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A BILL
24-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To extend, on an temporary basis, the Mayor’s authority to declare a public health emergency; to amend the Coronavirus Support Amendment Act of 2021 to provide for a moratorium on utility disconnections for qualified customers, and on evictions for customers qualifying for rental assistance; to amend the Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011 to change the composition and procedures of the Fiscal Management Board; and to amend the Fiscal Year 2020 Budget Support Act of 2019 with a technical correction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Coronavirus Public Health Extension Temporary Amendment Act of 2021”.

Sec. 2. Section 7(c-1) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2306(c-1)), is amended 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 novel 2019 coronavirus (SARS CoV-2) until July 25, 2021. After the extension authorized by this

28 subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant
29 to subsection (b) or (c) of this section.”.

30 Sec. 3. The Coronavirus Support Emergency Amendment Act of 2021, effective March
31 17, 2021 (D.C. Act 24-30; 68 DCR 3101), is amended as follows:

32 ~~(a) Section 307 is amended by adding new subsections (h) through (o) to read as follows:~~

33 ~~—————“(h) Subsections (b) through (f) of this section shall expire on July 31, 2021.~~

34 ~~—————“(i) After July 31, 2021, a company shall not disconnect, suspend, or degrade service, for
35 non-payment of a bill, any fees for service or equipment, or any other charges, if:~~

36 ~~—————“(1) The company has failed to provide notice to the customer as required under
37 subsection (j) of this section;~~

38 ~~—————“(2) The customer has paid the company in full for amounts owed;~~

39 ~~—————“(3) The customer has entered into a payment plan with the company and is
40 meeting the terms of the payment plan;~~

41 ~~—————“(4) The customer has requested to enter into a payment plan with the company
42 and the terms of the payment plan are still under negotiation; provided, that 45 days have not
43 elapsed since the customer’s initial request; or~~

44 ~~—————“(5)(A) The Mayor has certified that the customer qualifies for utility
45 disconnection relief.~~

46 ~~—————“(B) The Mayor shall certify that an individual is qualified for utility
47 disconnection relief if the individual:~~

48 ~~“(i) Has an application pending approval, for the Stronger Together~~
49 ~~by Assisting You (“STAY DC”) Program;~~

50 ~~“(ii) Is receiving a benefit under the Low Income Home Energy~~
51 ~~Assistance Program (“LIHEAP”), Utility Discount Program (“UDP”), DC Water Emergency~~
52 ~~Relief Program (“CAP”), or STAY DC Program;~~

53 ~~_____“(iii) Is receiving a benefit under the Supplemental Nutrition~~
54 ~~Assistance Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) program;~~

55 ~~or~~

56 ~~_____“(iv) Is 21 years of age or older and receiving a benefit under~~
57 ~~Medicaid or the D.C. Healthcare Alliance.~~

58 ~~_____“(C)(i) By June 30, 2021, the Mayor shall provide notice to each~~
59 ~~individual certified as qualified for utility disconnection relief pursuant to subsection (i)(5) of~~
60 ~~this section.~~

61 ~~_____“(ii) By June 30, 2021, and every 8 weeks thereafter, the Mayor~~
62 ~~shall provide companies with a list of each individual certified as qualified for utility~~
63 ~~disconnection relief, including the individual’s home address. Such list shall be property of the~~
64 ~~District and shall only be used by the company to determine that an individual on the list is~~
65 ~~qualified for relief from utility disconnection.~~

66 ~~_____“(D) The Mayor may, pursuant to Title I of the District of Columbia~~
67 ~~Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §~~

68 ~~2-501 et seq.), promulgate emergency rules to implement this paragraph, including guidance on~~
69 ~~the District's and the companies' responsibilities under this paragraph.~~

70 ~~——“(j)(1)(A) A company shall have engaged a customer regarding their account at least 45~~
71 ~~days in advance of disconnecting, suspending, or degrading service prior to engaging in their~~
72 ~~customary formal disconnection procedure.~~

73 ~~——(B) Such engagement shall include notice as described in paragraph (4) of~~
74 ~~this subsection,~~

75 ~~——“(2)(A) On or before June 30, 2021, a company shall provide notice as described~~
76 ~~in paragraph (4) of this subsection to customers with a bill past due. Notice under this~~
77 ~~subparagraph shall be mailed to the customer in hard copy and the phrase “PAST DUE” shall be~~
78 ~~clearly printed on the envelope.~~

79 ~~——“(B) Notice under this paragraph shall take the form of a flyer included in~~
80 ~~monthly customer bills or prominent language on the bill and be included in both hard copy and~~
81 ~~electronic form bills.~~

82 ~~——“(3) A disconnection notice sent to a customer by a company shall include notice~~
83 ~~as described in paragraph (4) of this subsection.~~

84 ~~——“(4) Notice under this paragraph shall include information on:~~

85 ~~——“(A) The availability of payment assistance programs;~~

86 ~~——“(B) Information on eligibility for payment assistance programs and the~~
87 ~~process to apply to each payment assistance program;~~

88 ~~—————“(C) The need for customers to apply for payment assistance programs~~
89 ~~and to provide evidence of their eligibility under subsection (i)(5) of this section to remain~~
90 ~~eligible for relief from disconnection, suspension or degradation of service; and~~

91 ~~—————“(D) A customer’s right to contact OPC for assistance with negotiating a~~
92 ~~payment plan on the customer’s behalf.~~

93 ~~———“(k)(1) A company shall restore service to a customer when the customer makes a~~
94 ~~payment to the company of at least \$10, provided that the customer enters into a payment plan~~
95 ~~pursuant to Section 308 of the Coronavirus Support Emergency Amendment Act of 2021,~~
96 ~~effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101) or Section 308 of the Coronavirus~~
97 ~~Support Temporary Amendment Act of 2021, enacted May 7, 2021 (D.C. Act 24-62; 68 DCR~~
98 ~~4824). Amounts paid by a customer pursuant to this subparagraph shall be applied in full to~~
99 ~~reduce the amounts owed by the customer to the company.~~

100 ~~—————“(2)(A) When a customer whose service has been disconnected, suspended, or~~
101 ~~degraded for nonpayment is certified by the Mayor to be eligible for utility disconnection relief~~
102 ~~under subsection (i)(5) of this section, a company shall reconnect the customer without charge.~~

103 ~~—————“(B) A company shall reconnect a customer under subparagraph (A) of~~
104 ~~this paragraph within 48 hours of receiving notice from the Mayor that the customer is qualified~~
105 ~~for utility disconnection relief under subsection (i)(5) of this section.~~

106 ~~———“(l)(1) Beginning June 30, 2021 each utility company that is regulated by the Public~~
107 ~~Service Commission of the District of Columbia shall report monthly to the Public Service~~

108 ~~Commission of the District of Columbia and OPC the number of customers, by zip code, that~~
109 ~~have entered into payment plans, whose service was suspended or disconnected for non-~~
110 ~~payment, or that are in arrears.~~

111 ~~—————“(2) Beginning June 30, 2021 DC Water shall report monthly to the DC Water~~
112 ~~Board of Directors, established pursuant to section 204 of the Water and Sewer Authority~~
113 ~~Establishment and Department of Public Works Reorganization Act of 1996, effective April 18,~~
114 ~~1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), and Office of the People’s Counsel~~
115 ~~the number of customers, by zip code and customer class, that have entered payment plans,~~
116 ~~whose service was suspended or disconnected for non-payment, or that are in arrears.~~

117 ~~————“(m) A telecommunications service provider, as that term is defined by the~~
118 ~~Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154;~~
119 ~~D.C. Official Code § 34-2002.01 et. seq.), shall not disconnect, suspend, or degrade basic~~
120 ~~telecommunications service to a customer that is participating in the federal Lifeline program for~~
121 ~~non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance~~
122 ~~with a deferred payment agreement.~~

123 ~~————“(n) Nothing in this act shall be read to supersede the existing moratorium on~~
124 ~~disconnections under section 106a of the Retail Electric Competition and Consumer Protection~~
125 ~~Act of 1999, effective March 9, 2016 (D.C. Law 21-82; D.C. Official Code § 34-1506.1).~~

126 ~~————“(o) For the purposes of this section, the term:~~

127 ~~“(1) “Payment assistance programs” shall mean LIHEAP, UDP, CAP, or STAY~~
128 ~~DC.~~

129 ~~“(2) “Company” or “companies” shall mean an electric company, gas company,~~
130 ~~DC Water, or incumbent local exchange carrier.”.~~

131 ~~(b) Section 308(c) is amended as follows:~~

132 ~~(1) The existing text is redesignated as paragraph (1).~~

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

134 ~~“(2)(A)(i) Upon request by a customer of an electric company, gas company,~~
135 ~~incumbent local exchange carrier, or DC Water to the Office of the People’s Counsel (“OPC”),~~
136 ~~OPC shall be authorized to negotiate a payment plan on behalf of a customer.~~

137 ~~“(ii) Within 48 hours of receiving a request under this paragraph,~~
138 ~~OPC shall provide notice to the utility provider of the customer’s request.~~

139 ~~“(B) A disconnection notice sent to a customer shall include notice of the~~
140 ~~right of a customer to request that OPC negotiate a payment plan on the customer’s behalf,~~
141 ~~including information on how the customer may make such a request.~~

142 ~~“(C) When a company and customer have been unable to agree on terms~~
143 ~~of a payment plan within 24 hours of the customer’s request to enter into a payment plan, the~~
144 ~~company shall provide notice to the customer that the customer may contact OPC to negotiate a~~
145 ~~payment plan on the customer’s behalf.”.~~

146 ~~(c) Section 404 is repealed.~~

147 (d) Section 507(d) is repealed.

148 Sec. 4. The Coronavirus Support Temporary Amendment Act of 2021, enacted May 3,
149 2021 (D.C. Act 24-62; 68 DCR 4824) is amended as follows:

150 (a) ~~Section 307 is amended by adding new subsections (h) through (o) to read as follows:~~

151 ~~“(h) Subsections (b) through (f) of this section shall expire on July 31, 2021.~~

152 ~~“(i) After July 31, 2021, a company shall not disconnect, suspend, or degrade service, for
153 non payment of a bill, any fees for service or equipment, or any other charges, if:~~

154 ~~“(1) The company has failed to provide notice to the customer as required under
155 subsection (j) of this section;~~

156 ~~“(2) The customer has paid the company in full for amounts owed;~~

157 ~~“(3) The customer has entered into a payment plan with the company and is
158 meeting the terms of the payment plan;~~

159 ~~“(4) The customer has requested to enter into a payment plan with the company
160 and the terms of the payment plan are still under negotiation; provided, that 45 days have not
161 elapsed since the customer’s initial request; or~~

162 ~~“(5)(A) The Mayor has certified that the customer qualifies for utility
163 disconnection relief.~~

164 ~~“(B) The Mayor shall certify that an individual is qualified for utility
165 disconnection relief if the individual:~~

166 ~~“(i) Has an application pending approval, for the Stronger Together~~
167 ~~by Assisting You (“STAY DC”) Program;~~

168 ~~“(ii) Is receiving a benefit under the Low Income Home Energy~~
169 ~~Assistance Program (“LIHEAP”), Utility Discount Program (“UDP”), DC Water Emergency~~
170 ~~Relief Program (“CAP”), or STAY DC Program;~~

171 ~~_____“(iii) Is receiving a benefit under the Supplemental Nutrition~~
172 ~~Assistance Program (“SNAP”) or Temporary Assistance for Needy Families (“TANF”) program;~~

173 ~~or~~

174 ~~_____“(iv) Is 21 years of age or older and receiving a benefit under~~
175 ~~Medicaid or the D.C. Healthcare Alliance.~~

176 ~~_____“(C)(i) By June 30, 2021, the Mayor shall provide notice to each~~
177 ~~individual certified as qualified for utility disconnection relief pursuant to subsection (i)(5) of~~
178 ~~this section.~~

179 ~~_____“(ii) By June 30, 2021, and every 8 weeks thereafter, the Mayor~~
180 ~~shall provide companies with a list of each individual certified as qualified for utility~~
181 ~~disconnection relief, including the individual’s home address. Such list shall be property of the~~
182 ~~District and shall only be used by the company to determine that an individual on the list is~~
183 ~~qualified for relief from utility disconnection.~~

184 ~~_____“(D) The Mayor may, pursuant to Title I of the District of Columbia~~
185 ~~Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §~~

186 ~~2-501 et seq.), promulgate emergency rules to implement this paragraph, including guidance on~~
187 ~~the District's and the companies' responsibilities under this paragraph.~~

188 ~~——“(j)(1)(A) A company shall have engaged a customer regarding their account at least 45~~
189 ~~days in advance of disconnecting, suspending, or degrading service prior to engaging in their~~
190 ~~customary formal disconnection procedure.~~

191 ~~——(B) Such engagement shall include notice as described in paragraph (4) of~~
192 ~~this subsection,~~

193 ~~——“(2)(A) On or before June 30, 2021, a company shall provide notice as described~~
194 ~~in paragraph (4) of this subsection to customers with a bill past due. Notice under this~~
195 ~~subparagraph shall be mailed to the customer in hard copy and the phrase “PAST DUE” shall be~~
196 ~~clearly printed on the envelope.~~

197 ~~——“(B) Notice under this paragraph shall take the form of a flyer included in~~
198 ~~monthly customer bills or prominent language on the bill and be included in both hard copy and~~
199 ~~electronic form bills.~~

200 ~~——“(3) A disconnection notice sent to a customer by a company shall include notice~~
201 ~~as described in paragraph (4) of this subsection.~~

202 ~~——“(4) Notice under this paragraph shall include information on:~~

203 ~~——“(A) The availability of payment assistance programs;~~

204 ~~——“(B) Information on eligibility for payment assistance programs and the~~
205 ~~process to apply to each payment assistance program;~~

206 ~~—————“(C) The need for customers to apply for payment assistance programs~~
207 ~~and to provide evidence of their eligibility under subsection (i)(5) of this section to remain~~
208 ~~eligible for relief from disconnection, suspension or degradation of service; and~~

209 ~~—————“(D) A customer’s right to contact OPC for assistance with negotiating a~~
210 ~~payment plan on the customer’s behalf.~~

211 ~~———“(k)(1) A company shall restore service to a customer when the customer makes a~~
212 ~~payment to the company of at least \$10, provided that the customer enters into a payment plan~~
213 ~~pursuant to Section 308 of the Coronavirus Support Emergency Amendment Act of 2021,~~
214 ~~effective March 17, 2021 (D.C. Act 24-30; 68 DCR 3101) or Section 308 of the Coronavirus~~
215 ~~Support Temporary Amendment Act of 2021, enacted May 7, 2021 (D.C. Act 24-62; 68 DCR~~
216 ~~4824). Amounts paid by a customer pursuant to this subparagraph shall be applied in full to~~
217 ~~reduce the amounts owed by the customer to the company.~~

218 ~~—————“(2)(A) When a customer whose service has been disconnected, suspended, or~~
219 ~~degraded for nonpayment is certified by the Mayor to be eligible for utility disconnection relief~~
220 ~~under subsection (i)(5) of this section, a company shall reconnect the customer without charge.~~

221 ~~—————“(B) A company shall reconnect a customer under subparagraph (A) of~~
222 ~~this paragraph within 48 hours of receiving notice from the Mayor that the customer is qualified~~
223 ~~for utility disconnection relief under subsection (i)(5) of this section.~~

224 ~~———“(l)(1) Beginning June 30, 2021 each utility company that is regulated by the Public~~
225 ~~Service Commission of the District of Columbia shall report monthly to the Public Service~~

226 ~~Commission of the District of Columbia and OPC the number of customers, by zip code, that~~
227 ~~have entered into payment plans, whose service was suspended or disconnected for non-~~
228 ~~payment, or that are in arrears.~~

229 ~~—————“(2) Beginning June 30, 2021 DC Water shall report monthly to the DC Water~~
230 ~~Board of Directors, established pursuant to section 204 of the Water and Sewer Authority~~
231 ~~Establishment and Department of Public Works Reorganization Act of 1996, effective April 18,~~
232 ~~1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04), and Office of the People’s Counsel~~
233 ~~the number of customers, by zip code and customer class, that have entered payment plans,~~
234 ~~whose service was suspended or disconnected for non-payment, or that are in arrears.~~

235 ~~————“(m) A telecommunications service provider, as that term is defined by the~~
236 ~~Telecommunications Competition Act of 1996, effective September 9, 1996 (D.C. Law 11-154;~~
237 ~~D.C. Official Code § 34-2002.01 et. seq.), shall not disconnect, suspend, or degrade basic~~
238 ~~telecommunications service to a customer that is participating in the federal Lifeline program for~~
239 ~~non-payment of a bill, any fees for service or equipment, or other charges, or for noncompliance~~
240 ~~with a deferred payment agreement.~~

241 ~~————“(n) Nothing in this act shall be read to supersede the existing moratorium on~~
242 ~~disconnections under section 106a of the Retail Electric Competition and Consumer Protection~~
243 ~~Act of 1999, effective March 9, 2016 (D.C. Law 21-82; D.C. Official Code § 34-1506.1).~~

244 ~~————“(o) For the purposes of this section, the term:~~

245 ~~—————“(1) “Payment assistance programs” shall mean LIHEAP, UDP, CAP, or STAY~~
246 ~~DC.~~

247 ~~—————“(2) “Company” or “companies” shall mean an electric company, gas company,~~
248 ~~DC Water, or incumbent local exchange carrier.”.~~

249 ~~———(b) Section 308(c) is amended as follows:~~

250 ~~—————(1) The existing text is redesignated as paragraph (1).~~

251 ~~—————(2) A new paragraph (2) is added to read as follows:~~

252 ~~—————“(2)(A)(i) Upon request by a customer of an electric company, gas company,~~
253 ~~incumbent local exchange carrier, or DC Water to the Office of the People’s Counsel (“OPC”),~~
254 ~~OPC shall be authorized to negotiate a payment plan on behalf of a customer.~~

255 ~~—————“(ii) Within 48 hours of receiving a request under this paragraph,~~
256 ~~OPC shall provide notice to the utility provider of the customer’s request.~~

257 ~~—————“(B) A disconnection notice sent to a customer shall include notice of the~~
258 ~~right of a customer to request that OPC negotiate a payment plan on the customer’s behalf,~~
259 ~~including information on how the customer may make such a request.~~

260 ~~—————“(C) When a company and customer have been unable to agree on terms~~
261 ~~of a payment plan within 24 hours of the customer’s request to enter into a payment plan, the~~
262 ~~company shall provide notice to the customer that the customer may contact OPC to negotiate a~~
263 ~~payment plan on the customer’s behalf.”.~~

264 ~~———(c) Section 404 is repealed.~~

265 (d) Section 507(d) is repealed.

266 ~~Sec. 5. Eviction prohibition.~~

267 ~~————(a) Not later than June 7, 2021, the Stronger Together by Assisting You (“STAY DC”)~~

268 ~~Program application website shall:~~

269 ~~————(1) Include a self-attestation form for households that are unable to provide~~
270 ~~documentation of income or a portion thereof due to the impact of COVID-19, having received~~
271 ~~income in cash or having no qualifying income;~~

272 ~~————(2) Include a self-attestation form for households that are unable to provide~~
273 ~~adequate documentation of the amount of past due rent owed to a landlord;~~

274 ~~————(3) Allow landlords to apply for rental assistance on behalf of tenants with the~~
275 ~~tenant’s written consent and/or electronic signature, and allow landlords to submit multiple~~
276 ~~applications at once under a single account; and~~

277 ~~————(4) Revise the language in the second bullet of the Payment Acceptance and~~
278 ~~Acknowledgments for Housing Providers to state, “I/We, as applicant, understand that~~
279 ~~Emergency Rental Assistance program funds cannot be used to pay past due rent before April 1,~~
280 ~~2020. The Housing Provider agrees to the requirement that the tenant cannot be evicted for non-~~
281 ~~payment of rent associated with any of the months for which the rent relief payment is made.~~

282 ~~Furthermore, the Housing Provider agrees to make a payment plan available to the tenant for any~~
283 ~~past due rent accrued since April 1, 2020 that is not covered by the rent relief payment, pursuant~~
284 ~~to the Coronavirus Support Temporary Amendment Act of 2021 (D.C. Act 24-62).”~~

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~~———— (b) Title 16 of the District of Columbia Official Code is amended as follows:~~

~~————— (1) Section 16-1501 is amended to read as follows:~~

~~———— “(a) When a person detains possession of real property without right, or after his right to possession has ceased, the Superior Court of the District of Columbia, on complaint under oath verified by the person aggrieved by the detention, or by his agent or attorney having knowledge of the facts, may issue a summons in English and Spanish to the party complained of to appear and show cause why judgment should not be given against him for the restitution of possession.~~

~~———— “(b) The person aggrieved shall not file a complaint seeking restitution of possession pursuant to this section for nonpayment of rent in an amount less than \$600; except, that the person aggrieved may file a complaint to recover the amount owed. ———~~

~~———— “(c)(1) During a period of time for which the Mayor has declared a public health emergency pursuant to D.C. Official Code § 7-2304.01, and for 180 days thereafter, the person aggrieved shall not file a complaint seeking relief pursuant to this section, except:~~

~~————— “(A) Where the complaint alleges that the tenant’s continuing presence at the housing accommodation where the tenant resides presents a current and substantial threat to the health and safety of tenants, on-site agents, or employees of the owners of the housing accommodation, or household members or guests of other tenants, because the tenant has violated an obligation of tenancy by engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.~~

305 _____“(B) Where the complainant alleges non-payment of rent pursuant to this
306 section, provided that:

307 _____“(i) The complainant has applied for rental assistance through the
308 District on behalf of the tenant, at least 60 days have elapsed since the application date, and in no
309 event earlier July 1, 2021, and;

310 _____“(ii) The tenant has been served with a written notice to vacate
311 which meets the requirements of this section and all other requirements under District law.

312 Notices to vacate under this section shall include:

313 _____“(I) Notify the tenant that the complainant has applied for
314 rental assistance on behalf of the tenant and provide the website address and phone number for
315 the tenant to contact to complete the tenant’s portion of the application;

316 _____“(II) State that the tenant has the right to remain in the
317 rental unit if the total balance of unpaid rent is paid in full, including any future months that
318 become due before the payment is made; the tenant does not have to vacate the rental unit until
319 and unless a court orders the tenant to do so; and the tenant has the right to dispute the landlord’s
320 allegations through the court process and remain in the rental unit until the court reaches a
321 decision on the matter;

322 _____“(III) Notify the tenant of the availability, terms, and
323 application process for the tenant payment plan provided by the complainant pursuant to [DC
324 Code 42-3281]; and

325 _____“(IV) Include the phone numbers of the Office of the
326 Tenant Advocate and the Landlord Tenant Legal Assistance Network and state that both
327 resources provide free legal services to a tenant facing eviction.

328 _____“(iii) If it is determined that a tenant is not eligible for rental
329 assistance, the complainant must provide documentation of this at the time of filing.

330 _____“(iv) A tenant may request a 15-day extension of the 60-day
331 requirement under (i) if he or she has acted upon the application in good faith but has been
332 unable to complete the application due to issues outside of his or her control, such as notices and
333 program materials not being translated in the tenant’s native language, difficulty locating the
334 documents necessary to complete the application, or technical issues with the technology or
335 websites used to transmit the application.

336 _____“(v) It shall be a dispositive affirmative defense for any tenant to
337 show:

338 _____“(I) That the landlord did not pursue rental assistance
339 through the District timely or in good faith;

340 _____“(II) The landlord did not grant an extension to complete
341 the application pursuant to (iv);

342 _____“(III) The tenant can demonstrate that he or she did not
343 receive notice of the rental assistance application; or

344 _____“(IV) The landlord did not provide a notice vacate that
345 meets the requirements of this section and all other requirements under District law. _____

346 _____“(2) For purposes of this subsection, the term:

347 _____“(A) “Act of violence” shall have the same meaning as “crime of
348 violence” as provided in D.C. Official Code § 23-1331(4).

349 _____“(B) “Assault” shall be construed according to section 806 of An Act To
350 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189;
351 D.C. Official Code § 22-404).

352 _____“(C) “Threat” shall be construed according to section 2 of An Act To
353 confer concurrent jurisdiction on the police court of the District of Columbia in certain
354 jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407).

355 _____“(D) “Unlawful possession of a firearm” shall be construed according to
356 section 3 of An Act To control the possession, sale, transfer, and use of pistols and other
357 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
358 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
359 4503).

360 _____“(3) Nothing in this section shall be construed to create an obligation on the part
361 of any person to pursue an eviction action under this subsection.

362 ~~—————“(4) No tenant shall be evicted from a rental unit based on a complaint filed under~~
363 ~~this subsection unless the court finds that the alleged violation of an obligation of tenancy meets~~
364 ~~all of the requirements of this subsection”.~~

365 ~~—————(2) Section 16-1502 is amended as follows:~~

366 ~~—————“(A) Strike the phrase “exclusive of Sundays and legal holidays” and~~
367 ~~insert the phrase “exclusive of Sundays, legal holidays, and a period of time for which the Mayor~~
368 ~~has declared a public health emergency pursuant to D.C. Official Code § 7-2304.01” in its place.~~

369 ~~—————“(B) Strike the phrase “before the day fixed for the trial of the action.” and~~
370 ~~insert the phrase “before the day fixed for the trial of the action; except, that a summons may be~~
371 ~~served during a period of time for which the Mayor has declared a public health emergency~~
372 ~~pursuant to D.C. Official Code § 7-2304.01, and for 60 days thereafter, if the summons relates to~~
373 ~~a complaint that is filed pursuant to the exception listed in § 16-1501(b).” in its place.”~~

374 ~~————(b) Section 501 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-~~
375 ~~10; D.C. Official Code § 42-3505.01), is amended as follows:~~

376 ~~—————(1) Subsection (k) is amended as follows:~~

377 ~~—————“(A) Paragraph (1) is amended by striking the phrase “; or” and inserting a~~
378 ~~semicolon in its place.~~

379 ~~—————“(B) Paragraph (2) is amended by striking the period and inserting the~~
380 ~~phrase “; or” in its place.~~

381 ~~—————“(C) A new paragraph (3) is added to read as follows:~~

382 ~~—————“(3) Prior to October 1, 2021, except for evictions arising from those complaints~~
383 ~~filed pursuant to the exception in D.C. Official Code § 16-1501(b) on or after May 3, 2021;~~
384 ~~provided, that:~~

385 ~~—————“(A) Any family facing eviction pursuant to this paragraph shall be~~
386 ~~connected to assistance and resources that support the coordination or continuation of youth~~
387 ~~education, social services, and other resources before the eviction is carried out; and~~

388 ~~—————“(B) Any person with behavioral, emotional, or mental health issues~~
389 ~~facing eviction pursuant to this paragraph shall be connected to behavioral health or housing~~
390 ~~counseling services and shall be offered alternative housing arrangements before the eviction is~~
391 ~~carried out.~~

392 ~~—————(2) A new subsection (q-1) is added to read as follows:~~

393 ~~—————“(q-1)(1) Subsection (q) shall not apply to notices related to complaints that allege:~~

394 ~~—————“(A) Non-payment of rent that meet the requirements of D.C. Official~~
395 ~~Code § 16-1501(c)(1)(B); or~~

396 ~~—————“(B) That the tenant’s continuing presence at the housing accommodation~~
397 ~~where the tenant resides presents a current and substantial threat to the health and safety of~~
398 ~~tenants, on-site agents, or employees of the owners of the housing accommodation, or household~~
399 ~~members or guests of other tenants, because the tenant has violated an obligation of tenancy by~~
400 ~~engaging in an unlawful possession of a firearm, threats or acts of violence, or assault.~~

401 ~~—————“(2) For purposes of this subsection, the term:~~

402 ~~—————“(A)“Act of violence” shall have the same meaning as “crime of violence”~~
403 ~~as provided in D.C. Official Code § 23-1331(4).~~

404 ~~—————“(B) “Assault” shall be construed according to section 806 of An Act To~~
405 ~~establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189;~~
406 ~~D.C. Official Code § 22-404).~~

407 ~~—————“(C) “Threat” shall be construed according to section 2 of An Act To~~
408 ~~confer concurrent jurisdiction on the police court of the District of Columbia in certain~~
409 ~~jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-407).~~

410 ~~—————“(D) “Unlawful possession of a firearm” shall be construed according to~~
411 ~~section 3 of An Act To control the possession, sale, transfer, and use of pistols and other~~
412 ~~dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of~~
413 ~~evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-~~
414 ~~4503).~~

415 ~~—————“(3)(A) A notice issued to a tenant pursuant to this subsection shall:~~

416 ~~—————“(i) State that the tenant does not have to vacate the rental unit~~
417 ~~until and unless a court orders the tenant to do so;~~

418 ~~—————“(ii) State that the tenant has the right to correct or cease the~~
419 ~~alleged violation of tenancy and remain in the rental unit;~~

420 _____“(iii) State that the tenant has the right to dispute the landlord’s
421 allegations through the court process and remain in the rental unit until the court reaches a
422 decision on the matter; and

423 _____“(iv) Include the phone numbers of the Office of the Tenant
424 Advocate and the Landlord Tenant Legal Assistance Network and state that both resources
425 provide free legal services to a tenant facing eviction..

426 _____“(B) A copy of the notice shall be sent to the Office of the Tenant
427 Advocate.”.

428 Sec. 6. The Not-for-Profit Hospital Corporation Establishment Amendment Act of 2011,
429 effective September 14, 2011 (D.C. Law 19-21, D.C. Official Code § 44-951.01 *et seq.*), is
430 amended as follows:

431 (c) Section 5115(m) (D.C. Official Code § 44-951.04(m)) is amended as follows:

432 (1) Paragraph (2) is amended to read as follows:

433 “(2) Voting members of the Fiscal Management Board shall include:

434 “(A) The Chief Financial Officer of the District of Columbia, or his or her
435 designee, who shall serve as chair of the Fiscal Management Board;

436 “(B) The Deputy Mayor for Health and Human Services, or his or her
437 designee;

438 “(C) One citizen member from either Ward 7 or Ward 8, appointed by the
439 ~~Chairman of the Council~~Mayor, who has experience in public health or health care delivery; and

440 “(D) A citizen member, appointed by the Mayor, who has experience
441 serving as the City Administrator of the District of Columbia;

442 “(E) An individual with expertise in hospital management or finance,
443 appointed by the Mayor;

444 “(F) One representative from each of the two unions, selected by each
445 representative union, maintaining the largest collective bargaining units at United Medical
446 Center.”.

447 (2) Paragraph (4) is amended by striking the phrase “January 31, 2023.” and
448 inserting the phrase “~~January 31, 2023~~December 31, 2024, the operations of the hospital have
449 been dissolved, or such time as the Board is reinstated by an act of the Council.” in its place.

450 (3) A new paragraph (5) is added to read:

451 “~~(5) Members of the Fiscal Management Board shall not be members of the~~
452 ~~Board of the Corporation as constituted on May 1, 2021, except for those members listed in~~
453 ~~subparagraphs (A), (B), and (D) of subsection (m)(2)~~The member listed in subparagraph (E) of
454 subsection (m)(2) shall not be a member of the Board of the Corporation as constituted on May
455 1, 2021.”

456 (4) A new paragraph (6) is added to read:

457 “(6) In general, each voting member of the Fiscal Management Board shall:

458 “(A) Have experience, knowledge, and expertise in finance, management,
459 and the organization or operation of a business or government;

460 “(B) Not be an individual who provides goods or services to the
461 Corporation, or be employed by an entity that provides goods or services to the Corporation, and
462 is not the spouse, parent, child, or sibling of an individual who provides goods and services to the
463 Corporation; and

464 “(C) Maintain a primary residence or a primary place of business in the
465 National Capital Region.”.

466 (b) Section 5120 (D.C. Official Code § 44-951.09) is amended as follows:

467 (1) Subsection (b)(1) is amended to read as follows:

468 “(b)(1) If any of the conditions set forth in section 5115(l) has been met, the Fiscal
469 Management Board shall meet no later than 45 days thereafter and approve an operating budget
470 that requires a subsidy from the District no greater than \$40 million in Fiscal Year 2021, and no
471 greater than \$22 million per year thereafter, that supports the following services:

472 “(A) An emergency department;

473 “(B) Behavioral health (e.g. psychiatric) services;

474 “(C) The inpatient, outpatient, and support services necessary to provide
475 services pursuant to subparagraphs (A) and (B) of this paragraph; and

476 “(D) Any additional critical care services meeting a community need that
477 the Fiscal Management Board deems viable within the budget and financial plan for UMC
478 adopted by the Council.”.

479 (2) Subparagraph (B) of subsection (b)(3) is amended by striking “Financial” and
480 inserting “Fiscal” in its place.

481 (3) A new paragraph (4) is added to subsection (b) to read as follows:

482 “(4)(A) By July 1, 2021, the Fiscal Management Board shall develop an
483 operational plan for the Corporation with an implementation schedule providing for reductions in
484 services and staffing necessary to meet the requirements set forth in subsection (b)(1) through the
485 time of dissolution of the Corporation under section 5092(c). The Fiscal Management Board
486 shall make the best effort to ensure that the nonsupervisory employees will be the last staff to be
487 impacted by reduction of staffing after supervisory and contracted staff have been impacted;
488 provided, that any staffing plan or decisions regarding reductions in staffing made by the Fiscal
489 Management Board shall prioritize the health and safety of patients.

490 “(B) The budgetary aspects of the operational plan shall be certifiable by
491 the Chief Financial Officer, and then, no later than 15 days after the approval by the Fiscal
492 Management Board of an operational plan pursuant to subparagraph (A), the Chief Financial
493 Officer of the District of Columbia shall certify that the operational plan will satisfy the
494 requirements set forth in subsection (b)(1).

495 “(C) Beginning October 1, 2021, the Corporation shall produce quarterly
496 financial reports subject to audit by the Chief Financial Officer measuring progress against the
497 operational plan.

498 “(D) Copies of such reports shall also be filed with the Secretary of the
499 Council of the District of Columbia.

500 “(E) The Fiscal Management Board shall make adjustments to the
501 Corporation’s budget and operations as necessary to maintain spending within the requirements
502 of section (b)(1)”.

503 (c) Section 5130 (D.C. Official Code § 44-951.19) is amended as follows:

504 (1) Subsection (a) is amended by striking the phrase “December 31, 2022,” and
505 inserting the phrase “December 31, 2024,” in its place.

506 (2) Subsection (b) is amended by striking the phrase “January 31, 2023,” and
507 inserting the phrase “December 31, 2024,” in its place.

508 (3) Subsection (c) is amended by striking the phrase “January 31, 2023,” and
509 inserting the phrase “December 31, 2024,” in its place.

510 (4) Subsection (d) is amended by striking the phrase “Fiscal Year 2023” and
511 inserting the phrase “Fiscal Year 2025” in its place.

512 Sec. 7. Section 5102 of the Fiscal Year 2020 Budget Support Act of 2019, effective
513 September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is repealed.

514

515 Sec. 8. Fiscal impact statement.

ENGROSSED ORIGINAL

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

519 ~~Sec. 9. Applicability.~~

520 ~~————— This act shall apply as of May 10, 2021.~~

521 Sec. 10. Effective date.

522 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
523 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
524 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
525 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
526 Columbia Register.

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