ENROLLED ORIGINAL

A RESOLUTION

23-401

IN THE COUNCIL OF DISTRICT OF COLUMBIA

April 21, 2020

To declare the existence of an emergency with the respect to the need to amend the COVID-19 Response Supplemental Emergency Amendment Act of 2020 to include mortgage lenders as covered entities, and require notice of approved deferral applications, to clarify the amount a landlord may require a tenant to repay following the deferral period, and to prohibit commercial rent increases during the public health emergency; to amend the District of Columbia Public Emergency Act of 1980 to provide that a public health emergency executive order may include exempting specified persons from civil liability; to amend section 25-113 of the District of Columbia Official Code to allow nightclubs to deliver food with beer, wine, or liquor; to amend section 28-3814 of the District of Columbia Official Code to clarify the provisions pertaining to debt collection and civil liability; and to amend the Fiscal Year 2021 Budget Submission Requirements Resolution of 2019 to set the budget submission date as May 12, 2020.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "COVID-19 Supplemental Corrections Emergency Declaration Resolution of 2020".

Sec. 2. (a) on March 11, 2020, the Mayor issued Mayor's Order 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. That order is currently in effect through April 24, 2020.

(b) On March 17, the Council enacted the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247) that includes provisions to delay the submission of the Mayor’s Fiscal Year 2021 budget proposal to May 6, 2020 due to the public health emergency. That bill also includes a provision to allow many restaurants and taverns to deliver beer, wine, and spirits with carry-out or delivery orders of food.

(c) On April 7, 2020, the Council enacted the COVID-19 Response Supplemental Emergency Amendment Act of 2020 (D.C. Act 23-286). One provision of that act is intended to

mitigate the adverse impacts of the public health emergency by directing mortgage providers to establish mortgage relief plans. The act also includes provisions to prohibit rent increases for residential rental properties and make technical changes regarding beer, wine, and spirit sales. It also contains a provisions limiting liability to the District with regard to the public health emergency and limiting debt collection during the public health emergency.

(d) To ensure the Council gets all relevant budget materials on the date of submission of the budget, the budget submission date must be extended by one week. Also, the Council has determined that the same rent relief afforded to residential tenants in D.C. Act 23-286 should be extended to commercial tenants. Concerns have also been raised that the provision of Act 23-286 regarding District liability under the public health emergency should be narrowed. Also, the Executive has asked that the provision for alcohol delivery originally added to D.C. Act 23-247, and refined in D.C. Act 23-286, be expanded to cover nightclub licensees.

(e) To ensure the mortgage relief is most appropriately administered during the public health emergency, the mortgage relief provisions in D.C. Act 23-286 need to be amended to include mortgage lenders as covered entities, require notice of approved deferral applications, and clarify the amount a landlord may require a tenant to repay following the deferral period.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the COVID-19 Supplemental Corrections Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.