OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF SECOND EMERGENCY RULEMAKING

The Deputy Mayor for Planning and Economic Development (Deputy Mayor), pursuant to the authority set forth in § 2316 of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective March 17, 2020 (D.C. Act 23-0247; 67 DCR 3093 (March 20, 2020)), Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, and Mayor's Order 2020-052, dated March 23, 2020, hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 8 (Local, Small, and Disadvantaged Business Contracting) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

The world continues to face an unprecedented global health crisis. COVID-19 is a highly contagious communicable disease. Presently, there is neither a vaccine to protect against nor a medical treatment to combat COVID-19. To slow the spread of the virus in the District of Columbia, public health measures are necessary to protect District residents and persons who work in and visit the city. In response, Mayor Muriel Bowser issued Mayor's Orders 2020-045 and 2020-046 to declare both a Public Emergency and a Public Health Emergency. Mayor's Order 2020-079, dated July 22, 2020, extended the Public Emergency and Public Health Emergency until October 9, 2020.

On March 17, 2020, the Council of the District of Columbia passed the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-0247). This legislation provided, on an emergency basis, additional authority to the Executive to address critical needs of District residents and businesses during the current public health emergency. This included a new Public Health Emergency Small Business Grant Program to be administered by the Deputy Mayor. This authority was extended by the Coronavirus Support Emergency Amendment Act of 2020 (D.C. Act 23-0326), Coronavirus Support Temporary Amendment Act of 2020 (D.C. Act 23-0334), the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 (D.C. Act 23-0328), and the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020 (D.C. Act 23-0405).

The Deputy Mayor adopted an emergency rulemaking on March 24, 2020, published at 67 DCR 3860 (April 3, 2020). That emergency rulemaking expired on July 22, 2020; however, the Washington, DC area continues to face the COVID-19 pandemic. The Deputy Mayor believes that emergency rules continue to be necessary to support the Public Health Emergency Small Business Grant Program, to ensure that eligible small businesses continue to receive desperately needed assistance on an expedited basis.

The Deputy Mayor finds that the adoption of these emergency rules is essential to support our local businesses during the current state of emergency. Therefore, the Deputy Mayor gives notice that on August 31, 2020, it has adopted the Public Health Emergency Small Business Grant Program Second Emergency Rulemaking to take effect immediately.

The emergency rulemaking shall remain in effect for the duration of the Public Emergency and Public Health Emergency but in no event longer than one hundred twenty (120) days, unless superseded.

Chapter 8, LOCAL, SMALL, AND DISADVANTAGED BUSINESS CONTRACTING, of Title 27, CONTRACTS AND PROCUREMENT, is amended as follows:

A new Section 853, PUBLIC HEALTH EMERGENCY SMALL BUSINESS GRANT PROGRAM, is added to read as follows:

853 PUBLIC HEALTH EMERGENCY SMALL BUSINESS GRANT PROGRAM

853.1 The Deputy Mayor for Planning and Economic Development ("DMPED") may modify or waive the conditions to making grants or subgrants under the Citywide Grants Manual and or the DMPED Grants Manual for the purpose of issuing grants pursuant to the Public Health Emergency Small Business Grant Program ("**Grant Program")** established pursuant Section 201 of the Coronavirus Support Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-0326), Section 201 of the Coronavirus Support Congressional Review Emergency Amendment of 2020 (D.C. Act 23-0328), Section 201 of the Coronavirus Support Second Congressional Review Emergency Amendment Act of 2020 (D.C. Act 23-0405), and Mayor's Order 2020-079, dated July 22, 2020.