor to the Council for its approval on February 19, 2020.

1046 (17) Mr. Daniel W. Lucas as the Inspector General of the Office of the Inspector
 1047 General, for a term to end May 19, 2026, transmitted by the Mayor to the Council for its
 1048 approval on February 6, 2020.

1049 (18) Ms. Monte Monash as a member of the Board of Library Trustees for a term
 1050 to end January 5, 2025, transmitted by the Mayor to the Council for its approval on February 19,
 1051 2020.

1052 **TITLE VI. BORROWING AUTHORITY**

1053 **SUBTITLE A. GENERAL OBLIGATION NOTES**

1054 Sec. 601. This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes
1055 Emergency Act of 2020”

1056 Sec. 602. Definitions.

1057 For the purposes of this subtitle, the term:

1058 (1) “Additional Notes” means District general obligation notes described in
1059 section 609 that may be issued pursuant to section 471 of the Home Rule Act (D.C. Official
1060 Code § 1-204.71), and that will mature on or before September 30, 2021, on a parity with the
1061 notes.

1062 (2) “Authorized delegate” means the City Administrator, the Chief Financial
1063 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
1064 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

1065 (3) “Available funds” means District funds required to be deposited with the
1066 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

1067 (4) “Bond Counsel” means a firm or firms of attorneys designated
1068 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

1069 (5) “Chief Financial Officer” means the Chief Financial Officer established
1070 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

1071 (6) “City Administrator” means the City Administrator established pursuant to
1072 section 422(7) of the Home Rule Act D.C. Official Code § 1-204.22(7)).

1073 (7) “Council” means the Council of the District of Columbia.

1074 (8) “District” means the District of Columbia.

1075 (9) "Escrow Agent" means any bank, trust company, or national banking
 1076 association with requisite trust powers designated to serve in this capacity by the Chief Financial
 1077 Officer.

1078 (10) "Escrow Agreement" means the escrow agreement between the District and
 1079 the Escrow Agent authorized in section 607.

1080 (11) "Home Rule Act" means the District of Columbia Home Rule Act, approved
 1081 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

1082 (12) "Mayor" means the Mayor of the District of Columbia.

1083 (13) "Notes" means one or more series of District general obligation notes
 1084 authorized to be issued pursuant to this subtitle.

1085 (14) "Receipts" means all funds received by the District from any source,
 1086 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys
 1087 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds
 1088 that are pledged to debt or other obligations according to section 609 or that are restricted by law
 1089 to uses other than payment of principal of, and interest on, the notes.

1090 (15) "Secretary" means the Secretary of the District of Columbia.

1091 (16) "Treasurer" means the District of Columbia Treasurer established pursuant to
 1092 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

1093 Sec. 603. Findings.

1094 The Council finds that:

1095 (1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71),
 1096 the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to
 1097 meet appropriations for that fiscal year.

1098 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82),
 1099 the full faith and credit of the District is pledged for the payment of the principal of, and interest
 1100 on, any general obligation note.

1101 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83),
 1102 the Council is required to provide in the annual budget sufficient funds to pay the principal of,
 1103 and interest on, all general obligation notes becoming due and payable during that fiscal year,
 1104 and the Mayor is required to ensure that the principal of, and interest on, all general obligation
 1105 notes is paid when due, including by paying the principal and interest from funds not otherwise
 1106 legally committed.

1107 (4) The issuance of general obligation notes in a sum not to exceed
 1108 \$300,000,000 is in the public interest.

1109 Sec. 604. Note authorization.

1110 (a) The District is authorized to incur indebtedness, for operating or capital expenses, by
 1111 issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§
 1112 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet
 1113 appropriations for the fiscal year ending September 30, 2020.

1114 (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the
 1115 costs and expenses of issuing and delivering the notes, including, but not limited to,
 1116 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,
 1117 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

1118 Sec. 605. Note details.

1119 (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General
 1120 Obligation Notes” and shall be due and payable, as to both principal and interest, on or before
 1121 September 30, 2021.

1122 (b) The Chief Financial Officer is authorized to take any action necessary or appropriate
 1123 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,
 1124 delivery, security for, and payment of the notes, including, but not limited to, determinations of:

1125 (1) The final form, content, designation, and terms of the notes, including
 1126 any redemptions applicable thereto and a determination that the notes may be issued in book-
 1127 entry form;

1128 (2) Provisions for the transfer and exchange of the notes;

1129 (3) The principal amount of the notes to be issued;

1130 (4) The rate or rates of interest or the method of determining the rate or rates of
 1131 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall
 1132 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days
 1133 elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an
 1134 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the
 1135 basis of a 365-day year (actual days elapsed);

1136 (5) The date or dates of issuance, sale, and delivery of the notes;

1137 (6) The place or places of payment of principal of, and interest on, the notes;

1138 (7) The designation of a registrar, if appropriate, for any series of the notes, and
 1139 the execution and delivery of any necessary agreements relating to the designation;

1140 (8) The designation of paying agent(s) or escrow agent(s) for any series of the
 1141 notes, and the execution and delivery of any necessary agreements relating to such designations;
 1142 and

1143 (9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed
 1144 notes.

1145 (c) The notes shall be executed in the name of the District and on its behalf by the
 1146 signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the
 1147 District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a
 1148 registrar is designated, the registrar shall authenticate each note by manual signature and
 1149 maintain the books of registration for the payment of the principal of and interest on the notes
 1150 and perform other ministerial responsibilities as specifically provided in its designation as
 1151 registrar.

1152 (d) The notes may be issued at any time or from time to time in one or more
 1153 issues and in one or more series.

1154 Sec. 606. Sale of the notes.

1155 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract
 1156 or at competitive sale pursuant to a bid form. The notes shall be sold at a price not less than par
 1157 plus accrued interest from the date of the notes to the date of delivery thereof. The purchase
 1158 contract or bid form shall contain the terms that the Chief Financial Officer considers necessary
 1159 or appropriate to carry out the purposes of this subtitle. The Chief Financial Officer's execution
 1160 and delivery of the purchase contract or bid form shall constitute conclusive evidence of the
 1161 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 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. 607. 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

1207 ensure that the principal of, and interest on, the notes are paid when due for any reason, including
1208 the payment of principal and interest from any funds or accounts of the District not otherwise
1209 legally committed.

1210 (d) The notes shall evidence continuing obligations of the District until paid in
1211 accordance with their terms.

1212 (e) The funds for the payment of the notes as described in this subtitle shall be
1213 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds
1214 shall be used for the payment of the principal of, and interest on, the notes when due, and shall
1215 not be used for other purposes so long as the notes are outstanding and unpaid.

1216 (f) The Chief Financial Officer may, without regard to any act or resolution of the
1217 Council now existing or adopted after the effective date of this subtitle, designate an Escrow
1218 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the
1219 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official
1220 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate
1221 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for
1222 Payment of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and
1223 shall be maintained by the Escrow Agent for the benefit of the owners of the notes as stated in
1224 the Escrow Agreement. Funds on deposit, including investment income, under the Escrow
1225 Agreement shall not be used for any purposes except for payment of the notes or, to the extent
1226 permitted by the Home Rule Act, to service any contract or other arrangement permitted under
1227 subsections (k) or (l) of this section, and may be invested only as provided in the Escrow
1228 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.

(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 million 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 the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which 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 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. 608. 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. 609. 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 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.

1320 (2) The receipts and available funds referred to in subsection (a) of this section
 1321 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home
 1322 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes
 1323 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

1324 (3) Any covenants relating to any Additional Notes shall have equal standing and
 1325 be on a parity with the covenants made for payment of the principal of, and the interest on, the
 1326 notes.

1327 (4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act
 1328 (D.C. Official Code § 1-204.71), the provisions of section 607 shall apply to both the notes and
 1329 the Additional Notes and increase the amounts required to be set aside and deposited with the
 1330 Escrow Agent.

1331 (5) As a condition precedent to the issuance of any Additional Notes, the Chief
 1332 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance
 1333 with all covenants and obligations under this subtitle and the Escrow Agreement.

1334 Sec. 610. Tax matters.

1335 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle
 1336 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial
 1337 Officer shall take all actions necessary to be taken so that the interest on the notes will not be
 1338 includable in gross income for federal income tax purposes.

1339 Sec. 611. Contract.

1340 This subtitle shall constitute a contract between the District and the owners of the notes
 1341 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in
 1342 conflict with this subtitle, this subtitle shall be controlling.

Sec. 612. 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.

Sec. 613. 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. 614. Maintenance of documents.

Copies of the notes and related documents shall be filed in the Office of the Secretary.

SUBTITLE B. TRANS NOTES

Sec. 621. This subtitle may be cited as the “Fiscal Year 2020 Tax Revenue Anticipation Notes Emergency Act of 2020”

Sec. 622. Definitions.

For the purposes of this subtitle, the term:

(1) “Additional Notes” means District general obligation revenue anticipation notes described in section 9 that may be issued pursuant to section 472 of the Home Rule Act and that will mature on or before September 30, 2020, on a parity with the notes.

1364 (2) “Authorized delegate” means the City Administrator, the Chief Financial
 1365 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under
 1366 this subtitle pursuant to section 422(6) of the Home Rule Act.

1367 (3) “Available funds” means District funds required to be deposited with the
 1368 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

1369 (4) “Bond Counsel” means a firm or firms of attorneys designated
 1370 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

1371 (5) “Chief Financial Officer” means the Chief Financial Officer established
 1372 pursuant to section 424(a)(1) of the Home Rule Act.

1373 (6) “City Administrator” means the City Administrator established pursuant to
 1374 section 422(7) of the Home Rule Act.

1375 (7) “Council” means the Council of the District of Columbia.

1376 (8) “District” means the District of Columbia.

1377 (9) “Escrow Agent” means any bank, trust company, or national banking
 1378 association with requisite trust powers designated to serve in this capacity by the Chief Financial
 1379 Officer.

1380 (10) “Escrow Agreement” means the escrow agreement between the District and
 1381 the Escrow Agent authorized in section 7.

1382 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved
 1383 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

1384 (12) “Mayor” means the Mayor of the District of Columbia.

1385 (13) “Notes” means one or more series of District general obligation
 1386 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 9 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 State 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.

Sec. 623. Findings.

The Council finds that:

(1) Under section 472 of the Home Rule Act, the Council may authorize, by subtitle, 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 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, 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, 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, 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 million, 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 million is in the public interest.

Sec. 624. 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, in one or more series, in a sum not to exceed \$200 million, 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. 625. 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.

(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. 626. 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 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. 627. 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 act 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.

(2) If Additional Notes are issued pursuant to section 9(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, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act), 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, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act).

(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, or taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(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

1568 maturity on the notes then outstanding, less any amounts and investment income on deposit
 1569 under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief
 1570 Financial Officer to be received after such date by the District but before the maturity of the
 1571 notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and
 1572 deposit with the Escrow Agent the receipts received by the District on and after that date until
 1573 the aggregate amount, including investment income, on deposit with the Escrow Agent equals or
 1574 exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their
 1575 maturity.

1576 (h) The Chief Financial Officer shall, in the full exercise of the authority granted the
 1577 Chief Financial Officer under the Home Rule Act and under any other law, take actions as may
 1578 be necessary or appropriate to ensure that the principal of and interest on the notes are paid when
 1579 due, including, but not limited to, seeking an advance or loan of moneys from the United States
 1580 Treasury if available under then current law. This action shall include, without limitation, the
 1581 deposit of available funds with the Escrow Agent as may be required under section 483 of the
 1582 Home Rule Act, this subtitle, and the Escrow Agreement. Without limiting any obligations under
 1583 this subtitle or the Escrow Agreement, the Chief Financial Officer reserves the right to deposit
 1584 available funds with the Escrow Agent at his or her discretion.

1585 (i) There are provided and approved for expenditure sums as may be necessary
 1586 for making payments of the principal of, and interest on, the notes, and the provisions of the
 1587 Fiscal Year 2020 Local Budget Act, if enacted prior to the effective date of this subtitle, relating
 1588 to borrowings are amended and supplemented accordingly by this section, as contemplated in
 1589 section 483 of the Home Rule Act.

(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 million 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 the Financial Institutions Deposit and Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official Code § 47-351.01 *et seq.*), shall not apply to any contract which 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 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. 628. 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. 629. 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 472 of the Home Rule Act 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 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, and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act.

(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, the provisions of section 7 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 7(g) applied as of the date of issuance is required, and that no set-aside and deposit will be required under section 7(g) applied immediately after the issuance.

Sec. 630. 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. 631. 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. 632. 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.

Sec. 633. 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.

1704 Sec. 634. Maintenance of documents.

1705 Copies of the notes and related documents shall be filed in the Office of the Secretary of
1706 the District of Columbia.

1707 **TITLE VII. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE**
1708 **DATE**

1709 Sec. 701. Applicability.

1710 This act shall apply as of March 11, 2020.

1711 Sec. 702. Fiscal impact statement.

1712 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
1713 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
1714 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

1715 Sec. 703. Effective date.

1716 This act shall take effect following approval by the Mayor (or in the event of veto by the
1717 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
1718 90 days, as provided for emergency acts of the Council of the District of Columbia in section
1719 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
1720 D.C. Official Code § 1-204.12(a)).