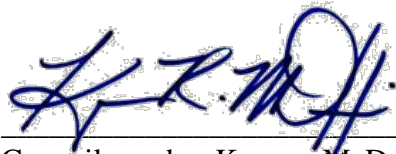


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2 Councilmember Kenyan McDuffie

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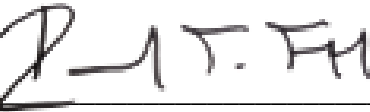
4 Councilmember Anita Bonds

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6 Councilmember Elissa Silverman

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8 Councilmember Brianne K. Nadeau

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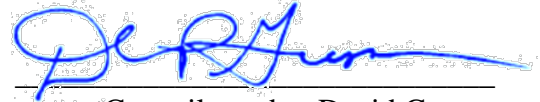
10 Councilmember Brandon Todd

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12 Councilmember Vincent C. Gray

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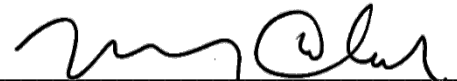
Chairman Phil Mendelson

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Councilmember David Grosso

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Councilmember Robert C. White, Jr.

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Councilmember Mary M. Cheh

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Councilmember Charles Allen

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Councilmember Trayon White, Sr.

19 A BILL

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34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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38 To provide, on an emergency basis, additional authority to the Mayor and to address critical  
39 needs of District residents and businesses during the current public health emergency  
40 including wage replacement, business relief, and additional authorities and exemptions  
41 regarding health, public safety, consumer protection, and government operation, and to  
42 authorize and provide for the issuance, sale, and delivery of certain District of Columbia  
43 notes and bonds.  
44

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103           BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
104 act may be cited as the “COVID-19 Response Supplemental Emergency Amendment Act of  
105 2020”.

106           **TITLE I. LABOR, WORKFORCE DEVELOPMENT, AND EDUCATION**

107           Sec. 101. Unemployment insurance clarification.

(a) Section 101 of the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended as follows:

(1) Subsection (b) 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; or

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

“(3) For an affected employee, the term “most recent work” shall mean the employer for whom the individual last performed at least one day of “employment” as that term is defined by section 1(2)(B) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101(2)(B)).”.

(2) Subsection (d) is amended by striking the phrase “For the purposes of this section, the term “affected employee” means an employee otherwise eligible for UI pursuant to section 9 of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Code § 51-109), who is” and inserting the phrase “For the purposes of this section, the term “affected employee” means an employee who, except as provided in subsection (g) of this section, is otherwise eligible for UI pursuant to section 9 of the District of

Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 950; D.C. Code § 51-109), and who is” in its place.

(3) A new subsection (g) is added to read as follows:

“(g) Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, 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 requirements of section 9(a)(4)(B) and 9(a)(5) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-109(a)(4)(B) and (5)), shall not apply.”.

(b) The District of Columbia Unemployment Compensation Act, effective August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*) is amended as follows:

(1) Section 1(2) (D.C. Official Code § 51-101(2)) is amended by adding a new subparagraph (A-i) to read as follows:

“(A-i) 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 in conformity with federal law, the Director may determine that the term “employment” as defined in paragraph (2)(A) of this section may include individuals who are self-employed, seeking part-time employment, do not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under District or Federal law or pandemic emergency unemployment compensation.”.

153 (2) Section 3(c)(2) (D.C. Official Code § 51-103(c)(2)) is amended by adding a  
154 new subparagraph (G) to read as follows:

155 “(G) “Federal Pandemic Unemployment Compensation (FPUC) benefits  
156 paid to an individual filing during a period of national emergency, shall not be charged to the  
157 experience rating of the eligible claimant’s base period employer’s accounts. Employers electing  
158 to become liable for payments in lieu of contributions shall be charged 50 percent of  
159 reimbursements due as a result of FPUC benefits paid to an individual filing during a period of  
160 national emergency.”.

161 (3) Section 8 (D.C. Official Code § 51-108) is amended as follows:

162 (A) The existing text is designated as subsection (a)

163 (B) A new subsection (b) is added to read as follows:

164 “(b) During a period of time for which the Mayor has declared a public health emergency  
165 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
166 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01) and subject to the  
167 availability of additional benefits authorized provided by local or federal law, the Director shall  
168 have the authority to pay such benefits as are authorized by law.”.

169 (4) Section 9 (D.C. Official Code § 51-109) is amended as follows:

170 (A) The existing text is designated as subsection (a).

171 (B) A new subsection (b) is added to read as follows:

172 “(b) During a period of time for which the Mayor has declared a public health emergency  
173 pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective  
174 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7- 2304.01), the Director shall have  
175 broad discretion to waive any eligibility requirements set forth in this subchapter other than the

physical ability and availability requirement when the Director deems such waiver to be in the public interest.”.

Sec. 102. 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 2(5) (D.C. Official Code § 51-171(5)) is amended by striking the phrase “lesser of” and inserting the phrase “usual hours of work of full-time and regular part-time workers in the affected unit. Overtime hours are not included as part of normal weekly hours of work. The normal weekly hours of an affected unit is the lesser of:” in its place.

(b) 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 be implemented:

“(1) To subsidize seasonal employers during the off-season or to subsidize employers who have traditionally used a part-time employee;

“(2) If the employer’s unemployment insurance account has a negative unemployment experience account;

“(3) If the employer’s unemployment insurance account is taxed at the maximum tax rate in effect for the calendar year;

“(4) For employers who have not qualified to have a tax rate assigned based on actual experience; therefore, employers subject to a “new employer” tax rate not eligible to participate in a shared work program; or

199 “(5) For employees who are receiving or who will receive supplemental  
200 unemployment benefits during any period a shared work plan is in effect.”

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

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

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

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

208 (3) Paragraph (4) is repealed.

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

210 Sec. 103. Declaration of emergency sick leave.

211 The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-  
212 152; D.C. Official Code § 32-531.01 *et seq.*), is amended as follows:

213 (a) Section 3(c)(1) (D.C. Official Code § 32-531.02(c)(1)) is amended by striking the  
214 phrase “Paid leave under” and inserting the phrase “Except as provided in section 3a, paid leave  
215 under” in its place.

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

217 “Sec. 3a. Declared emergency leave requirement.

218 “(a)(1) During the COVID-19 emergency, an employer with between 50 and 499  
219 employees that is not a health care provider shall provide paid leave to an employee pursuant to  
220 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).

“(2) An employer shall provide declared emergency paid leave to an employee in an amount sufficient to ensure that the employee who must be absent from work for covered reasons be able to remain away from work for 2 full weeks of work up to 80 hours or, for a part-time employee, the usual number of hours the employee works in a two-week period.

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

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

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

“(5) An employer may require that an employee exhaust any available leave under federal or District law or an employer’s own policies prior to use of additional leave under this section.

“(b) Nothing in this section shall be construed to require an employer to provide an employee with paid leave pursuant to this section for more than 2 full weeks of work, up to 80 hours. If an employee uses all of the declared emergency paid leave available and subsequently

244 informs the employer of the employee's continued need to be absent from work, the employer  
245 shall inform the employee of any paid or unpaid leave to which the employee may be entitled  
246 pursuant to federal law, other District law, or the employer's own policies.

247       “(c) An employer alleged to have violated this section shall be provided with an  
248 opportunity to cure such alleged violation by the Mayor. Such opportunity to cure shall last for  
249 no more than 5 business days from the date the employer is notified in writing of the potential  
250 violation of the law. Such notice may be from the Mayor's duly authorized representative in a  
251 form and manner as prescribed by the representative.

252       “(d) For the purposes of this section, the term:

253               “(1) “COVID-19 emergency” means the emergencies declared in the Declaration  
254 of Public Emergency (Mayor's Order 2020-045) together with the Declaration of Public Health  
255 Emergency (Mayor's Order 2020-046), declared on March 11, 2020, including any extension of  
256 those declared emergencies.”.

257               “(2) “Health care provider” means any doctor's office, hospital, health care  
258 center, clinic, post- secondary educational institution offering health care instruction, medical  
259 school, local health department or agency, nursing facility, retirement facility, nursing home,  
260 home health care provider, any facility that performs laboratory or medical testing, pharmacy, or  
261 any similar institution, Employer, or entity. This includes any permanent or temporary  
262 institution, facility, location, or site where medical services are provided that are similar to such  
263 institutions.”

264       (c) Section 4 (D.C. Official Code § 32-531.03) is amended as follows:

265               (1) The existing text is designated as subsection (a).

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

267 “(b) An employee who seeks to use paid leave pursuant to section 3a shall not:

268 “(1) Except for emergency leave pursuant to paragraph (2) of this

269 subsection, be required by the employer to provide more than 48 hours’ notice of the need to use  
270 such leave;

271 “(2) Be required by the employee’s employer to provide more than

272 reasonable notice of the employee’s need to use such leave in the event of an emergency;

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

274 warnings; or

275 “(4) Be required by the employer to search for or identify another

276 employee to perform the work hours or work of the employee using paid leave.”.

277 (d) Section 5 (D.C. Official Code § 32-531.04) is amended by adding a new subsection

278 (a-1) to read as follows:

279 “(a-1)(1) An employer shall not require an employee who uses paid leave pursuant to

280 section 3a to provide certification of the need to use such paid leave unless the employee uses 3

281 or more consecutive working days of paid leave.

282 “(2) When certification is required by an employer for the use of paid leave

283 pursuant to section 3a, the employee shall not be required to provide it until one week after the

284 employee’s return to work.

285 “(3) An employer that does not contribute payments toward a health insurance

286 plan on behalf of the employee shall not require certification from the employee who uses paid

287 leave pursuant to section 3a.”.

288 Sec. 104. Emergency leave enforcement.

Section 1152 of the Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended by adding a new subsection (b-1) to read as follows:

“(b-1)(1) Notwithstanding subsections (b) and (e) of this section, during the COVID-19 emergency, money in the Fund may be used for activities related to enforcement the declared emergency leave requirement contained in Section 3a of the Accrued Sick and Safe Leave Act of 2008, passed on emergency basis on April 7, 2020 (Enrolled version of Bill 23-X).”

“(2) For the purposes of this subsection, “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.”.

#### Sec. 105. 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.

#### Sec. 106. Graduation requirements.

Chapter 22 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2201 *et seq.*) is amended as follows:

(a) Section 2203.3(f) (5-A DCMR § 2203.3(f)) is amended by striking the phrase “shall be satisfactorily completed” and inserting the phrase “shall be satisfactorily completed, except

that this requirement shall be waived for a senior who would otherwise be eligible to graduate from high school in the District of Columbia in the 2019-20 school year” in its place.

(b) Section 2299.1 (5-A DCMR § 2299.1) is amended by striking the phrase “one hundred and twenty (120) hours of classroom instruction over the course of an academic year” and inserting the phrase “one hundred and twenty (120) hours of classroom instruction over the course of an academic year, except that, following the Superintendent’s approval to grant an exception to the one hundred eighty (180) day instructional day requirement pursuant to 5A DCMR § 2100.3 for school year 2019-20, a Carnegie Unit may consist of fewer than one hundred and twenty (120) hours of classroom instruction over the course of the 2019-2020 academic year for any course in which a student in grades 9-12 is enrolled” in its place.

## **TITLE II. BUSINESS DEVELOPMENT AND CONSUMER PROTECTION**

Sec. 201. Enhanced penalties for unlawful trade practices.

Section 28-3903(a)(17) of the District of Columbia Official Code is amended by striking the phrase “by the Department.” and inserting the phrase “by the Department; except, that notwithstanding 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 within the meaning of 16 DCMR § 3200.1(a).”.

Sec. 202. Mortgage relief.

(a) In accordance with section 5(b)(15) of the District of Columbia Public Emergency Act of 1980, effective March 17, 2020 (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. Act 23-247; D.C. Official Code § 26-1101 *et seq.*) (“Mortgage Lender Act”), or any other provision of District law, 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 under the jurisdiction of the Commissioner of the Department of Insurance, Securities, and Banking, shall develop a deferment program for borrowers that, at a minimum:

(1) Grants at least a 90-day deferment period of mortgage payments for borrowers;

(2) Waives any late fee, processing fee, or any other fees accrued during the pendency of 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. An application shall be made available online and by telephone.

(c) The mortgage servicer shall approve each application in which a borrower:

(I) Demonstrates to the mortgage servicer evidence of a financial hardship resulting directly or indirectly from the public health emergency, including an existing delinquency or future ability to make payments; and

(2) Agrees in writing to pay the deferred payments within:

(A) A reasonable time agreed to in writing by the applicant and the mortgage servicer; or

(B) If no reasonable time can be agreed to pursuant to subparagraph (A) of this paragraph, 5 years from the end of the deferment period, or the end of the original term of the mortgage loan, whichever is earlier.

(d)(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.

(e) A mortgage servicer shall be prohibited from requiring a lump sum payment from any borrower making payments under a deferred payment program pursuant to subsection (c)(2)(A) of this section, subject to investor guidelines.

(f) 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 and Broker Act of 1966, effective September 9, 1996 (D.C. Law 11-1551; D.C. Official Code § 26-1112).

(g) A borrower receiving a mortgage deferral pursuant to subsection (b) of this section on a property that has a commercial tenant:

(1) Shall reduce the rent charged for the property to any qualified 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 borrower to the mortgage servicer; and

(2) May require the qualified tenant repay the amount of any reduced rent, without interest or fees, within 18 months, or at the end of the lease term, whichever occurs first.

(h) To the extent necessary to conform with the provisions of this section, the exemptions in section 3 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Official Code § 26-1102), are waived for the duration of the public health emergency.

(i) To the extent necessary to conform with the provisions of this section, the provisions in section 313(c)(1) of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code § 42-1903.13(c)(1)), are waived for the duration of the public health emergency.

(k) This section shall not apply to a property for which, as of March 11, 2020, a mortgage servicer initiated a foreclosure action or exercised its right to accelerate the balance and maturity date of the loan, on or before March 11, 2020.

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

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

(5) “Qualified tenant” means a commercial tenant of a property owned or controlled by a person or entity receiving a mortgage deferral under subsection (a) of this section that has notified the landlord of an inability to pay all or a portion of the rent due as a result of the public health emergency.

Sec. 203. 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(a)(1)) 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) None of the circumstances set forth in section 904(c) applies.”.

(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) and for 30 days thereafter;

“(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 §§ 3800 to 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.”.

(d) Notwithstanding any other provision of law, a rent increase for a residential property not prohibited by the provisions of Section 904(c) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code D.C. Official Code § 42-3509.04(c)), shall be prohibited 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. 204. 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 basic cable service or other cable operator services 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. For purposes of this subsection, the term “other cable operator services” only includes broadband internet service and VOIP service.”.

(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 to read as follows:

“Section 3a. Disconnection of telecommunications service during a public health emergency prohibited.

491 “(a) For the purposes of this section, the term “public health emergency” means a period  
492 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the  
493 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
494 194; D.C. Official Code § 7-2304.01).

495 “(b) A telecommunications service provider shall not disconnect, suspend or degrade  
496 telecommunications service for non-payment of a bill, any fees for service or equipment, and  
497 other charges, or noncompliance with a deferred payment agreement during a public health  
498 emergency or for 15 calendar days thereafter.”.

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

505 (d) Section 113a(c) of the District Department of the Environment Establishment Act of  
506 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8-151.13a(c)), is  
507 amended as follows:

508 (1) The existing text is designated paragraph (1).

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

510 “(2) Notwithstanding paragraph (1) of this subsection, during a period of time for  
511 which the Mayor has declared a public health emergency (“PHE”) pursuant to section 5a of the  
512 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
513 194; D.C. Official Code § 7-2304.01) and for 105 calendar days thereafter, money in the Fund

may be used to assist low-income residential customers located in the District of Columbia with the payment of an outstanding water bill balance; except, that not less than \$1,260,000 of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist nonprofit organizations located in the District with the payment of impervious area charges, pursuant to section 216b(a) 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(a) and not less than \$360,000 of funding allocated in the fiscal year in which the PHE occurs shall be reserved to assist residential customers with the payment of impervious area charges, pursuant to section 216b(b).”.

Sec. 205. Certified Business Enterprise assistance.

(a) Notwithstanding the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et. seq.*) (“CBE Act”), or any other provision of District law or regulation, during the period of the COVID-19 emergency, any contract for a government-assisted project in excess of \$250, 000 that are unrelated to the District’s response to the COVID-19 emergency but entered into during the COVID-19 emergency, absent a waiver pursuant to section 2351 of the CBE Act, shall provide that:

(A) At least 50% of the dollar volume of the contract be subcontracted to small business enterprises; or

(B) If there are insufficient qualified small business enterprises to meet the requirement of subparagraph (A) of this paragraph, the subcontracting requirement may be satisfied by subcontracting 50% of the dollar volume (CBE minimum expenditure) to any qualified certified business enterprises; provided, that best efforts shall be made to ensure that

qualified small business enterprises are significant participants in the overall subcontracting work.

(b)(1) For every dollar expended by a beneficiary with a resident-owned business, the beneficiary shall receive a credit for \$1.10 against the CBE minimum expenditure.

(2) For every dollar expended by a beneficiary with a disadvantaged business enterprise, the beneficiary shall receive a credit for \$1.25 against the CBE minimum expenditure.

(3) For every dollar expended by a beneficiary that uses a company designated as both a DBE under section 2333 of the CBE Act and as a ROB under section 2303(15) of the CBE Act shall receive a maximum credit for \$1.30 against the CBE minimum expenditure.

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

(1) “Beneficiary” has the same meaning as defined in section 2302(1B) of the CBE Act (D.C. Official Code § 2-218.02(1B)).

(2) “Best efforts” means that a beneficiary is obligated to make its best attempt to accomplish the agreed-to goal, even where there is uncertainty or difficulty.

(3) “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.

(4) “Disadvantaged business enterprise” has the same meaning as defined in section 2333 of the CBE Act (D.C. Official Code § 2-218.33).

(5) “Government-assisted project” has the same meaning as defined in section 2302(9A) of the CBE Act (D.C. Official Code § 2-218.02(9A)).

(6) “Longtime resident business” has the same meaning as defined in section 2302(13) of the CBE Act (D.C. Official Code § 2-218.02(13)).

(7) “Resident owned business” has the same meaning as defined in section 2302(15) of the CBE Act (D.C. Official Code § 2-218.02(15)).

(8) “Small Business Enterprises” has the same meaning as defined in section 2332 of the CBE Act (D.C. Official Code § 2-218.32).

(d) Contracts entered into on an emergency basis or that are made in furtherance of, or that are related to, the District’s response to the COVID-19 emergency shall not be subject to the requirements of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Code § 2-218.01 *et seq.*) or the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*).

Sec. 206. 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. For the period of time for which the Mayor has declared a public health emergency (“PHE”) 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), there shall be a Funeral Bill of Rights designed to inform consumers of required pricing disclosures and other available consumer rights. The Department of Consumer and Regulatory Affairs, in consultation with the Board of Funeral Directors and the Attorney General of the District of Columbia, shall write the Funeral Bill of Rights which shall be published in the District of



Columbia Register no later than May 8, 2020. Should this not occur on or before May 1, 2020, the Attorney General may write the Funeral Bill of Rights and they shall be published in the District of Columbia Register no later than May 15, 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) Title 17 of the District of Columbia Municipal Regulations (17 DCMR § 100 *et seq.*) is amended as follows:

(1) Section 3013.2(l) (17 DCMR § 3013.2(l)) is amended as follows:

(A) 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.

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

604 (C) Subparagraph (25) is amended by striking the period at the end and  
605 inserting a semicolon in its place.

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

608 “(26) Failing to clearly and conspicuously post a General Price List, Casket Price  
609 List, or an Outer Burial Container Price List, that meets the requirements of the Funeral Industry  
610 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*), on any websites  
611 maintained by the applicant or licensee;

612 “(27) Failing to provide to any customer a General Price List, Casket Price List,  
613 or an Outer Burial Container Price List that meets the requirements of the Funeral Industry  
614 Practices Rules of the Federal Trade Commission (16 C.F.R. § 453 *et seq.*);

615 “(28) Failing to clearly and conspicuously post the Funeral Bill of Rights, as  
616 specified in section 4a of the District of Columbia Funeral Services Regulatory Act of 1984,  
617 passed on emergency basis on April 7, 2020 (Enrolled version of Bill 23-X), on any websites  
618 maintained by the applicant or licensee; or

619 “(29) Failing to provide to any customer the Funeral Bill of Rights, as specified in  
620 section 4a of the District of Columbia Funeral Services Regulatory Act of 1984, passed on  
621 emergency basis on April 7, 2020 (Enrolled version of Bill 23-X), during an initial meeting to  
622 discuss or make arrangements for the purchase of funeral goods or services.”.

623 (2) Section 3110 (17 DCMR § 3110) is amended by adding a new subsection 3110.9 to  
624 read as follows:

625 “3110.9 A funeral services establishment shall keep and retain records documenting any  
626 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. 207. Debt collection.

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

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

(1) New paragraphs (1B) and (1C) are 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.

“(1C) “debt” means money or its equivalent which is, or is alleged to be, more than 30 days past due and owing, unless a different period is agreed to by the debtor, under a single account as a result of a purchase, lease, or loan of goods, services, or real or personal property, for personal, family or household purposes or as a result of a loan of money which is obtained for personal, family or household purposes whether or not the obligation has been reduced to judgment.”.

(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

649 Code § 7-2304.01), or the Natural Disaster Consumer Protection Act, effective March 20, 1992  
650 (D.C. Law 9-80; D.C. Official Code § 28-4102).”.

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

652 “(l)(1) Notwithstanding subsection (a) of this section, this subsection shall apply to loans  
653 directly secured on motor vehicles or direct motor vehicle installment loans covered by chapter  
654 36 of Title 28.

655 “(2) During a public health emergency and for 60 days after its conclusion, no  
656 creditor or debt collector shall, with respect to any debt:

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

658 “(B) Initiate, threaten to initiate, or act upon any statutory remedy for the  
659 garnishment, seizure, attachment, or withholding of wages, earnings, property, or funds for the  
660 payment of a debt to a creditor;

661 “(C) Initiate, threaten to initiate, or act upon any statutory remedy for the  
662 repossession of any vehicle, provided that creditors or debt collectors may accept collateral that  
663 is voluntarily surrendered; or

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

665 “(E) Visit or threaten to visit the place of employment of a debtor at any  
666 time for the purpose of collecting a debt; or

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

669 “(3) This subsection shall not apply to collecting or attempting to collect a debt  
670 that is, or is alleged to be, owed on a loan secured by a mortgage on real property.

671 “(m)(1) During a public health emergency and for 60 days after its conclusion, no debt  
672 collector shall initiate any communication with any debtor via any written or electronic  
673 communication, including email or text message, or telephone, provided that a debt collector  
674 shall not be deemed to have initiated a communication with a debtor if the communication by the  
675 debt collector is in response to a request made by the debtor for said communication.

676 “(2) This subsection shall not apply to communications initiated solely for the  
677 purpose of informing a debtor of a rescheduled court appearance date or discussing a mutually  
678 convenient date for a rescheduled court appearance;

679 “(3) This subsection shall not apply to original creditors collecting or attempting  
680 to collect their own debt, nor shall it apply to collecting or attempting to collect a debt which is,  
681 or is alleged to be, owed on a loan secured by a mortgage on real property.

682 “(n) Subsections (l) and (m) of this section shall not be construed to:

683 “(1) Exempt any person from complying with existing laws or rules of  
684 professional conduct with respect to debt collection practices;

685 “(2) Supersede or in any way limit the rights and protections available to  
686 consumers under applicable local, state, or federal foreclosure laws;

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

689 Sec. 208. Carry out and delivery.

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

692 (b) Chapter 1 of Title 25 of the District of Columbia Official Code is amended as follows:

693 (1) Section 25-112 is amended by adding a new subsection (h) to read as follows:

694 “(h)(1) A retailer with commercial street frontage at the Walter E. Washington  
695 Convention Center that sells food and is approved by the Washington Convention and Sports  
696 Authority to sell alcoholic beverages for on-premises consumption (a “Convention Center food  
697 and alcohol business”) that registers with the Board and receives written authorization from  
698 ABRA may, pursuant to § 25-113(a)(3)(C), sell beer, wine, or spirits in closed containers to  
699 individuals for carry out to their home, or deliver beer, wine, or spirits, in closed containers to  
700 the homes of District residents; provided, that such carry out or delivery orders are accompanied  
701 by one or more prepared food items.

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

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

705 “(C) An on-premises retailer’s licensee, class C/R, D/R, C/T, D/T, C/H,  
706 D/H, C/X, or D/X, including a multipurpose facility or private club, that registers with the Board  
707 may sell beer, wine, or spirits in closed containers to individuals for carry out to their home, or  
708 deliver beer, wine, or spirits in closed containers to the homes of District residents; provided, that  
709 each such carry out or delivery order is accompanied by one or more prepared food items. Board  
710 approval shall not be required for a registration under this subparagraph; however, the licensee  
711 shall receive written authorization from ABRA prior to beginning carry out or delivery of beer,  
712 wine, or spirits pursuant to this subparagraph.”.

713 Sec. 209. Opportunity accounts expanded use.

714 The Opportunity Accounts Act of 2000, effective April 3, 2001 (D.C. Law 13-266; D.C.  
715 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 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:

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

(2) Subsection (c) is amended by striking the phrase “An account holder” and inserting the phrase “Except 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), an account holder.

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



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

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

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

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

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

Sec. 210. 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) During a period of time for which the Mayor has declared a public health emergency (“PHE”) 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), an agency may make advance payments to a certified contractor for purchases related to the PHE when the payments are necessary to achieve the purposes of this subtitle and may provide an advance of more than 10% of the total value of the contract.

Sec. 211. 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, effective April 27, 2001 (D.C. Law 13-281; 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 houses a business that has closed 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), as a result of the circumstances giving rise to or resulting from the public health emergency, and for 60 days thereafter.”.

Sec. 212. Franchise tax exclusion.

D.C. Official Code § 47-1803.02(a)(2) is amended by adding a new subparagraph (GG) to read as follows:

“(GG) Small business loans awarded and subsequently forgiven under section 1106 of the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. No. 116-136; 134 Stat. 281) (“CARES Act”).”

### **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. 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 reassign 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.”

829 Sec. 303. Civil rights enforcement.

830 The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C.  
831 Official Code § 2-1401.01 *et seq.*), is amended by adding a new section 316a to read as follows:

832 “Sec. 316a. Civil actions by the Attorney General.

833 “During a period of time for which the Mayor has declared a public health emergency  
834 (“PHE”) pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
835 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), in a civil action  
836 initiated by the Attorney General for violations of this act, or a civil action arising in connection  
837 with the public health emergency, other than an action brought pursuant to section 307:

838 “(1) The Attorney General may obtain:

839 “(A) Injunctive relief, as described in section 307;

840 “(B) Civil penalties, up to the amounts described in section 313(a)(1)(E-1)  
841 for each action or practice in violation of this act, and, in the context of a discriminatory  
842 advertisement, for each day the advertisement was posted; and

843 “(C) Any other form of relief described in section 313(a)(1); and

844 “(2) The Attorney General may seek subpoenas for the production of documents  
845 and materials or for the attendance and testimony of witnesses under oath, or both, which shall  
846 contain the information described in section 108d(b) of the Attorney General for the District of  
847 Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015  
848 (D.C. Law 21-36; D.C. Official Code § 1-301.88d(b)) (“Act”), and shall follow the procedures  
849 described in section 108d(c), (d), and (e) of the Act (D.C. Official Code § 1-301.88d(c), (d), and  
850 (e)); provided, the subpoenas are not directed to a District government official or entity.”.

851 Sec. 304. 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 period and inserting the phrase “; provided, that for non-custodial arrests conducted 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 person shall appear before an official of the relevant law enforcement agency to complete the arrest process within 90 days after the non-custodial arrest was conducted.” in its place.

Sec. 305. Good time credits and compassionate release.

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)(1) Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment for an offense committed between June 22, 1994, and August 4, 2000, shall be retroactively awarded good time credit toward the service of the defendant’s sentence of up to 54 days for each year of the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

“(2) An award of good time credit pursuant to paragraph (1) of this subsection shall apply to the minimum and maximum term of incarceration, including the mandatory minimum; provided, that in the event of a maximum term of life, only the minimum term shall receive good time.

875 “(b)(1) Notwithstanding any other provision of law, a defendant who is serving a term of  
876 imprisonment for an offense committed before June 22, 1994, shall be retroactively awarded  
877 good time credit toward the service of the defendant’s sentence of up to 54 days for each year of  
878 the defendant’s sentence imposed by the court, subject to determination by the Bureau of Prisons  
879 that during those years the defendant has met the conditions provided in 18 U.S.C. § 3624(b).

880 “(2) An award of good time credit pursuant to paragraph (1) of this subsection:

881 “(A) Shall apply to any mandatory minimum term of incarceration; and

882 “(B) Is not intended to modify how the defendant is awarded good time  
883 credit toward any portion of the sentence other than the mandatory minimum.”.

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

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

886 “(a) Notwithstanding any other provision of law, the court may modify a term of  
887 imprisonment imposed upon a defendant if it determines the defendant is not a danger to the  
888 safety of any other person or the community, pursuant to the factors to be considered in 18  
889 U.S.C. §§ 3142(g) and 3553(a) and evidence of the defendant's rehabilitation while incarcerated,  
890 and:

891 “(1) The defendant has a terminal illness, which means a disease or condition with  
892 an end-of-life trajectory;

893 “(2) The defendant is 60 years of age or older and has served at least 25 years in  
894 prison; or

895 “(3) Other extraordinary and compelling reasons warrant such a modification,  
896 including:

897                   “(A) A debilitating medical condition involving an incurable, progressive  
898 illness, or a debilitating injury from which the defendant will not recover;  
899                   “(B) Elderly age, defined as a defendant who is:  
900                   “(i) 60 years of age or older;  
901                   “(ii) Has served at least 20 years in prison or has served the greater  
902 of 10 years or 75% of their sentence; and  
903                   “(iii) Suffers from a chronic or serious medical condition related to  
904 the aging process or that causes an acute vulnerability to severe medical complications or death  
905 as a result of COVID-19;  
906                   “(C) Death or incapacitation of the family member caregiver of the  
907 defendant’s children; or  
908                   “(D) Incapacitation of a spouse or a domestic partner when the defendant  
909 would be the only available caregiver for the spouse or domestic partner.  
910           “(b) Motions brought pursuant to this section may be brought by the U.S. Attorney’s  
911 Office for the District of Columbia, the Bureau of Prisons, the United States Parole Commission,  
912 or the defendant.  
913           “(c) Although a hearing is not required, in order to provide for timely review of a motion  
914 made pursuant to this section and at the request of counsel for the defendant, the court may  
915 waive the appearance of a defendant currently held in the custody of the Bureau of Prisons.”. (a)  
916 Notwithstanding any other provision of law, a defendant who is serving a term of imprisonment  
917 for an offense committed before August 5, 2000 shall be retroactively awarded good time credit  
918 for the time the defendant has served on the offense for which the sentence was imposed, in the

amount of up to 54 days per year, subject to determination by the Bureau of Prisons as provided in 18 U.S.C. § 3624(b).

“(b)(1) Except as provided in paragraph (2) of this subsection, good time credit awarded pursuant to subsection (a) of this section 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) of this subsection.”.

(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:

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

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

“(i) 60 years of age or older;



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

“ (iii) Suffers from a chronic or serious medical condition related to the aging process or that causes an acute vulnerability to severe medical complications or death as a result of COVID-19.

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

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

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

“ (c) In order to provide for timely review of a motion made pursuant to this section and at the request of counsel for the defendant, the court may waive the appearance of a defendant currently in the custody of the Bureau of Prisons.”.

Sec. 306. Electronic wills.

Chapter 1 of Title 18 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“ 18-813. Electronic wills.”.

(b) Section 18-103(2) (D.C. Official Code § 18-103(2)) is amended by striking the phrase “ in the presence of the testator” and inserting the phrase “ in the presence or, 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-

965 194; D.C. Official Code § 7-2304.01), the electronic presence, as defined in § 18-813(a)(2), of  
966 the testator” in its place.

967 (c) A new section 18-813 is added to read as follows:

968 “§ 18-813. Electronic wills.

969 “(a) Definitions.

970 “For the purposes of this section, the term:

971 “(1) “Electronic” means relating to technology having electrical, digital,  
972 magnetic, wireless, optical, electromagnetic, or similar capabilities.

973 “(2) “Electronic presence” means when one or more witnesses are in a different  
974 physical location than the testator but can observe and communicate with the testator and one  
975 another to the same extent as if the witnesses and testator were physically present with one  
976 another.

977 “(3) “Electronic will” means a will or codicil executed by electronic means.

978 “(4) “Record” means information that is inscribed on a tangible medium or that is  
979 stored in an electronic medium and is retrievable in perceivable form.

980 “(5) “Sign” means, with present intent to authenticate or adopt a record, to:

981 “(A) Execute or adopt a tangible symbol; or

982 “(B) Affix to or associate with the record an electronic signature.

983 “(b)(1) A validly executed electronic will shall be a record that is:

984 “(A) Readable as text at the time of signing pursuant to subparagraph (B);

985 “(B) Signed:

986 “(i) By the testator, or by another person in the testator’s physical  
987 presence and by the testator’s express direction; and

“ (ii) In the physical or electronic presence of the testator by at least two credible witnesses, each of whom is physically located in the United States at the time of signing.

“(2) In order for the electronic will to be admitted to the Probate Court, the testator, a witness to the will, or an attorney admitted to practice in the District of Columbia who supervised the execution of the electronic will, shall certify a paper copy of the electronic will by affirming under penalty of perjury that:

“(A) The paper copy of the electronic will is a complete, true, and accurate copy of the electronic will; and

“(B) The conditions in subparagraph (A) were satisfied at the time the electronic will was signed.

“(3) Except as provided in subsection (c), a certified paper copy of an electronic will shall be deemed to be the electronic will of the testator for all purposes under this title.

“(c)(1) An electronic will may revoke all or part of a previous will or electronic will.

“(2) An electronic will, or a part thereof, is revoked by:

“(A) A subsequent will or electronic will that revokes the electronic will, or a part thereof, expressly or by inconsistency; or

“(B) A direct physical act cancelling the electronic will, or a part thereof, with the intention of revoking it, by the testator or a person in the testator’s physical presence and by the testator’s express direction and consent.

“(3) After it is revoked, an electronic will, or a part thereof, may not be revived other than by its re-execution, or by a codicil executed as provided in the case of wills or

1010 electronic wills, and then only to the extent to which an intention to revive is shown in the  
1011 codicil.

1012 “(d) An electronic will not in compliance with subsection (b)(1) is valid if executed in  
1013 compliance with the law of the jurisdiction where the testator is:

1014 “(1) Physically located when the electronic will is signed; or

1015 “(2) Domiciled or resides when the electronic will is signed or when the testator  
1016 dies.

1017 “(e) Except as otherwise provided in this section:

1018 “(1) An electronic will is a will for all purposes under the laws of the District of  
1019 Columbia; and

1020 “(2) The laws of the District of Columbia applicable to wills and principles of  
1021 equity apply to an electronic will.

1022 “(f) This section shall apply to electronic wills made during a period of time for which  
1023 the Mayor has declared a public health emergency pursuant to section 5a of the District of  
1024 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
1025 Official Code § 7-2304.01).”.

1026 **TITLE IV. HEALTH AND HUMAN SERVICES.**

1027 Sec. 401. Public health emergency.

1028 (a) Section 301(b) of the COVID-19 Response Emergency Amendment Act of 2020,  
1029 effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), amending section 7 of the District of  
1030 Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C.  
1031 Official Code § 7-2306), is repealed. (b) The District of Columbia Public Emergency Act of

1032 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2301 *et seq.*), is  
1033 amended as follows:

1034 (1) Section 5a(d) (D.C. Official Code § 7-2304.01(d)(3)) is amended as follows:

1035 (A) Paragraph (3) is amended by striking the phrase “; and” and inserting  
1036 a semicolon in its place.

1037 (B) A new paragraph (3A) to read as follows:

1038 “(3A) Exempt any person, employee of the District of Columbia not otherwise  
1039 exempt under existing law, or contractor providing services arising out of a contract with the  
1040 District of Columbia from civil liability for damages for actions taken while acting within the  
1041 scope of their employment or organization’s purpose, voluntary service, or scope of work to  
1042 implement the provisions of the District of Columbia response plan and of An Act To authorize  
1043 the Commissioners of the District of Columbia to make regulations to prevent and control the  
1044 spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408;  
1045 D.C. Official Code § 7-131 *et seq.*), except in instances of gross negligence, and solely for  
1046 actions taken during the public health emergency; and”

1047 (2) Section 7 (D.C. Official Code § 7-2306) is amended by adding a new  
1048 subsection (c-1) to read as follows:

1049 “(c-1) Notwithstanding subsections (b) and (c) of this section, the Council authorizes the  
1050 Mayor to extend the 15-day March 11, 2020, emergency executive order and public health  
1051 emergency executive order (“emergency orders”) issued in response to the coronavirus (COVID-  
1052 19) for an additional 90-day period. After the additional 90-day extension authorized by this  
1053 subsection, the Mayor may extend the emergency orders for additional 15-day periods pursuant  
1054 to subsection (b) or (c) of this subsection.”.

Sec. 402. Extension of care and custody for aged-out youth.

(a) Section 303(a-1) of the Prevention of Child Abuse and Neglect Act of 1977, effective April 4, 2001 (D.C. Law 13-277; D.C. Official Code § 4-1303.03(a-1)), is amended as follows:

(1) Paragraph (12) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (13) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (14) is added to read as follows:

“(14) To retain custody of a youth committed to the Agency who becomes 21 years of age 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), for a period not exceeding 90 days after the end of the public health emergency, provided that the youth consents to the Agency’s continued custody .”.

(b) Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(1) Section 16-2303 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) The Division shall retain jurisdiction of a minor in the legal custody of a public agency pursuant to § 16-2320(a)(1)(3)(A) who becomes 21 years of age 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), for a period not exceeding 90 days after the end of the public health emergency, provided that the minor consents to the retention of jurisdiction.”.

(2) Section 16-2322(f)(1) is amended by striking the phrase “of age” and inserting the phrase “of age, except orders extended pursuant to § 16-2303(b)” in its place.

Sec. 403. Hospital support funding.

(a) 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.*), and in the Mayor’s sole discretion, issue a grant to an eligible hospital; provided, that the eligible hospital submits a grant application in the form and with the information required by the Mayor.

(b) The amount of a grant issued to a hospital shall be based on:

(1) An allocation formula based on the number of beds at the hospital; or

(2) Such other method or formula, as established by the Mayor, that addresses the impacts of COVID-19 on hospitals.

(c) A grant issued pursuant to this section may be expended by the hospital for:

(1) Supplies and equipment related to COVID-19, including personal protective equipment, sanitization and cleaning products, medical supplies and equipment, and testing supplies and equipment;

(2) Personnel costs incurred to respond to COVID-19, including the costs of contract staff; and

(3) Costs of constructing and operating temporary structures to test individuals for COVID-19 or to treat patients with COVID-19.

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

(e) The Mayor shall maintain a list of all grants awarded pursuant to this section, identifying for each award the grant recipient, the date of award, intended use of the award, and the award amount. The Mayor shall publish the list online no later than July 1, 2020, or 30 days after the end of the COVID-19 emergency, whichever is earlier.

(f) 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 rules to implement the provisions of this section.

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

(1) “COVID-19 emergency” means the emergencies declared in the Declaration of Public Emergency (Mayor’s Order 2020-045) and the Declaration of Public Health Emergency (Mayor’s Order 2020-46), declared on March 11, 2020, including any extension of those emergencies.

(2) “Eligible hospital” means a non-profit or for-profit hospital located in the District.

## **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 amended by striking the phrase “section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C.



1121 Official Code § 1-523.01),” and inserting the phrase “section 2(a) of the Confirmation Act of  
1122 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a))” in its place.

1123 (b) Section 603(b)(1) of the COVID-19 Response Emergency Amendment Act of 2020,  
1124 effective March 17, 2020 (D.C. Act 23-247; 67 DCR 3093), is amended by striking the phrase  
1125 “48 hours” and inserting the phrase “2 business days” in its place.

1126 (c) Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142;  
1127 D.C. Official Code § 1-523.01), is amended as follows:

1128 (1) Subsection (c) is amended by striking the phrase “180 days” and inserting the  
1129 phrase “180 days, excluding days occurring during a period of time for which the Mayor has  
1130 declared a public health emergency pursuant to section 5a of the District of Columbia Public  
1131 Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-  
1132 2304.01),” in its place

1133 (2) Subsection (e) is amended by striking the phrase “excluding days of Council  
1134 recess” and inserting the phrase “excluding days of Council recess and days occurring during a  
1135 period of time for which the Mayor has declared a public health emergency pursuant to section  
1136 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
1137 Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1138 (4) Subsection (f) is amended by striking the phrase “Council shall have an  
1139 additional 45 days, excluding days of Council recess,” and inserting the phrase “Council shall  
1140 have an additional 45 days, excluding days of Council recess and days occurring during a period  
1141 of time for which the Mayor has declared a public health emergency pursuant to section 5a of the  
1142 District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-  
1143 194; D.C. Official Code § 7-2304.01)” in its place.

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

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.

1167           Sec. 503. Advisory neighborhood commissions.

1168           The Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C.  
1169 Law 1-58; D.C. Official Code § 1-309.01 *et seq.*), is amended as follows:

1170           (a) Section 8 (D.C. Official Code § 1-309.06), is amended as follows:

1171                   (1) Subsection (d) is amended as follows:

1172                           (A) Paragraph (1) is amended by striking the phrase “prior to a general  
1173 election” wherever it occurs and inserting the phrase “prior to a general election or during a  
1174 period of time for which a public health emergency has been declared by the Mayor pursuant to  
1175 section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002  
1176 (D.C. Law 14-194; D.C. Official Code § 7-2304.01)” in its place.

1177                           (B) Paragraph (6) is amended as follows:

1178                                   (i) Subparagraph (A) is amended by striking the phrase “and legal  
1179 holidays” and inserting the phrase “legal holidays, and days during a period of time for which a  
1180 public health emergency has been declared by the Mayor pursuant to section 5a of the District of  
1181 Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C.  
1182 Official Code § 7-2304.01)” in its place.

1183                                   (ii) Subparagraph (C) is amended by striking the phrase “petitions  
1184 available,” and inserting the phrase “petitions available, not including days during a period of  
1185 time for which a public health emergency has been declared by the Mayor pursuant to section 5a  
1186 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C.  
1187 Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

1188                                   (iii) Subparagraph (E) is amended by striking the phrase “or  
1189 special meeting” and inserting the phrase “or special meeting, not to include a remote meeting

1190 held during a period of time for which a public health emergency has been declared by the  
1191 Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
1192 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01),” in its place.

1193 (b) Section 13 (D.C. Official Code § 1-309.10) is amended by adding a new subsection  
1194 (q) to read as follows:

1195 “(q) During a period of time for which a public health emergency has been declared by  
1196 the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980,  
1197 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01):

1198 “(1) The 30-day written notice requirement set forth in subsection (b) of this  
1199 section shall be a 51-day written notice requirement; and

1200 “(2) The 45-calendar-day notice requirement set forth in subsection (c)(2)(A) of  
1201 this section shall be a 66-calendar-day notice requirement.”

1202 (c) Section 16(j)(3) (D.C. Official Code § 1-309.13(j)(3)) is amended by adding a new  
1203 subparagraph (C) to read as follows:

1204 “(C) Sub-subparagraph (i) of subparagraph (A) of this paragraph shall not  
1205 apply to the failure to file quarterly reports due during a period of time for which a public health  
1206 emergency has been declared by the Mayor pursuant to section 5a of the District of Columbia  
1207 Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official  
1208 Code § 7-2304.01).”.

1209 Sec. 504. Disclosure extension; campaign finance training; and disbursement extension.

1210 (a) Section 161(a)(1) of the District of Columbia Retirement Reform Act, approved  
1211 November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-731(a)(1)), is amended by striking the  
1212 phrase “April 30th” and inserting the phrase “July 30th” in its place.

1213 (b) The Government Ethics Act of 2011, effective April 27, 2012 (D.C. Law 19-124;  
1214 D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

1215 (1) Section 224 (D.C. Official Code § 1-1162.24) is amended by adding a new  
1216 subsection (c-2) to read as follows:

1217 “(c-2) Notwithstanding any other provision of this section, in calendar year 2020, the  
1218 Board may change the dates by which:

1219 “(1) Reports required by this section are to be filed; and

1220 “(2) The names of public officials are to be published pursuant to subsection (c-1)  
1221 of this section.”.

1222 (2) Section 225 (D.C. Official Code § 1-1162.25) is amended by adding a new  
1223 subsection (b-1) to read as follows:

1224 “(b-1) Notwithstanding any other provision of this section, in calendar year 2020, the  
1225 Board may change the dates by which:

1226 “(1) Reports required by subsection (a) of this section are to be filed; and

1227 “(2) Reports filed pursuant to subsection (a) of this section shall be reviewed  
1228 pursuant to subsection (b) of this section.”.

1229 (3) Section 230(a) (D.C. Official Code § 1-1162.30(a)) is amended by adding a  
1230 new subsection (a-1) to read as follows:

1231 “(a-1) Notwithstanding any other provision of this section, in calendar year 2020, the  
1232 Board may change the dates by which reports required by subsection (a) of this section shall be  
1233 filed.”.

1234 (c) The Campaign Finance Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C.  
1235 Official Code § 1-1163.01 *et seq.*) is amended as follows:

1236 (1) Section 304(7A)(A) (D.C. Official Code § 1-1163.04(7A)(A)) is amended by  
1237 striking the phrase “in person, although online materials may be used to supplement the training”  
1238 and inserting the phrase “in person or online” in its place.

1239 (2) Section 332d (D.C. Official Code § 1-1163.32d) is amended by striking the  
1240 phrase “5 days after” wherever it appears and inserting the phrase “5 business days after” in its  
1241 place.

1242 (3) Section 332e(e) (D.C. Official Code § 1-1163.32e(e)) is amended by striking  
1243 the phrase “Within 5 days after” and inserting the phrase “Within 5 business days after” in its  
1244 place.

1245 Sec. 505. Election preparations.

1246 The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat.  
1247 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

1248 (a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding a new paragraph  
1249 (31) to read as follows:

1250 “(31) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2  
1251 Special Election, the term “polling place” shall include Vote Centers operated by the Board  
1252 throughout the District.”.

1253 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new  
1254 paragraph (9A) to read as follows:

1255 “(9A) For the June 2, 2020, Primary Election, mail every registered qualified  
1256 elector an absentee ballot application and a postage-paid return envelope;”.

1257 (c) Section 7 (D.C. Official Code § 1-1001.07) is amended as follows:

1258 (1) Subsection (d)(2) is amended as follows:

1259 (A) Subparagraph (C) is amended by striking the phrase “; and” and  
1260 inserting a semicolon in its place.

1261 (B) Subparagraph (D) is amended by striking the period and inserting the  
1262 phrase “; and” in its place.

1263 (C) A new subparagraph (E) is added to read as follows:

1264 “(E) For the June 2, 2020, Primary Election and the June 16, 2020, Ward 2  
1265 Special Election, regularly promote the Board’s revised plans for those elections on the voter  
1266 registration agencies’ social media platforms, including by providing information about how to  
1267 register to vote and vote by mail.”.

1268 (2) Subsection (h) is amended by adding a new paragraph (4) to read as follows:

1269 “(4) The provisions of this subsection shall not apply to the June 2, 2020, Primary  
1270 Election and the June 16, 2020 Ward 2 Special Election.”.

1271 Sec. 506. Absentee ballot request signature waiver.

1272 Section 720.7(h) of Title 3 of the District of Columbia Municipal Regulations (3 DCMR  
1273 § 720.7(h)) is amended by striking the phrase “Voter’s signature” and inserting the phrase  
1274 “Except for a request for an absentee ballot for the June 2, 2020, Primary Election or the June 16,  
1275 2020, Ward 2 Special Election, voter’s signature” in its place.

1276 Sec. 507. Board of Elections stipends.

1277 Section 1108(c-1)(10) of the District of Columbia Government Comprehensive Merit  
1278 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-  
1279 611.08(c-1)(10)), is amended by striking the phrase “Chairperson per year” and inserting the  
1280 phrase “Chairperson per year; provided, that for the remainder of 2020 following the effective  
1281 date of the COVID-19 Response Supplemental Emergency Amendment Act of 2020, passed on

emergency basis on April 7, 2020 (Enrolled version of Bill 23-X), District of Columbia Board of Elections members shall be entitled to compensation at the hourly rate of \$40 while actually in the service of the board, not to exceed \$25,000 for each member per year and \$53,000 for the Chairperson per year” in its place.

Sec. 508. Administrative hearings deadline tolling.

Notwithstanding any provision of District law, but subject to applicable federal laws and regulations, 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 90-day time period to request a hearing shall be tolled:

(a) To review an 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, or 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 pursuant to section 1009 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); or

(b) To appeal an adverse decision listed in Section 26(b) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4–754.41(b)).

Sec. 509. 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:



1305                   (1) Dr. Roger A. Mitchell, Jr. as the Chief Medical Examiner of the Office of the  
1306 Chief Medical Examiner for a term to end June 3, 2026, transmitted by the Mayor to the Council  
1307 for confirmation on February 6, 2020;

1308                   (2) Ms. Deborah Evans-Bailey as a community member who is not a District  
1309 government employee to the Violence Fatality Review Committee for a term to end October 12,  
1310 2023, transmitted by the Mayor to the Council for confirmation on February 24, 2020;

1311                   (3) Dr. Erin Hall as a representative from a hospital in the District member to the  
1312 Violence Fatality Review Committee for a term to end October 12, 2023, transmitted by the  
1313 Mayor to the Council for confirmation on February 24, 2020;

1314                   (4) Dr. Michael Eric Dyson as a member with a background in victim's rights to  
1315 the Clemency Board, for a term to end four years after the date of confirmation, transmitted by  
1316 the Mayor to the Council for confirmation on February 24, 2020;

1317                   (5) Mr. George Schutter as the Chief Procurement Officer of the Office of  
1318 Contracting and Procurement for a term to end July 14, 2025, transmitted by the Mayor to the  
1319 Council for confirmation on February 14, 2020;

1320                   (6) Ms. Olivia Elder as a public member of the Commission on Re-Entry and  
1321 Returning Citizens Affairs, replacing Nicole Porter, for a term to end August 4, 2022, transmitted  
1322 by the Mayor to the Council for confirmation on February 26, 2020;

1323                   (7) Mr. Dominic Henry as a public member of the Commission on Re-Entry and  
1324 Returning Citizens Affairs, replacing Tanisha Murden, for a term to end August 4, 2022,  
1325 transmitted by the Mayor to the Council for confirmation on February 26, 2020;

1326 (8) Mr. Taurus Phillips of the Commission on Re-Entry and Returning Citizens  
1327 Affairs, replacing Eric Weaver, for a term to end August 4, 2022, transmitted by the Mayor to  
1328 the Council for confirmation on February 26, 2020;

1329 (9) Mr. Corwin Knight as a public member of the Commission on Re-Entry and  
1330 Returning Citizens Affairs, for a term to end August 4, 2022, transmitted by the Mayor to the  
1331 Council for confirmation on February 26, 2020;

1332 (10) Mr. Clarence Johnson as a public member of the Commission on Re-Entry  
1333 and Returning Citizens Affairs, for a term to end August 4, 2022, transmitted by the Mayor to the  
1334 Council for confirmation on February 26, 2020;

1335 (11) Mr. Christopher Bradshaw as a voting member of the Food Policy Council,  
1336 for a term to end March 1, 2023, transmitted by the Mayor to the Council for confirmation on  
1337 March 9, 2020;

1338 (12) Mrs. Dalila Boclin as a voting member of the Food Policy Council, for a  
1339 term to end March 1, 2021, transmitted by the Mayor to the Council for confirmation on March  
1340 9, 2020;

1341 (13) Mr. Ronnie Webb as a voting member of the Food Policy Council, for a term  
1342 to end March 1, 2023, transmitted by the Mayor to the Council for confirmation on February 11,  
1343 2020;

1344 (14) Mr. Edwin H. Dugas as a part-time commissioner of the Real Property Tax  
1345 Appeals Commission, for a term to end April 30, 2024, transmitted by the Mayor to the Council  
1346 for confirmation on February 11, 2020.

1347 (15) Mr. Ronald Hudson as a part-time commissioner of the Real Property Tax  
1348 Appeals Commission, replacing Donald Isaac, Jr., for a term to end April 30, 2022, transmitted  
1349 by the Mayor to the Council for confirmation on February 11, 2020.

1350 (16) Ms. Lauren Pair as Rent Administrator, for a term to end June 27, 2023,  
1351 transmitted by the Mayor to the Council for confirmation on February 19, 2020.

1352 (17) Mr. Daniel W. Lucas as the Inspector General of the Office of the Inspector  
1353 General, for a term to end May 19, 2026, transmitted by the Mayor to the Council for  
1354 confirmation on February 6, 2020.

1355 (18) Ms. Monte Monash as a member of the Board of Library Trustees for a term  
1356 to end January 5, 2025, transmitted by the Mayor to the Council for confirmation on February  
1357 19, 2020.

1358 (19) Mr. James Sandman as a member of the Public Charter School Board for a  
1359 term to end February 24, 2024, transmitted by the Mayor to the Council for confirmation on  
1360 January 17, 2020.

1361 (20) Ms. Johanna Shreve as Chief Tenant Advocate of the Office of the Tenant  
1362 Advocate for a term to end June 3, 2023, transmitted by the Mayor to the Council for  
1363 confirmation on February 26, 2020.

1364 **TITLE VI. BORROWING AUTHORITY**

1365 **TITLE VI. BORROWING AUTHORITY**

1366 **SUBTITLE A. GENERAL OBLIGATION NOTES**

1367 Sec. 601. This subtitle may be cited as the “Fiscal Year 2020 General Obligation Notes  
1368 Emergency Act of 2020”.

1369 Sec. 602. Definitions.

For the purposes of this subtitle, the term:

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

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

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

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

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

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

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

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

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

(10) “Escrow Agreement” means the escrow agreement between the District and the Escrow Agent authorized in section 607.

1393 (11) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
1394 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

1395 (12) “Mayor” means the Mayor of the District of Columbia.

1396 (13) “Notes” means one or more series of District general obligation notes  
1397 authorized to be issued pursuant to this subtitle.

1398 (14) “Receipts” means all funds received by the District from any source,  
1399 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys  
1400 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds  
1401 that are pledged to debt or other obligations according to section 609 or that are restricted by law  
1402 to uses other than payment of principal of, and interest on, the notes.

1403 (15) “Secretary” means the Secretary of the District of Columbia.

1404 (16) “Treasurer” means the District of Columbia Treasurer established pursuant to  
1405 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

1406 Sec. 603. Findings.

1407 The Council finds that:

1408 (1) Under section 471 of the Home Rule Act (D.C. Official Code § 1-204.71),  
1409 the Council may authorize, by act, the issuance of general obligation notes for a fiscal year to  
1410 meet appropriations for that fiscal year.

1411 (2) Under section 482 of the Home Rule Act (D.C. Official Code § 1-204.82),  
1412 the full faith and credit of the District is pledged for the payment of the principal of, and interest  
1413 on, any general obligation note.

1414 (3) Under section 483 of the Home Rule Act (D.C. Official Code § 1-204.83),  
1415 the Council is required to provide in the annual budget sufficient funds to pay the principal of,

and interest on, all general obligation 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 notes is paid when due, including by paying the principal and interest from funds not otherwise legally committed.

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

Sec. 604. Note authorization.

(a) The District is authorized to incur indebtedness, for operating or capital expenses, by issuing the notes pursuant to sections 471 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.71 and 1-204.82), in one or more series, in a sum not to exceed \$300,000,000, to meet appropriations 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. 605. Note details.

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

(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

1439 any redemptions applicable thereto and a determination that the notes may be issued in book-  
1440 entry form;

1441 (2) Provisions for the transfer and exchange of the notes;

1442 (3) The principal amount of the notes to be issued;

1443 (4) The rate or rates of interest or the method of determining the rate or rates of  
1444 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall  
1445 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days  
1446 elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an  
1447 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the  
1448 basis of a 365-day year (actual days elapsed);

1449 (5) The date or dates of issuance, sale, and delivery of the notes;

1450 (6) The place or places of payment of principal of, and interest on, the notes;

1451 (7) The designation of a registrar, if appropriate, for any series of the notes, and  
1452 the execution and delivery of any necessary agreements relating to the designation;

1453 (8) The designation of paying agent(s) or escrow agent(s) for any series of the  
1454 notes, and the execution and delivery of any necessary agreements relating to such designations;  
1455 and

1456 (9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed  
1457 notes.

1458 (c) The notes shall be executed in the name of the District and on its behalf by the  
1459 signature, manual or facsimile, of the Mayor or an authorized delegate. The official seal of the  
1460 District or a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a  
1461 registrar is designated, the registrar shall authenticate each note by manual signature and

1462 maintain the books of registration for the payment of the principal of and interest on the notes  
1463 and perform other ministerial responsibilities as specifically provided in its designation as  
1464 registrar.

1465 (d) The notes may be issued at any time or from time to time in one or more  
1466 issues and in one or more series.

1467 Sec. 606. Sale of the notes.

1468 (a) The notes of any series shall be sold at negotiated sale pursuant to a purchase contract  
1469 or at competitive sale pursuant to a bid form. The purchase contract or bid form shall contain the  
1470 terms that the Chief Financial Officer considers necessary or appropriate to carry out the  
1471 purposes of this subtitle. The Chief Financial Officer's execution and delivery of the purchase  
1472 contract or bid form shall constitute conclusive evidence of the Chief Financial Officer's  
1473 approval, on behalf of the District, of the final form and content of the notes. The Chief Financial  
1474 Officer shall deliver the notes, on behalf of the District, to the purchasers upon receiving the  
1475 purchase price provided in the purchase contract or bid form.

1476 (b) The Chief Financial Officer may execute, in connection with each sale of the notes,  
1477 an offering document on behalf of the District, and may authorize the document's distribution in  
1478 relation to the notes being sold.

1479 (c) The Chief Financial Officer shall take actions and execute and deliver agreements,  
1480 documents, and instruments (including any amendment of or supplement to any such agreement,  
1481 document, or instrument) in connection with any series of notes as required by or incidental to:

1482 (1) The issuance of the notes;



1483                   (2) The establishment or preservation of the exclusion from gross income for  
1484 federal income tax purposes of interest on the notes, if issued tax-exempt, and the exemption  
1485 from District income taxation of interest on the notes (except estate, inheritance, and gift taxes);

1486                   (3) The performance of any covenant contained in this subtitle, in any  
1487 purchase contract for the notes, or in any escrow or other agreement for the security thereof;

1488                   (4) The provision for securing the repayment of the notes by a letter or line of  
1489 credit or other form of credit enhancement, and the repayment of advances under any such credit  
1490 enhancement, including the evidencing of such a repayment obligation with a negotiable  
1491 instrument with such terms as the Chief Financial Officer shall determine; or

1492                   (5) The execution, delivery, and performance of the Escrow Agreement, a  
1493 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement  
1494 relating to credit enhancement, if any, including any amendments of any of these agreements,  
1495 documents, or instruments.

1496                   (d) The notes shall not be issued until the Chief Financial Officer receives an approving  
1497 opinion of Bond Counsel as to the validity of the notes and the exemption from the District  
1498 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if  
1499 issued tax-exempt, the establishment or preservation of the exclusion from gross income for  
1500 federal income tax purposes of the interest on the notes. .

1501                   (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the  
1502 determinations and other actions taken by the Chief Financial Officer for each issue or series of  
1503 the notes issued and shall designate in the note issuance certificate the date of the notes, the  
1504 series designation, the aggregate principal amount to be issued, the authorized denominations of  
1505 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 ensure that the principal of, and interest on, the notes are paid when due for any reason, including the payment of principal and interest from any funds or accounts of the District not otherwise legally committed.

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

(e) The funds for the payment of the notes as described in this subtitle 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.

1528           (f) The Chief Financial Officer may, without regard to any act or resolution of the  
1529 Council now existing or adopted after the effective date of this subtitle, designate an Escrow  
1530 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the  
1531 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official  
1532 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate  
1533 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment  
1534 of District of Columbia Fiscal Year 2020 General Obligation Notes" is created and shall be  
1535 maintained by the Escrow Agent for the benefit of the owners of the notes as stated in the  
1536 Escrow Agreement. Funds on deposit, including investment income, under the Escrow  
1537 Agreement shall not be used for any purposes except for payment of the notes or, to the extent  
1538 permitted by the Home Rule Act, to service any contract or other arrangement permitted under  
1539 subsections (k) or (l) of this section, and may be invested only as provided in the Escrow  
1540 Agreement.

1541           (g) Upon the sale and delivery of the notes, the Chief Financial Officer shall deposit with  
1542 the Escrow Agent to be held and maintained as provided in the Escrow Agreement all accrued  
1543 interest and premium, if any, received upon the sale of the notes.

1544           (h) The Chief Financial Officer shall set aside and deposit with the Escrow Agent funds  
1545 in accordance with the Escrow Agreement at the time and in the amount as provided in the  
1546 Escrow Agreement.

1547           (i) There are provided and approved for expenditure sums as may be necessary  
1548 for making payments of the principal of, and interest on, the notes, and the provisions of the  
1549 Fiscal Year 2020 Local Budget Act and Fiscal Year 2021 Local Budget Act, if enacted prior to  
1550 the effective date of this subtitle, relating to borrowings are amended and supplemented

1551 accordingly by this section, as contemplated in section 483 of the Home Rule Act (D.C. Official  
1552 Code § 1-204.83).

1553 (j) The notes shall be payable, as to both principal and interest, in lawful money of the  
1554 United States of America in immediately available or same day funds at a bank or trust company  
1555 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the  
1556 District. All of the paying agents shall be qualified to act as paying agents under the laws of the  
1557 United States of America, of the District, or of the state in which they are located, and shall be  
1558 designated by the Chief Financial Officer without regard to any other act or resolution of the  
1559 Council now existing or adopted after the effective date of this subtitle.

1560 (k) In addition to the security available for the holders of the notes, the Chief Financial  
1561 Officer is hereby authorized to enter into agreements, including any agreement calling for  
1562 payments in excess of \$1 million during fiscal year 2020, with a bank or other financial  
1563 institution to provide a letter of credit, line of credit, or other form of credit enhancement to  
1564 secure repayment of the notes when due. The obligation of the District to reimburse the bank or  
1565 financial institution for any advances made under any such credit enhancement shall be a general  
1566 obligation of the District until repaid and shall accrue interest at the rate of interest established by  
1567 the Chief Financial Officer not in excess of 20% per year until paid.

1568 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-  
1569 371; D.C. Official Code § 2-351.01 *et seq.*), and the Financial Institutions Deposit and  
1570 Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official  
1571 Code § 47-351.01 *et seq.*), shall not apply to any contract which the Chief Financial Officer may  
1572 from time to time determine to be necessary or appropriate to place, in whole or in part,  
1573 including:

1574 (1) An investment or obligation of the District as represented by the notes;  
1575 (2) An investment or obligation or program of investment; or  
1576 (3) A contract or contracts based on the interest rate, currency, cash flow, or other  
1577 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap  
1578 agreements; currency swap agreements; insurance agreements; forward payment conversion  
1579 agreements; futures; contracts providing for payments based on levels of, or changes in, interest  
1580 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a  
1581 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,  
1582 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts  
1583 or other arrangements also may be entered into by the District in connection with, or incidental  
1584 to, entering into or maintaining any agreement that secures the notes. The contracts or other  
1585 arrangements shall contain whatever payment, security, terms, and conditions as the Chief  
1586 Financial Officer may consider appropriate and shall be entered into with whatever party or  
1587 parties the Chief Financial Officer may select, after giving due consideration, where applicable,  
1588 to the creditworthiness of the counterparty or counterparties including any rating by a nationally  
1589 recognized rating agency or any other criteria as may be appropriate. In connection with, or  
1590 incidental to, the issuance or holding of the notes, or entering into any contract or other  
1591 arrangement referred to in this section, the District may enter into credit enhancement or  
1592 liquidity agreements, with payment, interest rate, termination date, currency, security, default,  
1593 remedy, and any other terms and conditions as the Chief Financial Officer determines. Proceeds  
1594 of the notes and any money set aside for payment of the notes or of any contract or other  
1595 arrangement entered into pursuant to this section may be used to service any contract or other  
1596 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.

1620           Sec. 609. Additional debt and other obligations.

1621           (a) The District reserves the right at any time to: borrow money or enter into  
1622 other obligations to the full extent permitted by law; secure the borrowings or obligations by the  
1623 pledge of its full faith and credit; secure the borrowings or obligations by any other security and  
1624 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional  
1625 Notes, or other instruments to evidence the borrowings or obligations.

1626           (b)(1) The District may issue Additional Notes pursuant to section 471 of the Home Rule  
1627 Act (D.C. Official Code § 1-204.71) that shall mature on or before September 30, 2021, and the  
1628 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other  
1629 available funds for payment of the principal of, and the interest on, the Additional Notes issued  
1630 pursuant to section 471 of the Home Rule Act (D.C. Official Code § 1-204.71) on a parity basis  
1631 with the notes.

1632           (2) The receipts and available funds referred to in subsection (a) of this section  
1633 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home  
1634 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes  
1635 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

1636           (3) Any covenants relating to any Additional Notes shall have equal standing and  
1637 be on a parity with the covenants made for payment of the principal of, and the interest on, the  
1638 notes.

1639           (4) If Additional Notes are issued pursuant to section 471 of the Home Rule Act  
1640 (D.C. Official Code § 1-204.71), the provisions of section 607 shall apply to both the notes and  
1641 the Additional Notes and increase the amounts required to be set aside and deposited with the  
1642 Escrow Agent.

1643 (5) As a condition precedent to the issuance of any Additional Notes, the Chief  
1644 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance  
1645 with all covenants and obligations under this subtitle and the Escrow Agreement.

1646 Sec. 610. Tax matters.

1647 At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle  
1648 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial  
1649 Officer shall take all actions necessary to be taken so that the interest on the notes will not be  
1650 includable in gross income for federal income tax purposes.

1651 Sec. 611. Contract.

1652 This subtitle shall constitute a contract between the District and the owners of the notes  
1653 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in  
1654 conflict with this subtitle, this subtitle shall be controlling.

1655 Sec. 612. District officials.

1656 (a) The elected or appointed officials, officers, employees, or agents of the District shall  
1657 not be liable personally for the payment of the notes or be subject to any personal liability by  
1658 reason of the issuance of the notes.

1659 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
1660 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding  
1661 the fact that the official ceases to be that official before delivery of the notes.

1662 Sec. 613. Authorized delegation of authority.

1663 To the extent permitted by the District and federal laws, the Mayor may delegate to the  
1664 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act  
1665 authorized to be performed by the Mayor under this subtitle.



1666 Sec. 614. Maintenance of documents.

1667 Copies of the notes and related documents shall be filed in the Office of the Secretary.

1668 **SUBTITLE B. TRANS NOTES**

1669 Sec. 621. This subtitle may be cited as the “Fiscal Year 2020 Tax Revenue Anticipation  
1670 Notes Emergency Act of 2020”

1671 Sec. 622. Definitions.

1672 For the purposes of this subtitle, the term:

1673 (1) “Additional Notes” means District general obligation revenue anticipation  
1674 notes described in section 629 that may be issued pursuant to section 472 of the Home Rule Act  
1675 (D.C. Official Code § 1-204.72) and that will mature on or before September 30, 2020, on a  
1676 parity with the notes.

1677 (2) “Authorized delegate” means the City Administrator, the Chief Financial  
1678 Officer, or the Treasurer to whom the Mayor has delegated any of the Mayor’s functions under  
1679 this subtitle pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

1680 (3) “Available funds” means District funds required to be deposited with the  
1681 Escrow Agent, receipts, and other District funds that are not otherwise legally committed.

1682 (4) “Bond Counsel” means a firm or firms of attorneys designated  
1683 as bond counsel or co-bond counsel from time to time by the Chief Financial Officer.

1684 (5) “Chief Financial Officer” means the Chief Financial Officer established  
1685 pursuant to section 424(a)(1) of the Home Rule Act (D.C. Official Code § 1-204.24a(a)).

1686 (6) “City Administrator” means the City Administrator established pursuant to  
1687 section 422(7) of the Home Rule Act (D.C. Official Code § 1-204.22(7)).

1688 (7) “Council” means the Council of the District of Columbia.

1689 (8) "District" means the District of Columbia.

1690 (9) "Escrow Agent" means any bank, trust company, or national banking  
1691 association with requisite trust powers designated to serve in this capacity by the Chief Financial  
1692 Officer.

1693 (10) "Escrow Agreement" means the escrow agreement between the District and  
1694 the Escrow Agent authorized in section 627.

1695 (11) "Home Rule Act" means the District of Columbia Home Rule Act, approved  
1696 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*)

1697 (12) "Mayor" means the Mayor of the District of Columbia.

1698 (13) "Notes" means one or more series of District general obligation  
1699 revenue anticipation notes authorized to be issued pursuant to this subtitle.

1700 (14) "Receipts" means all funds received by the District from any source,  
1701 including, but not limited to, taxes, fees, charges, miscellaneous receipts, and any moneys  
1702 advanced, loaned, or otherwise provided to the District by the United States Treasury, less funds  
1703 that are pledged to debt or other obligations according to section 629 or that are restricted by law  
1704 to uses other than payment of principal of, and interest on, the notes.

1705 (15) "Secretary" means the Secretary of State of the District of Columbia.

1706 (16) "Treasurer" means the District of Columbia Treasurer established pursuant to  
1707 section 424(a)(3)(E) of the Home Rule Act (D.C. Official Code § 1-204.24a(c)(5)).

1708 Sec. 623. Findings.

1709 The Council finds that:

1710 (1) Under section 472 of the Home Rule Act (D.C. Official Code § 1-204.72), the  
1711 Council may authorize, by act, 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 (D.C. Official Code § 1-204.72) 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 (D.C. Official Code § 1-204.72), 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 (D.C. Official Code § 1-204.82), 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 (D.C. Official Code § 1-204.83), 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.

1735           Sec. 624. Note authorization.

1736           (a) The District is authorized to incur indebtedness by issuing the notes pursuant to  
1737 sections 472 and 482 of the Home Rule Act (D.C. Official Code §§ 1-204.72 and 1-204.82), in  
1738 one or more series, in a sum not to exceed \$200 million, to finance its general governmental  
1739 expenses, including operating or capital expenses, in anticipation of the collection or receipt of  
1740 revenues for the fiscal year ending September 30, 2020.

1741           (b) The Chief Financial Officer is authorized to pay from the proceeds of the notes the  
1742 costs and expenses of issuing and delivering the notes, including, but not limited to,  
1743 underwriting, legal, accounting, financial advisory, note insurance or other credit enhancement,  
1744 marketing and selling the notes, interest or credit fees, and printing costs and expenses.

1745           Sec. 625. Note details.

1746           (a) The notes shall be known as “District of Columbia Fiscal Year 2020 General  
1747 Obligation Tax Revenue Anticipation Notes” and shall be due and payable, as to both principal  
1748 and interest, on or before September 30, 2020.

1749           (b) The Chief Financial Officer is authorized to take any action necessary or appropriate  
1750 in accordance with this subtitle in connection with the preparation, execution, issuance, sale,  
1751 delivery, security for, and payment of the notes, including, but not limited to, determinations of:

1752                   (1) The final form, content, designation, and terms of the notes, including  
1753 any redemptions applicable thereto and a determination that the notes may be issued in book-  
1754 entry form;

1755                   (2) Provisions for the transfer and exchange of the notes;

1756                   (3) The principal amount of the notes to be issued;

1757 (4) The rate or rates of interest or the method of determining the rate or rates of  
1758 interest on the notes; provided, that the interest rate or rates borne by the notes of any series shall  
1759 not exceed in the aggregate 10% per year calculated on the basis of a 365-day year (actual days  
1760 elapsed); provided, further, that if the notes are not paid at maturity, the notes may provide for an  
1761 interest rate or rates after maturity not to exceed in the aggregate 15% per year calculated on the  
1762 basis of a 365-day year (actual days elapsed);

1763 (5) The date or dates of issuance, sale, and delivery of the notes;

1764 (6) The place or places of payment of principal of, and interest on, the notes;

1765 (7) The designation of a registrar, if appropriate, for any series of the notes, and  
1766 the execution and delivery of any necessary agreements relating to the designation;

1767 (8) The designation of paying agent(s) or escrow agent(s) for any series of the  
1768 notes, and the execution and delivery of any necessary agreements relating to such designations;  
1769 and

1770 (9) Provisions concerning the replacement of mutilated, lost, stolen or destroyed  
1771 notes.

1772 (c) The notes shall be executed in the name of the District and on its behalf by the manual  
1773 or facsimile signature of the Mayor or an authorized delegate. The official seal of the District or  
1774 a facsimile of it shall be impressed, printed, or otherwise reproduced on the notes. If a registrar is  
1775 designated, the registrar shall authenticate each note by manual signature and maintain the books  
1776 of registration for the payment of the principal of and interest on the notes and perform other  
1777 ministerial responsibilities as specifically provided in its designation as registrar.

1778 (d) The notes may be issued at any time or from time to time in one or more  
1779 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;

1802                   (4) The provision for securing the repayment of the notes by a letter or line of  
1803 credit or other form of credit enhancement, and the repayment of advances under any such credit  
1804 enhancement, including the evidencing of such a repayment obligation with a negotiable  
1805 instrument with such terms as the Chief Financial Officer shall determine; or

1806                   (5) The execution, delivery, and performance of the Escrow Agreement, a  
1807 purchase contract, or a bid form for the notes, a paying agent agreement, or an agreement  
1808 relating to credit enhancement, if any, including any amendments of any of these agreements,  
1809 documents, or instruments.

1810               (d) The notes shall not be issued until the Chief Financial Officer receives an approving  
1811 opinion of Bond Counsel as to the validity of the notes and the exemption from the District  
1812 income taxation of the interest on the notes (except estate, inheritance and gift taxes) and, if  
1813 issued tax-exempt, the establishment or preservation of the exclusion from gross income for  
1814 federal income tax purposes of the interest on the notes.

1815               (e) The Chief Financial Officer shall execute a note issuance certificate evidencing the  
1816 determinations and other actions taken by the Chief Financial Officer for each issue or series of  
1817 the notes issued and shall designate in the note issuance certificate the date of the notes, the  
1818 series designation, the aggregate principal amount to be issued, the authorized denominations of  
1819 the notes, the sale price, and the interest rate or rates on the notes. The Mayor shall certify in a  
1820 separate certificate, not more than 15 days before each original issuance of a series, the total  
1821 anticipated revenue of the District for the fiscal year ending September 30, 2020, and that the  
1822 total amount of all general obligation revenue anticipation notes issued and outstanding at any  
1823 time during the fiscal year will not exceed 20% of the total anticipated revenue of the District for  
1824 the fiscal year. These certificates shall be delivered at the time of delivery of the notes and shall

1825 be conclusive evidence of the actions taken as stated in the certificates. A copy of each of the  
1826 certificates shall be filed with the Secretary to the Council not more than 3 days after the delivery  
1827 of the notes covered by the certificates.

1828         Sec. 627. Payment and security.

1829         (a) The full faith and credit of the District is pledged for the payment of the principal of,  
1830 and interest on, the notes when due.

1831         (b) The funds for the payment of the notes as described in this subtitle shall be  
1832 irrevocably deposited with the Escrow Agent pursuant to the Escrow Agreement. The funds shall  
1833 be used for the payment of the principal of, and interest on, the notes when due, and shall not be  
1834 used for other purposes so long as the notes are outstanding and unpaid.

1835         (c) The notes shall be payable from available funds of the District, including, but not  
1836 limited to, any moneys advanced, loaned, or otherwise provided to the District by the United  
1837 States Treasury, and shall evidence continuing obligations of the District until paid in accordance  
1838 with their terms.

1839         (d) The Chief Financial Officer may, without regard to any act or resolution of the  
1840 Council now existing or adopted after the effective date of this subtitle, designate an Escrow  
1841 Agent under the Escrow Agreement. The Chief Financial Officer may execute and deliver the  
1842 Escrow Agreement, on behalf of the District and in the Chief Financial Officer's official  
1843 capacity, containing the terms that the Chief Financial Officer considers necessary or appropriate  
1844 to carry out the purposes of this subtitle. A special account entitled "Special Escrow for Payment  
1845 of District of Columbia Fiscal Year 2020 General Obligation Tax Revenue Anticipation Notes"  
1846 is created and shall be maintained by the Escrow Agent for the benefit of the owners of the notes  
1847 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 (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90)), 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

1871 481(a) of the Home Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to  
1872 particular purposes pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-  
1873 204.90)).

1874 (3) The District covenants that it shall levy, maintain, or enact taxes due and  
1875 payable during August 1, 2020, through September 30, 2020, to provide for payment in full of  
1876 the principal of, and interest on, the notes when due. The taxes referred to in this paragraph shall  
1877 be separate from special taxes or charges levied pursuant to section 481(a) of the Home Rule Act  
1878 (D.C. Official Code § 1-204.81(a)), or taxes, if any, dedicated to particular purposes pursuant to  
1879 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

1880 (g) Before the 16th day of each month, beginning in August 2020, the Chief Financial  
1881 Officer shall review the current monthly cash flow projections of the District, and if the Chief  
1882 Financial Officer determines that the aggregate amount of principal and interest payable at  
1883 maturity on the notes then outstanding, less any amounts and investment income on deposit  
1884 under the Escrow Agreement, equals or exceeds 85% of the receipts estimated by the Chief  
1885 Financial Officer to be received after such date by the District but before the maturity of the  
1886 notes, then the Chief Financial Officer shall promptly, upon receipt by the District, set aside and  
1887 deposit with the Escrow Agent the receipts received by the District on and after that date until  
1888 the aggregate amount, including investment income, on deposit with the Escrow Agent equals or  
1889 exceeds 100% of the aggregate amount of principal of and interest on the notes payable at their  
1890 maturity.

1891 (h) The Chief Financial Officer shall, in the full exercise of the authority granted the  
1892 Chief Financial Officer under the Home Rule Act and under any other law, take actions as may  
1893 be necessary or appropriate to ensure that the principal of and interest on the notes are paid when

1894 due, including, but not limited to, seeking an advance or loan of moneys from the United States  
1895 Treasury if available under then current law. This action shall include, without limitation, the  
1896 deposit of available funds with the Escrow Agent as may be required under section 483 of the  
1897 Home Rule Act (D.C. Official Code § 1-204.83), this subtitle, and the Escrow Agreement.  
1898 Without limiting any obligations under this subtitle or the Escrow Agreement, the Chief  
1899 Financial Officer reserves the right to deposit available funds with the Escrow Agent at his or her  
1900 discretion.

1901 (i) There are provided and approved for expenditure sums as may be necessary  
1902 for making payments of the principal of, and interest on, the notes, and the provisions of the  
1903 Fiscal Year 2020 Local Budget Act, if enacted prior to the effective date of this subtitle, relating  
1904 to borrowings are amended and supplemented accordingly by this section, as contemplated in  
1905 section 483 of the Home Rule Act (D.C. Official Code § 1-204.83)).

1906 (j) The notes shall be payable, as to both principal and interest, in lawful money of the  
1907 United States of America in immediately available or same day funds at a bank or trust company  
1908 acting as paying agent, and at not more than 2 co-paying agents that may be located outside the  
1909 District. All of the paying agents shall be qualified to act as paying agents under the laws of the  
1910 United States of America, of the District, or of the state in which they are located, and shall be  
1911 designated by the Chief Financial Officer without regard to any other act or resolution of the  
1912 Council now existing or adopted after the effective date of this subtitle.

1913 (k) In addition to the security available for the holders of the notes, the Chief Financial  
1914 Officer is hereby authorized to enter into agreements, including any agreement calling for  
1915 payments in excess of \$1 million during fiscal year 2020, with a bank or other financial  
1916 institution to provide a letter of credit, line of credit, or other form of credit enhancement to

1917 secure repayment of the notes when due. The obligation of the District to reimburse the bank or  
1918 financial institution for any advances made under any such credit enhancement shall be a general  
1919 obligation of the District until repaid and shall accrue interest at the rate of interest established by  
1920 the Chief Financial Officer not in excess of 15% per year until paid.

1921 (l) The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-  
1922 371; D.C. Official Code § 2-351.01 *et seq.*), and the Financial Institutions Deposit and  
1923 Investment Amendment Act of 1997, effective March 18, 1998 (D.C. Law 12-56; D.C. Official  
1924 Code § 47-351.01 *et seq.*), shall not apply to any contract which the Chief Financial Officer may  
1925 from time to time determine to be necessary or appropriate to place, in whole or in part,  
1926 including:

1927 (1) An investment or obligation of the District as represented by the notes;  
1928 (2) An investment or obligation or program of investment; or  
1929 (3) A contract or contracts based on the interest rate, currency, cash flow, or other  
1930 basis as the Chief Financial Officer may desire, including, without limitation, interest rate swap  
1931 agreements; currency swap agreements; insurance agreements; forward payment conversion  
1932 agreements; futures; contracts providing for payments based on levels of, or changes in, interest  
1933 rates, currency exchange rates, or stock or other indices; contracts to exchange cash flows or a  
1934 series of payments; and contracts to hedge payment, currency, rate, spread, or similar exposure,  
1935 including, without limitation, interest rate floors, or caps, options, puts, and calls. The contracts  
1936 or other arrangements also may be entered into by the District in connection with, or incidental  
1937 to, entering into or maintaining any agreement that secures the notes. The contracts or other  
1938 arrangements shall contain whatever payment, security, terms, and conditions as the Chief  
1939 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.

1962           (b) The defeasance escrow agent shall not invest the defeasance escrow account in any  
1963 investment callable at the option of its issuer if the call could result in less than sufficient moneys  
1964 being available for the purposes required by this section.

1965           (c) The moneys and direct obligations referred to in subsection (a)(1) of this section may  
1966 include moneys or direct obligations of the United States of America held under the Escrow  
1967 Agreement and transferred, at the written direction of the Chief Financial Officer, to the  
1968 defeasance escrow account.

1969           (d) The defeasance escrow account specified in subsection (a) of this section may be  
1970 established and maintained without regard to any limitations placed on these accounts by any act  
1971 or resolution of the Council now existing or adopted after this subtitle becomes effective, except  
1972 for this subtitle.

1973           Sec. 629. Additional debt and other obligations.

1974           (a) The District reserves the right at any time to: borrow money or enter into  
1975 other obligations to the full extent permitted by law; secure the borrowings or obligations by the  
1976 pledge of its full faith and credit; secure the borrowings or obligations by any other security and  
1977 pledges of funds as may be authorized by law; and issue bonds, notes, including Additional  
1978 Notes, or other instruments to evidence the borrowings or obligations.

1979           (b) (1) The District may issue Additional Notes pursuant to section 472 of the Home Rule  
1980 Act (D.C. Official Code § 1-204.72) that shall mature on or before September 30, 2020, and the  
1981 District shall covenant to set aside and deposit under the Escrow Agreement, receipts and other  
1982 available funds for payment of the principal of, and the interest on, the Additional Notes issued  
1983 pursuant to section 472 of the Home Rule Act (D.C. Official Code § 1-204.72) on a parity basis  
1984 with the notes.

1985                   (2) The receipts and available funds referred to in subsection (a) of this section  
1986 shall be separate from the special taxes or charges levied pursuant to section 481(a) of the Home  
1987 Rule Act (D.C. Official Code § 1-204.81(a)), and taxes, if any, dedicated to particular purposes  
1988 pursuant to section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

1989                   (3) Any covenants relating to any Additional Notes shall have equal standing and  
1990 be on a parity with the covenants made for payment of the principal of, and the interest on, the  
1991 notes.

1992                   (4) If Additional Notes are issued pursuant to section 472 of the Home Rule Act  
1993 (D.C. Official Code § 1-204.72), the provisions of section 627 shall apply to both the notes and  
1994 the Additional Notes and increase the amounts required to be set aside and deposited with the  
1995 Escrow Agent.

1996                   (5) As a condition precedent to the issuance of any Additional Notes, the Chief  
1997 Financial Officer shall deliver a signed certificate certifying that the District is in full compliance  
1998 with all covenants and obligations under this subtitle and the Escrow Agreement, that no set-  
1999 aside and deposit of receipts pursuant to section 627(g) applied as of the date of issuance is  
2000 required, and that no set-aside and deposit will be required under section 627(g) applied  
2001 immediately after the issuance.

2002                   Sec. 630. Tax matters.

2003                   At the full discretion of the Chief Financial Officer, the notes authorized by this subtitle  
2004 may be issued as federally taxable or tax-exempt. If issued as tax-exempt, the Chief Financial  
2005 Officer shall take all actions necessary to be taken so that the interest on the notes will not be  
2006 includable in gross income for federal income tax purposes.

2007                   Sec. 631. Contract.

2008           This subtitle shall constitute a contract between the District and the owners of the notes  
2009 authorized by this subtitle. To the extent that any acts or resolutions of the Council may be in  
2010 conflict with this subtitle, this subtitle shall be controlling.

2011           Sec. 632. District officials.

2012           (a) The elected or appointed officials, officers, employees, or agents of the District shall  
2013 not be liable personally for the payment of the notes or be subject to any personal liability by  
2014 reason of the issuance of the notes.

2015           (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
2016 any official appearing on the notes shall be valid and sufficient for all purposes, notwithstanding  
2017 the fact that the official ceases to be that official before delivery of the notes.

2018           Sec. 633. Authorized delegation of authority.

2019           To the extent permitted by the District and federal laws, the Mayor may delegate to the  
2020 City Administrator, the Chief Financial Officer, or the Treasurer the performance of any act  
2021 authorized to be performed by the Mayor under this subtitle.

2022           Sec. 634. Maintenance of documents.

2023           Copies of the notes and related documents shall be filed in the Office of the Secretary.

2024           **TITLE VII. REVENUE BONDS**

2025           **SUBTITLE A. STUDIO THEATER, INC.**

2026           Sec. 701. This subtitle may be cited as the “The Studio Theatre, Inc. Revenue Bonds  
2027 Project Emergency Approval Act of 2020”.

2028           Sec. 702. Definitions.

2029           For the purposes of this subtitle the term:



2030                   (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning  
2031   and Economic Development, or any officer or employee of the Executive Office of the Mayor to  
2032   whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of  
2033   the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.  
2034   Official Code § 422(6)).

2035                   (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
2036   counsel from time to time by the Mayor.

2037                   (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
2038   obligations (including refunding bonds, notes, and other obligations), in one or more series,  
2039   authorized to be issued pursuant to this subtitle.

2040                   (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed  
2041   with proceeds from the Bonds, which shall be The Studio Theatre, Inc., a non-profit corporation  
2042   organized under the laws of the District of Columbia, which is exempt from federal income taxes  
2043   under section 501(a) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A  
2044   Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section 501(c)(3) of the Internal  
2045   Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)), and  
2046   which is liable for the repayment of the Bonds.

2047                   (5) “Chairman” means the Chairman of the Council of the District of Columbia.

2048                   (6) “Closing Documents” means all documents and agreements, other than  
2049   Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the  
2050   Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,  
2051   receipts, and other similar instruments.

2052                   (7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) “Loan” means the District’s lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing, or reimbursing of all or a portion of the Borrower’s costs of:

2075 (A) Renovating and expanding by approximately 2,780 gross square feet  
2076 the Borrower's mixed-use theater complex located at 1501 14th Street, N.W. in Washington,  
2077 D.C. (Square 241, Lot 0128), currently comprising approximately 53,532 gross square feet of  
2078 above grade improvements (the "Theater Facility");

2079 (B) Renovating certain residential facilities in Washington, D.C., owned  
2080 by the Borrower and used as artist housing, located at 1630 Corcoran Street, N.W. (Square 0179,  
2081 Lot 0094), 1736 Corcoran Street, N.W. (Square 0155, Lot 0208), 1437 Clifton Street, N.W.  
2082 (Square 2664, Lot 0058); and Condominium Units 317, 409, 419 and 820 at 1718 P Street, N.W.  
2083 (Square 0157, Lots 2061, 2073, 2083 and 2164) (collectively, the "Ancillary Facilities" and  
2084 together with the Theater Facility, the "Facilities");

2085 (C) Purchasing certain equipment and furnishings, together with other  
2086 property, real and personal, functionally related and subordinate to the Facilities;

2087 (D) Funding certain expenditures associated with the financing of the  
2088 Facilities, to the extent permissible, including, credit enhancement costs, liquidity costs, debt  
2089 service reserve fund or working capital; and

2090 (E) Paying costs of issuance and other related costs, to the extent  
2091 permissible.

2092 Sec. 703. Findings.

2093 The Council finds that:

2094 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
2095 that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
2096 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
2097 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the

2098 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)  
2099 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly  
2100 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by  
2101 the purchase, lease, or sale of any property.

2102 (2) The Borrower has requested the District to issue, sell, and deliver revenue  
2103 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not  
2104 to exceed \$12,500,000, and to make the Loan for the purpose of financing, refinancing, or  
2105 reimbursing costs of the Project.

2106 (3) The Facilities are located in the District and will contribute to the health,  
2107 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the  
2108 District, or to economic development of the District.

2109 (4) The Project is an undertaking in the area of capital projects in the form of  
2110 facilities used for the Borrower's operations and, in part, as a venue to produce contemporary  
2111 theater and serve the community through artistic innovation, engagement, education and  
2112 professional development (and property used in connection with or supplementing the  
2113 foregoing), within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-  
2114 204.90).

2115 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to  
2116 the Borrower are desirable, are in the public interest, will promote the purpose and intent of  
2117 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

2118 Sec. 704. Bond authorization.

2119 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
2120 financing, refinancing or reimbursing the costs of the Project by:

2121                   (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an  
2122 aggregate principal amount not to exceed \$12,500,000; and

2123                   (2) The making of the Loan.

2124           (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
2125 financing, refinancing or reimbursing the costs of the Project and establishing any fund with  
2126 respect to the Bonds as required by the Financing Documents.

2127           (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,  
2128 an amount sufficient to cover costs and expenses incurred by the District in connection with the  
2129 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
2130 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
2131 with the District, and maintaining official records of each bond transaction, and assisting in the  
2132 redemption, repurchase, and remarketing of the Bonds.

2133           Sec. 705. Bond details.

2134           (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably  
2135 necessary or appropriate in accordance with this subtitle in connection with the preparation,  
2136 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,  
2137 including, but not limited to, determinations of:

2138                   (1) The final form, content, designation, and terms of the Bonds, including a  
2139 determination that the Bonds may be issued in certificated or book-entry form;

2140                   (2) The principal amount of the Bonds to be issued and denominations of the  
2141 Bonds;

2142                   (3) The rate or rates of interest or the method for determining the rate or rates of  
2143 interest on the Bonds;

2144 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
2145 on, the Bonds, and the maturity date or dates of the Bonds;

2146 (5) The terms under which the Bonds may be paid, optionally or mandatorily  
2147 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
2148 their respective stated maturities;

2149 (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
2150 replacement of mutilated, lost, stolen, or destroyed Bonds;

2151 (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
2152 the Bonds;

2153 (8) The time and place of payment of the Bonds;

2154 (9) Procedures for monitoring the use of the proceeds received from the sale of  
2155 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
2156 the purposes of the Home Rule Act and this subtitle;

2157 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
2158 jurisdiction where the Bonds are marketed; and

2159 (11) The terms and types of credit enhancement under which the Bonds may be  
2160 secured.

2161 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
2162 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
2163 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
2164 District, and do not constitute lending of the public credit for private undertakings as prohibited  
2165 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2166 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
2167 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of  
2168 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The  
2169 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
2170 approval, on behalf of the District, of the final form and content of the Bonds.

2171 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
2172 otherwise reproduced on the Bonds.

2173 (e) The Bonds of any series may be issued in accordance with the terms of a trust  
2174 instrument to be entered into by the District and a trustee to be selected by the Borrower subject  
2175 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered  
2176 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-  
2177 204.90(a)(4)).

2178 (f) The Bonds may be issued at any time or from time to time in one or more issues and  
2179 in one or more series.

2180 Sec. 706. Sale of the Bonds.

2181 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
2182 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in  
2183 the best interest of the District.

2184 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of  
2185 the Bonds, offering documents on behalf of the District, may deem final any such offering  
2186 document on behalf of the District for purposes of compliance with federal laws and regulations  
2187 governing such matters and may authorize the distribution of the documents in connection with  
2188 the sale of the Bonds.

2189 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
2190 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
2191 the original purchasers of the Bonds upon payment of the purchase price.

2192 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from  
2193 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is  
2194 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds  
2195 for purposes of federal income taxation.

2196 Sec. 707. Payment and security.

2197 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
2198 from proceeds received from the sale of the Bonds, income realized from the temporary  
2199 investment of those proceeds, receipts and revenues realized by the District from the Loan,  
2200 income realized from the temporary investment of those receipts and revenues prior to payment  
2201 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made  
2202 available to the District for the payment of the Bonds, and other sources of payment (other than  
2203 from the District), all as provided for in the Financing Documents.

2204 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and  
2205 by an assignment by the District for the benefit of the Bond owners of certain of its rights under  
2206 the Financing Documents and Closing Documents, including a security interest in certain  
2207 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

2208 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from  
2209 the sale of the Bonds pursuant to the Financing Documents.

2210 Sec. 708. Financing and Closing Documents.



2211 (a) The Mayor is authorized to prescribe the final form and content of all Financing  
2212 Documents and all Closing Documents to which the District is a party that may be necessary or  
2213 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of  
2214 the Financing Documents and each of the Closing Documents to which the District is not a party  
2215 shall be approved, as to form and content, by the Mayor.

2216 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the  
2217 Financing Documents and any Closing Documents to which the District is a party by the  
2218 Mayor's manual or facsimile signature.

2219 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,  
2220 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to  
2221 which the District is a party.

2222 (d) The Mayor's execution and delivery of the Financing Documents and the Closing  
2223 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's  
2224 approval, on behalf of the District, of the final form and content of the executed Financing  
2225 Documents and the executed Closing Documents.

2226 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and  
2227 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,  
2228 and delivery of the Bonds, and to ensure the due performance of the obligations of the District  
2229 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

2230 Sec. 709. Authorized delegation of authority.

2231 To the extent permitted by District and federal laws, the Mayor may delegate to any  
2232 Authorized Delegate the performance of any function authorized to be performed by the Mayor  
2233 under this subtitle.

2234           Sec. 710. Limited liability.

2235           (a) The Bonds shall be special obligations of the District. The Bonds shall be without  
2236 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a  
2237 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a  
2238 debt of the District, and shall not constitute lending of the public credit for private undertakings  
2239 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2240           (b) The Bonds shall not give rise to any pecuniary liability of the District and the District  
2241 shall have no obligation with respect to the purchase of the Bonds.

2242           (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing  
2243 Documents shall create an obligation on the part of the District to make payments with respect to  
2244 the Bonds from sources other than those listed for that purpose in section 707.

2245           (d) The District shall have no liability for the payment of any Issuance Costs or for any  
2246 transaction or event to be effected by the Financing Documents.

2247           (e) All covenants, obligations, and agreements of the District contained in this subtitle,  
2248 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing  
2249 Documents to which the District is a party, shall be considered to be the covenants, obligations,  
2250 and agreements of the District to the fullest extent authorized by law, and each of those  
2251 covenants, obligations, and agreements shall be binding upon the District, subject to the  
2252 limitations set forth in this subtitle.

2253           (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have  
2254 any claims against the District or any of its elected or appointed officials, officers, employees, or  
2255 agents for monetary damages suffered as a result of the failure of the District or any of its elected  
2256 or appointed officials, officers, employees or agents to either perform any covenant, undertaking,

2257 or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing  
2258 Documents, or as a result of the incorrectness of any representation in or omission from the  
2259 Financing Documents or the Closing Documents, unless the District or its elected or appointed  
2260 officials, officers, employees, or agents have acted in a willful and fraudulent manner.

2261       Sec. 711. District officials.

2262       (a) Except as otherwise provided in section 710(f), the elected or appointed officials,  
2263 officers, employees, or agents of the District shall not be liable personally for the payment of the  
2264 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the  
2265 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the  
2266 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing  
2267 Documents.

2268       (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
2269 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall  
2270 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory  
2271 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
2272 Documents.

2273       Sec.712. Maintenance of documents.

2274       Copies of the specimen Bonds and of the final Financing Documents and Closing  
2275 Documents shall be filed in the Office of the Secretary of the District of Columbia.

2276       Sec.713. Information reporting.

2277       Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
2278 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
2279 Council.

2280           Sec. 714. Disclaimer.

2281           (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this  
2282 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as  
2283 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or  
2284 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the  
2285 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief  
2286 against the District, its elected or appointed officials, officers, employees, or agents as a  
2287 consequence of any failure to issue any Bonds for the benefit of the Borrower.

2288           (b) The District reserves the right to issue the Bonds in the order or priority it determines  
2289 in its sole and absolute discretion. The District gives no assurance and makes no representations  
2290 that any portion of any limited amount of bonds or other obligations, the interest on which is  
2291 excludable from gross income for federal income tax purposes, will be reserved or will be  
2292 available at the time of the proposed issuance of the Bonds.

2293           (c) The District, by enacting this subtitle or by taking any other action in connection with  
2294 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that  
2295 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on  
2296 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the  
2297 Bonds, nor any other person shall rely upon the District with respect to these matters.

2298           Sec. 715. Expiration.

2299           If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of  
2300 the effective date of this act, the authorization provided in this subtitle with respect to the  
2301 issuance, sale, and delivery of the Bonds shall expire.

2302           Sec. 716. Severability.

2303           If any particular provision of this subtitle or the application thereof to any person or  
2304   circumstance is held invalid, the remainder of this subtitle and the application of such provision  
2305   to other persons or circumstances shall not be affected thereby. If any action or inaction  
2306   contemplated under this subtitle is determined to be contrary to the requirements of applicable  
2307   law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and  
2308   the validity of the Bonds shall not be adversely affected.

2309

2310           **SUBTITLE B. DC SCHOLARS PUBLIC CHARTER SCHOOL, INC.**

2311           Sec. 721. This subtitle may be cited as the “DC Scholars Public Charter School, Inc.  
2312   Revenue Bonds Project Emergency Approval Resolution of 2020”.

2313           Sec. 722. Definitions.

2314           For the purpose of this subtitle, the term:

2315                   (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning  
2316   and Economic Development, or any officer or employee of the Executive Office of the Mayor to  
2317   whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of  
2318   the Mayor’s functions under this subtitle pursuant to section 422(6) of the Home Rule Act (D.C.  
2319   Official Code § 1-204.22(6)).

2320                   (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
2321   counsel from time to time by the Mayor.

2322                   (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
2323   obligations (including refunding bonds, notes, and other obligations), in one or more series,  
2324   authorized to be issued pursuant to this subtitle.

2325 (4) “Borrower” means the owner, operator, manager and user of the assets  
2326 financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be DC Scholars  
2327 Public Charter School, Inc., a corporation organized under the laws of the District of Columbia,  
2328 and exempt from federal income taxes under section 501(a) of the Internal Revenue Code of  
2329 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C § 501(a)), as an organization  
2330 described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954  
2331 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

2332 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

2333 (6) “Closing Documents” means all documents and agreements other than  
2334 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds  
2335 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,  
2336 opinions, forms, receipts, and other similar instruments.

2337 (7) “District” means the District of Columbia.

2338 (8) “Financing Documents” means the documents other than Closing Documents  
2339 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,  
2340 and delivery of the Bonds and the making of the Loan, including any offering document, and any  
2341 required supplements to any such documents.

2342 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
2343 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

2344 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or  
2345 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery  
2346 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,  
2347 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection

2348 with the development and implementation of the Financing Documents, the Closing Documents,  
2349 and those other documents necessary or appropriate in connection with the authorization,  
2350 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the  
2351 Loan contemplated thereby, together with financing fees, costs, and expenses, including program  
2352 fees and administrative fees charged by the District, fees paid to financial institutions and  
2353 insurance companies, initial letter of credit fees (if any), compensation to financial advisors and  
2354 other persons (other than full-time employees of the District) and entities performing services on  
2355 behalf of or as agents for the District.

2356 (11) "Loan" means the District's lending of proceeds from the sale, in one or  
2357 more series, of the Bonds to the Borrower.

2358 (12) "Project" means the financing, refinancing or reimbursing of all or a portion  
2359 of the Borrower's costs of:

2360 (A) Financing the acquisition of a leasehold interest in an existing  
2361 school facility located at 5601 East Capitol Street, S.E., Washington, D.C. 20019 (the  
2362 "Facility"), which Facility will be operated by the Borrower;

2363 (B) Refinancing the outstanding amount of existing taxable loans  
2364 and related expenses, the proceeds of which were used to finance improvements to the Facility;

2365 (C) Funding a debt service reserve fund with respect to the Bonds,  
2366 if deemed necessary in connection with the sale of the Bonds;

2367 (D) Paying capitalized interest with respect to the Bonds, if  
2368 deemed necessary in connection with the sale of the Bonds; and

2369 (E) Paying allowable Issuance Costs.

2370 Sec. 723. Findings.

2371           The Council finds that:

2372                   (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
2373   that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
2374   obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
2375   refinance, or reimburse, and to assist in the financing, refinancing, or reimbursing of  
2376   undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90), and may  
2377   effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any  
2378   individual or legal entity, by the purchase of any mortgage, note, or other security, or by the  
2379   purchase, lease, or sale of any property.

2380                   (2) The Borrower has requested the District to issue, sell, and deliver revenue  
2381   bonds, in one or more series, in the aggregate principal amount not to exceed \$16,000,000, and  
2382   to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

2383                   (3) The Project is located in the District and will contribute to the health,  
2384   education, safety, or welfare of, or the creation or preservation of jobs for, residents of the  
2385   District, or to economic development of the District.

2386                   (4) The Project is an undertaking in the area of elementary, secondary, and  
2387   college and university facilities within the meaning of section 490 of the Home Rule Act (D.C.  
2388   Official Code § 1-204.90).

2389                   (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to  
2390   the Borrower are desirable, are in the public interest, will promote the purpose and intent of  
2391   section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

2392           Sec. 724. Bond authorization.



2393 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
2394 financing, refinancing, or reimbursing the costs of the Project by:

2395 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the  
2396 aggregate principal amount not to exceed \$16,000,000; and

2397 (2) The making of the Loan.

2398 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
2399 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with  
2400 respect to the Bonds as required by the Financing Documents.

2401 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,  
2402 an amount sufficient to cover costs and expenses incurred by the District in connection with the  
2403 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
2404 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
2405 with the District, and maintaining official records of each bond transaction and assisting in the  
2406 redemption, repurchase, and remarketing of the Bonds.

2407 Sec. 725. Bond details.

2408 (a) The Mayor is authorized to take any action reasonably necessary or appropriate in  
2409 accordance with this subtitle in connection with the preparation, execution, issuance, sale,  
2410 delivery, security for, and payment of the Bonds of each series, including, but not limited to,  
2411 determinations of:

2412 (1) The final form, content, designation, and terms of the Bonds, including a  
2413 determination that the Bonds may be issued in certificated or book-entry form;

2414 (2) The principal amount of the Bonds to be issued and denominations of the  
2415 Bonds;

2416 (3) The rate or rates of interest or the method for determining the rate or rates of  
2417 interest on the Bonds;

2418 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
2419 on the Bonds, and the maturity date or dates of the Bonds;

2420 (5) The terms under which the Bonds may be paid, optionally or mandatorily  
2421 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
2422 their respective stated maturities;

2423 (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
2424 replacement of mutilated, lost, stolen, or destroyed Bonds;

2425 (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
2426 the Bonds;

2427 (8) The time and place of payment of the Bonds;

2428 (9) Procedures for monitoring the use of the proceeds received from the sale of  
2429 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
2430 the purposes of the Home Rule Act and this subtitle;

2431 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
2432 jurisdiction where the Bonds are marketed; and

2433 (11) The terms and types of credit enhancement under which the Bonds may be  
2434 secured.

2435 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
2436 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
2437 involve the faith and credit or the taxing power of the District, do not constitute a debt of the

2438 District, and do not constitute lending of the public credit for private undertakings as prohibited  
2439 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2440 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
2441 manual or facsimile signature of the Mayor and attested by the Secretary of the District of  
2442 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The  
2443 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
2444 approval, on behalf of the District, of the final form and content of the Bonds.

2445 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
2446 otherwise reproduced on the Bonds.

2447 (e) The Bonds of any series may be issued in accordance with the terms of a trust  
2448 instrument to be entered into by the District and a trustee to be selected by the Borrower subject  
2449 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered  
2450 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-  
2451 204.90(a)(4)).

2452 (f) The Bonds may be issued at any time or from time to time in one or more issues and  
2453 in one or more series.

2454 Sec. 726. Sale of the Bonds.

2455 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
2456 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in  
2457 the best interest of the District.

2458 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of  
2459 the Bonds, offering documents on behalf of the District, may deem final any such offering  
2460 document on behalf of the District for purposes of compliance with federal laws and regulations

governing such matters, and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 727. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

2484           Sec. 728. Financing and Closing Documents.

2485           (a) The Mayor is authorized to prescribe the final form and content of all Financing  
2486 Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and  
2487 deliver the Bonds and to make the Loan to the Borrower.

2488           (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the  
2489 Financing Documents and any Closing Documents to which the District is a party by the  
2490 Mayor's manual or facsimile signature.

2491           (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,  
2492 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to  
2493 which the District is a party.

2494           (d) The Mayor's execution and delivery of the Financing Documents and the Closing  
2495 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's  
2496 approval, on behalf of the District, of the final form and content of the executed Financing  
2497 Documents and the executed Closing Documents.

2498           (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and  
2499 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,  
2500 and delivery of the Bonds, and to ensure the due performance of the obligations of the District  
2501 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

2502           Sec. 729. Authorized delegation of authority.

2503           To the extent permitted by District and federal laws, the Mayor may delegate to any  
2504 Authorized Delegate the performance of any function authorized to be performed by the Mayor  
2505 under this subtitle.

2506           Sec. 730. Limited liability.

2507 (a) The Bonds shall be special obligations of the District. The Bonds shall be without  
2508 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a  
2509 pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a  
2510 debt of the District, and shall not constitute lending of the public credit for private undertakings  
2511 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2512 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District  
2513 shall have no obligation with respect to the purchase of the Bonds.

2514 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing  
2515 Documents shall create an obligation on the part of the District to make payments with respect to  
2516 the Bonds from sources other than those listed for that purpose in section 727.

2517 (d) The District shall have no liability for the payment of any Issuance Costs or for any  
2518 transaction or event to be effected by the Financing Documents.

2519 (e) All covenants, obligations, and agreements of the District contained in this subtitle,  
2520 the Bonds, and the executed, sealed, and delivered Financing Documents and Closing  
2521 Documents to which the District is a party, shall be considered to be the covenants, obligations,  
2522 and agreements of the District to the fullest extent authorized by law, and each of those  
2523 covenants, obligations, and agreements shall be binding upon the District, subject to the  
2524 limitations set forth in this subtitle.

2525 (f) No person, including, but not limited to, the Borrower and any Bond owner, shall have  
2526 any claims against the District or any of its elected or appointed officials, officers, employees, or  
2527 agents for monetary damages suffered as a result of the failure of the District or any of its elected  
2528 or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or  
2529 obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents,

2530 nor as a result of the incorrectness of any representation in, or omission from, the Financing  
2531 Documents or the Closing Documents, unless the District or its elected or appointed officials,  
2532 officers, employees, or agents have acted in a willful and fraudulent manner.

2533           Sec. 731. District officials.

2534           (a) Except as otherwise provided in section 730(f), the elected or appointed officials,  
2535 officers, employees, or agents of the District shall not be liable personally for the payment of the  
2536 Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the  
2537 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the  
2538 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing  
2539 Documents.

2540           (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
2541 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall  
2542 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory  
2543 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
2544 Documents.

2545           Sec. 732. Maintenance of documents.

2546           Copies of the specimen Bonds and of the final Financing Documents and Closing  
2547 Documents shall be filed in the Office of the Secretary of the District of Columbia.

2548           Sec. 733. Information reporting.

2549           Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
2550 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
2551 Council.

2552           Sec. 734. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in, or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by enacting this subtitle or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

#### Sec. 735. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this act, the authorization provided in this subtitle with respect to the issuance, sale, and delivery of the Bonds shall expire.

#### Sec. 736. Severability.



If any particular provision of this subtitle, or the application thereof to any person or circumstance is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this subtitle is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing the Bonds, and the validity of the Bonds shall not be adversely affected.

#### **SUBTITLE C. WASHINGTON HOUSING CONSERVANCY.**

Sec. 741. This subtitle may be cited as the “Washington Housing Conservancy/WHC Park Pleasant LLC Revenue Bonds Project Approval Act of 2020”.

Sec. 742. Definitions.

For the purposes of this subtitle, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C. Official Code § 1-204.22(6)).

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

2597 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed  
2598 with proceeds from the Bonds, which shall be, individually or collectively, Washington Housing  
2599 Conservancy, a non-profit corporation organized under the laws of the District of Columbia,  
2600 and/or WHC Park Pleasant LLC, a District of Columbia limited liability company, the sole  
2601 member of which is the Washington Housing Conservancy, both of which are exempt from  
2602 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved  
2603 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as organizations described in section  
2604 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26  
2605 U.S.C. § 501(c)(3)), and which are, individually or collectively, as the case may be, liable for the  
2606 repayment of the Bonds.

2607 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

2608 (6) “Closing Documents” means all documents and agreements, other than  
2609 Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the  
2610 Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms,  
2611 receipts, and other similar instruments.

2612 (7) “District” means the District of Columbia.

2613 (8) “Financing Documents” means the documents, other than Closing Documents,  
2614 that relate to the financing, refinancing or reimbursement of transactions to be effected through  
2615 the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering  
2616 document, and any required supplements to any such documents.

2617 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
2618 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

2619                   (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or  
2620 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery  
2621 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,  
2622 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection  
2623 with the development and implementation of the Financing Documents, the Closing Documents,  
2624 and those other documents necessary or appropriate in connection with the authorization,  
2625 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the  
2626 Loan, together with financing fees, costs, and expenses, including program fees and  
2627 administrative fees charged by the District, fees paid to financial institutions and insurance  
2628 companies, initial letter of credit fees (if any), and compensation to financial advisors and other  
2629 persons (other than full-time employees of the District) and entities performing services on  
2630 behalf of or as agents for the District.

2631                   (11) “Loan” means the District’s lending of proceeds from the sale, in one or  
2632 more series, of the Bonds to the Borrower.

2633                   (12) “Project” means the financing, refinancing, or reimbursing of all or a portion  
2634 of the Borrower’s costs of:

2635                   (A) Acquiring and renovating real property, including a parcel of land  
2636 comprising approximately 2.042 acres improved with approximately 69,910 square feet of  
2637 residential rental property comprising 126 rental housing units and associated parking facilities  
2638 located in Washington, D.C., commonly known as Park Pleasant Apartments with street  
2639 addresses at 3339 Mt. Pleasant Street, N.W., 3360 Mt. Pleasant Street, N.W., 3354 Mt. Pleasant  
2640 Street, N.W., 3348 Mt. Pleasant Street, N.W., 3342 Mt. Pleasant Street, N.W., 3336 Mt. Pleasant  
2641 Street, N.W., 3351 Mt. Pleasant Street, N.W., 1331 Mt. Pleasant Street, N.W., 3327 Mt. Pleasant

2642 Street, N.W., 3323 Mt. Pleasant Street, N.W., and 1712 Newton Street, N.W. (collectively, the  
2643 “Facility”);

2644 (B) Purchasing certain equipment and furnishings, together with other  
2645 property, real and personal, functionally related and subordinate to the Facility;

2646 (C) Funding certain expenditures associated with the financing of the  
2647 Facility, to the extent permissible, including, credit enhancement costs, liquidity costs, debt  
2648 service reserve fund or working capital; and

2649 (D) Paying costs of issuance and other related costs, to the extent  
2650 permissible.

2651 Sec. 743. Findings.

2652 The Council finds that:

2653 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
2654 that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
2655 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
2656 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the  
2657 costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90)  
2658 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly  
2659 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by  
2660 the purchase, lease, or sale of any property.

2661 (2) The Borrower has requested the District to issue, sell, and deliver revenue  
2662 bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not  
2663 to exceed \$28,000,000, and to make the Loan for the purpose of financing, refinancing, or  
2664 reimbursing costs of the Project.

2665 (3) The Facility is located in the District and will contribute to the health,  
2666 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the  
2667 District, or to economic development of the District.

2668 (4) The Project is an undertaking in the area of housing, within the meaning of  
2669 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

2670 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to  
2671 the Borrower are desirable, are in the public interest, will promote the purpose and intent of  
2672 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

2673 Sec. 744. Bond authorization.

2674 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
2675 financing, refinancing or reimbursing the costs of the Project by:

2676 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an  
2677 aggregate principal amount not to exceed \$28,000,000; and

2678 (2) The making of the Loan.

2679 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
2680 financing, refinancing or reimbursing the costs of the Project and establishing any fund with  
2681 respect to the Bonds as required by the Financing Documents.

2682 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to,  
2683 an amount sufficient to cover costs and expenses incurred by the District in connection with the  
2684 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
2685 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
2686 with the District, and maintaining official records of each bond transaction, and assisting in the  
2687 redemption, repurchase, and remarketing of the Bonds.

2688           Sec. 745. Bond details.

2689           (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably  
2690 necessary or appropriate in accordance with this subtitle in connection with the preparation,  
2691 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,  
2692 including, but not limited to, determinations of:

2693                   (1) The final form, content, designation, and terms of the Bonds, including a  
2694 determination that the Bonds may be issued in certificated or book-entry form;

2695                   (2) The principal amount of the Bonds to be issued and denominations of the  
2696 Bonds;

2697                   (3) The rate or rates of interest or the method for determining the rate or rates of  
2698 interest on the Bonds;

2699                   (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
2700 on, the Bonds, and the maturity date or dates of the Bonds;

2701                   (5) The terms under which the Bonds may be paid, optionally or mandatorily  
2702 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
2703 their respective stated maturities;

2704                   (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
2705 replacement of mutilated, lost, stolen, or destroyed Bonds;

2706                   (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
2707 the Bonds;

2708                   (8) The time and place of payment of the Bonds;

2709                   (9) Procedures for monitoring the use of the proceeds received from the sale of  
2710 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
2711 the purposes of the Home Rule Act and this subtitle;

2712                   (10) Actions necessary to qualify the Bonds under blue sky laws of any  
2713 jurisdiction where the Bonds are marketed; and

2714                   (11) The terms and types of credit enhancement under which the Bonds may be  
2715 secured.

2716           (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
2717 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
2718 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
2719 District, and do not constitute lending of the public credit for private undertakings as prohibited  
2720 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2721           (c) The Bonds shall be executed in the name of the District and on its behalf by the  
2722 manual or facsimile signature of the Mayor, and attested by the Secretary of the District of  
2723 Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The  
2724 Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's  
2725 approval, on behalf of the District, of the final form and content of the Bonds.

2726           (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
2727 otherwise reproduced on the Bonds.

2728           (e) The Bonds of any series may be issued in accordance with the terms of a trust  
2729 instrument to be entered into by the District and a trustee to be selected by the Borrower subject  
2730 to the approval of the Mayor, and may be subject to the terms of one or more agreements entered

2731 into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-  
2732 204.90(a)(4)).

2733 (f) The Bonds may be issued at any time or from time to time in one or more issues and  
2734 in one or more series.

2735 Sec. 746. Sale of the Bonds.

2736 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
2737 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in  
2738 the best interest of the District.

2739 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of  
2740 the Bonds, offering documents on behalf of the District, may deem final any such offering  
2741 document on behalf of the District for purposes of compliance with federal laws and regulations  
2742 governing such matters and may authorize the distribution of the documents in connection with  
2743 the sale of the Bonds.

2744 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
2745 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
2746 the original purchasers of the Bonds upon payment of the purchase price.

2747 (d) The Bonds shall not be issued until the Mayor receives an approving opinion from  
2748 Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is  
2749 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds  
2750 for purposes of federal income taxation.

2751 Sec. 747. Payment and security.

2752 (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
2753 from proceeds received from the sale of the Bonds, income realized from the temporary



2754 investment of those proceeds, receipts and revenues realized by the District from the Loan,  
2755 income realized from the temporary investment of those receipts and revenues prior to payment  
2756 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made  
2757 available to the District for the payment of the Bonds, and other sources of payment (other than  
2758 from the District), all as provided for in the Financing Documents.

2759 (b) Payment of the Bonds shall be secured as provided in the Financing Documents and  
2760 by an assignment by the District for the benefit of the Bond owners of certain of its rights under  
2761 the Financing Documents and Closing Documents, including a security interest in certain  
2762 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

2763 (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from  
2764 the sale of the Bonds pursuant to the Financing Documents.

2765 Sec. 748. Financing and Closing Documents.

2766 (a) The Mayor is authorized to prescribe the final form and content of all Financing  
2767 Documents and all Closing Documents to which the District is a party that may be necessary or  
2768 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of  
2769 the Financing Documents and each of the Closing Documents to which the District is not a party  
2770 shall be approved, as to form and content, by the Mayor.

2771 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the  
2772 Financing Documents and any Closing Documents to which the District is a party by the  
2773 Mayor's manual or facsimile signature.

2774 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,  
2775 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to  
2776 which the District is a party.

2777 (d) The Mayor's execution and delivery of the Financing Documents and the Closing  
2778 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's  
2779 approval, on behalf of the District, of the final form and content of the executed Financing  
2780 Documents and the executed Closing Documents.

2781 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and  
2782 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,  
2783 and delivery of the Bonds, and to ensure the due performance of the obligations of the District  
2784 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

2785 Sec. 749. Authorized delegation of authority.

2786 To the extent permitted by District and federal laws, the Mayor may delegate to any  
2787 Authorized Delegate the performance of any function authorized to be performed by the Mayor  
2788 under this subtitle.

2789 Sec. 750. Limited liability.

2790 (a) The Bonds shall be special obligations of the District. The Bonds shall be without  
2791 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a  
2792 pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a  
2793 debt of the District, and shall not constitute lending of the public credit for private undertakings  
2794 as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2795 (b) The Bonds shall not give rise to any pecuniary liability of the District and the District  
2796 shall have no obligation with respect to the purchase of the Bonds.

2797 (c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing  
2798 Documents shall create an obligation on the part of the District to make payments with respect to  
2799 the Bonds from sources other than those listed for that purpose in section 747.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to either perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 751. District officials.

(a) Except as otherwise provided in section 750(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 752. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 753. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 754. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is

2845     excludable from gross income for federal income tax purposes, will be reserved or will be  
2846     available at the time of the proposed issuance of the Bonds.

2847             (c) The District, by enacting this subtitle or by taking any other action in connection with  
2848     financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that  
2849     the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on  
2850     the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the  
2851     Bonds, nor any other person shall rely upon the District with respect to these matters.

2852             Sec. 755. Expiration.

2853             If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of  
2854     the effective date of this act, the authorization provided in this subtitle with respect to the  
2855     issuance, sale, and delivery of the Bonds shall expire.

2856             Sec. 756. Severability.

2857             If any particular provision of this subtitle or the application thereof to any person or  
2858     circumstance is held invalid, the remainder of this subtitle and the application of such provision  
2859     to other persons or circumstances shall not be affected thereby. If any action or inaction  
2860     contemplated under this subtitle is determined to be contrary to the requirements of applicable  
2861     law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and  
2862     the validity of the Bonds shall not be adversely affected.

2863

2864             **SUBTITLE D. NATIONAL PUBLIC RADIO, INC.**

2865             Sec. 761. This subtitle may be cited as the “National Public Radio, Inc., Refunding  
2866     Revenue Bonds Project Approval Act of 2020”.

2867             Sec. 762. Definitions.

2868 For the purpose of this subtitle, the term:

2869 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning  
2870 and Economic Development, or any officer or employee of the Executive Office of the Mayor to  
2871 whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of  
2872 the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act  
2873 (D.C. Official Code § 1-204.22(6)).

2874 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond  
2875 counsel from time to time by the Mayor.

2876 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
2877 obligations (including refunding bonds, notes, and other obligations), in one or more series,  
2878 authorized to be issued pursuant to this resolution.

2879 (4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed  
2880 with proceeds from the Bonds, which shall be National Public Radio, Inc., a non-profit  
2881 corporation organized and existing under the laws of the District of Columbia, and exempt from  
2882 federal income taxes under section 501(a) of the Internal Revenue Code of 1986, approved  
2883 August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(a)), as an organization described in section  
2884 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26  
2885 U.S.C. § 501(c)(3)).

2886 (5) “Chairman” means the Chairman of the Council of the District of Columbia.

2887 (6) “Closing Documents” means all documents and agreements other than  
2888 Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds  
2889 and to make the Loan contemplated thereby, and includes agreements, certificates, letters,  
2890 opinions, forms, receipts, and other similar instruments.

2891 (7) “District” means the District of Columbia.

2892 (8) “Financing Documents” means the documents, other than Closing Documents,  
2893 that relate to the financing or refinancing of transactions to be effected through the issuance, sale,  
2894 and delivery of the Bonds and the making of the Loan, including any offering document and any  
2895 required supplements to any such documents.

2896 (9) “Home Rule Act” means the District of Columbia Home Rule Act, approved  
2897 December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

2898 (10) “Issuance Costs” means all fees, costs, charges, and expenses paid or  
2899 incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery  
2900 of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal,  
2901 accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection  
2902 with the development and implementation of the Financing Documents, the Closing Documents,  
2903 and those other documents necessary or appropriate in connection with the authorization,  
2904 preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the  
2905 Loan contemplated thereby, together with financing fees, costs, and expenses, including program  
2906 fees and administrative fees charged by the District, fees paid to financial institutions and  
2907 insurance companies, letter of credit fees (if any), compensation to financial advisors and other  
2908 persons (other than full-time employees of the District) and entities performing services on  
2909 behalf of or as agents for the District.

2910 (11) “Loan” means the District’s lending of proceeds from the sale, in one or  
2911 more series, of the Bonds to the Borrower.

(12) “Project” means the financing, refinancing or reimbursing of all or a portion of the Borrower’s costs (including payments of principal of, and interest on, the bonds being refunded) to:

(A) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2013, the proceeds of which were used to advance refund a portion of the District of Columbia Revenue Bonds (National Public Radio, Inc. Issue) Series 2010 (the “Series 2010 Bonds”) and to pay Issuance Costs, which Series 2010 Bonds were used to finance, refinance or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish and equip a new office, production and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20002-7502 (Square 673, Lot 36), and to pay Issuance Costs; and

(B) Refund all or a portion of the outstanding District of Columbia Refunding Revenue Bonds (National Public Radio, Inc., Issue) Series 2016, the proceeds of which were also used to advance refund a portion of the Series 2010 Bonds and to pay Issuance Costs.

Sec. 763. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides that the Council may by act authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly



2935 to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by  
2936 the purchase, lease, or sale of any property.

2937 (2) The Borrower has requested the District to issue, sell, and deliver revenue  
2938 bonds, in one or more series, in the aggregate principal amount not to exceed \$210,000,000 and  
2939 to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

2940 (3) The Project is located in the District and will contribute to the health,  
2941 education, safety, or welfare of, or the creation or preservation of jobs for, residents of the  
2942 District, or to economic development of the District.

2943 (4) The Project is an undertaking in the area of education and contributes to the  
2944 health, education, safety or welfare of residents of the District within the meaning of section 490  
2945 of the Home Rule Act (D.C. Official Code § 1-204.90).

2946 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to  
2947 the Borrower are desirable, are in the public interest, will promote the purpose and intent of  
2948 section 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

2949 Sec. 764. Bond authorization.

2950 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
2951 financing, refinancing, or reimbursing the costs of the Project by:

2952 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in the  
2953 aggregate principal amount not to exceed \$210,000,000; and

2954 (2) The making of the Loan.

2955 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of  
2956 financing, refinancing, or reimbursing the costs of the Project and establishing any fund with  
2957 respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 765. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this subtitle in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

2980 (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
2981 replacement of mutilated, lost, stolen, or destroyed Bonds;

2982 (7) The creation of any reserve fund, sinking fund, or other fund with respect to  
2983 the Bonds;

2984 (8) The time and place of payment of the Bonds;

2985 (9) Procedures for monitoring the use of the proceeds received from the sale of  
2986 the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish  
2987 the purposes of the Home Rule Act and this subtitle;

2988 (10) Actions necessary to qualify the Bonds under blue sky laws of any  
2989 jurisdiction where the Bonds are marketed; and

2990 (11) The terms and types of credit enhancement under which the Bonds may be  
2991 secured.

2992 (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
2993 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
2994 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
2995 District, and do not constitute lending of the public credit for private undertakings as prohibited  
2996 in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

2997 (c) The Bonds shall be executed in the name of the District and on its behalf by the  
2998 manual or facsimile signature of the Mayor, and attested by the Secretary of State of the District  
2999 of Columbia by the Secretary of State of the District of Columbia's manual or facsimile  
3000 signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence  
3001 of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(c) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

#### Sec. 766. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is

3025 expected to be exempt from federal income taxation, the treatment of the interest on the Bonds  
3026 for purposes of federal income taxation.

3027           Sec. 767. Payment and security.

3028           (a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely  
3029 from proceeds received from the sale of the Bonds, income realized from the temporary  
3030 investment of those proceeds, receipts and revenues realized by the District from the Loan,  
3031 income realized from the temporary investment of those receipts and revenues prior to payment  
3032 to the Bond owners, other moneys that, as provided in the Financing Documents, may be made  
3033 available to the District for the payment of the Bonds, and other sources of payment (other than  
3034 from the District), all as provided for in the Financing Documents.

3035           (b) Payment of the Bonds shall be secured as provided in the Financing Documents and  
3036 by an assignment by the District for the benefit of the Bond owners of certain of its rights under  
3037 the Financing Documents and Closing Documents, including a security interest in certain  
3038 collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

3039           (c) The trustee is authorized to deposit, invest, and disburse the proceeds received from  
3040 the sale of the Bonds pursuant to the Financing Documents.

3041           Sec. 768. Financing and Closing Documents.

3042           (a) The Mayor is authorized to prescribe the final form and content of all Financing  
3043 Documents and all Closing Documents to which the District is a party that may be necessary or  
3044 appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of  
3045 the Financing Documents and each of the Closing Documents to which the District is not a party  
3046 shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of said executed Financing Documents and said executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 769. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this subtitle.

Sec. 770. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a

debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 767.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, nor as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

3092           Sec. 771. District officials.

3093           (a) Except as otherwise provided in section 770(f), the elected or appointed officials,  
3094 officers, employees, or agents of the District shall not be liable personally for the payment of the  
3095 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the  
3096 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the  
3097 District contained in this subtitle, the Bonds, the Financing Documents, or the Closing  
3098 Documents.

3099           (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
3100 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall  
3101 be valid and sufficient for all purposes notwithstanding the fact that the individual signatory  
3102 ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
3103 Documents.

3104           Sec. 772. Maintenance of documents.

3105           Copies of the specimen Bonds and of the final Financing Documents and Closing  
3106 Documents shall be filed in the Office of the Secretary of the District of Columbia.

3107           Sec. 773. Information reporting.

3108           Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
3109 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
3110 Council.

3111           Sec. 774. Disclaimer.

3112           (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this  
3113 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as  
3114 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or



3115 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the  
3116 Project. The Borrower shall have no claims for damages or for any other legal or equitable relief  
3117 against the District, its elected or appointed officials, officers, employees, or agents as a  
3118 consequence of any failure to issue any Bonds for the benefit of the Borrower.

3119 (b) The District reserves the right to issue the Bonds in the order or priority it determines  
3120 in its sole and absolute discretion. The District gives no assurance and makes no representations  
3121 that any portion of any limited amount of bonds or other obligations, the interest on which is  
3122 excludable from gross income for federal income tax purposes, will be reserved or will be  
3123 available at the time of the proposed issuance of the Bonds.

3124 (c) The District, by enacting this subtitle or by taking any other action in connection with  
3125 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that  
3126 the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on  
3127 the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the  
3128 Bonds, nor any other person shall rely upon the District with respect to these matters.

3129 Sec. 775. Expiration.

3130 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of  
3131 the effective date of this act, the authorization provided in this subtitle with respect to the  
3132 issuance, sale, and delivery of the Bonds shall expire.

3133 Sec. 776. Severability.

3134 If any particular provision of this subtitle or the application thereof to any person or  
3135 circumstance is held invalid, the remainder of this subtitle and the application of such provision  
3136 to other persons or circumstances shall not be affected thereby. If any action or inaction  
3137 contemplated under this subtitle is determined to be contrary to the requirements of applicable

3138 law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and  
3139 the validity of the Bonds shall not be adversely affected.

3140

3141 **SUBTITLE E. PUBLIC WELFARE FOUNDATION, INC.**

3142 Sec. 781. This subtitle may be cited as the “Public Welfare Foundation, Inc., Revenue  
3143 Bonds Project Approval Act of 2020”.

3144 Sec. 782. Definitions.

3145 For the purpose of this subtitle, the term:

3146 (1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and  
3147 Economic Development, or any officer or employee of the Executive Office of the Mayor to whom  
3148 the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the  
3149 Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act (D.C.  
3150 Official Code § 1-204.22(6)).

3151 (2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel  
3152 from time to time by the Mayor.

3153 (3) “Bonds” means the District of Columbia revenue bonds, notes, or other  
3154 obligations (including refunding bonds, notes, and other obligations), in one or more series,  
3155 authorized to be issued pursuant to this resolution.

3156 (4) “Borrower” means the owner of the assets financed or refinanced with proceeds  
3157 from the Loan, which shall be Public Welfare Foundation, Inc., a non-profit corporation organized  
3158 and existing under the laws of the State of Delaware, duly authorized to transact business as a  
3159 foreign corporation in the District of Columbia, and exempt from federal income taxes as an

organization described in section 501(c)(3) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26. U.S.C. § 501(c)(3)).

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements, other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

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

(8) “Financing Documents” means, the documents, other than Closing Documents, that relate to the financing, refinancing or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document and any required supplements to any such documents.

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

(10) “Issuance Costs” means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit

3183 fees (if any), compensation to financial advisors and other persons (other than full-time employees  
3184 of the District) and entities performing services on behalf of or as agents for the District.

3185 (11) "Loan" means the District's lending to the Borrower of the proceeds from the  
3186 sale, in one or more series, of the Bonds.

3187 (12) "Project" means the financing, refinancing or reimbursing of the Borrower, on  
3188 a tax exempt or taxable basis, for all or a portion of the Borrower's costs incurred in connection  
3189 with the renovation of certain facilities of the Borrower located at 1200 U Street, NW, Washington,  
3190 D.C. (the "Building") in one or more phases and comprised of the following:

3191 (A) Replacement of nearly all exterior windows of the Building and the  
3192 repair of certain sheet metal and masonry;

3193 (B) Soft costs, including architectural, engineering and permitting fees, in  
3194 connection therewith;

3195 (C) Purchase of certain equipment and furnishings, together with other  
3196 property, real and personal, functionally related and subordinate thereto;

3197 (D) Refinancing, in whole or in part, of existing indebtedness; and

3198 (E) Certain expenditures associated therewith to the extent financeable,  
3199 including, without limitation, Issuance Costs, credit costs and working capital.

3200 Sec. 783. Findings.

3201 The Council finds that:

3202 (1) Section 490 of the Home Rule Act (D.C. Official Code § 1-204.90) provides  
3203 that the Council may by act authorize the issuance of District revenue bonds, notes, or other  
3204 obligations (including refunding bonds, notes, or other obligations) to borrow money to finance,  
3205 refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs

3206 of undertakings in certain areas designated in section 490 (D.C. Official Code § 1-204.90) and  
3207 may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to  
3208 any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the  
3209 purchase, lease, or sale of any property.

3210 (2) The Borrower has requested the District to issue, sell, and deliver revenue and  
3211 refunding bonds, in one or more series, in an aggregate principal amount not to exceed \$13,000,000  
3212 and to make the Loan for the purpose of financing, refinancing or reimbursing costs of the Project.

3213 (3) The Project is located in the District and will contribute to the health, education,  
3214 safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to  
3215 economic development of the District.

3216 (4) The Project is an undertaking in the area of a capital project as facilities used to  
3217 house and equip operations related to the study, development, application, or production of social  
3218 services within the meaning of section 490 of the Home Rule Act (D.C. Official Code § 1-204.90).

3219 (5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the  
3220 Borrower are desirable, are in the public interest, will promote the purpose and intent of section  
3221 490 of the Home Rule Act (D.C. Official Code § 1-204.90), and will assist the Project.

3222 Sec. 784. Bond authorization.

3223 (a) The Mayor is authorized pursuant to the Home Rule Act and this subtitle to assist in  
3224 financing, refinancing, or reimbursing the costs of the Project by:

3225 (1) The issuance, sale, and delivery of the Bonds, in one or more series, in an  
3226 aggregate principal amount not to exceed \$13,000,000; and

3227 (2) The making of the Loan.

3228 (b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing,  
3229 refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the  
3230 Bonds as required by the Financing Documents.

3231 (c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an  
3232 amount sufficient to cover costs and expenses incurred by the District in connection with the  
3233 issuance, sale, and delivery of each series of the Bonds, the District's participation in the  
3234 monitoring of the use of the Bond proceeds and compliance with any public benefit agreements  
3235 with the District, and maintaining official records of each bond transaction and assisting in the  
3236 redemption, repurchase, and remarketing of the Bonds.

3237 Sec. 785. Bond details.

3238 (a) The Mayor and each Authorized Delegate is authorized to take any action reasonably  
3239 necessary or appropriate in accordance with this subtitle in connection with the preparation,  
3240 execution, issuance, sale, delivery, security for, and payment of the Bonds of each series,  
3241 including, but not limited to, determinations of:

3242 (1) The final form, content, designation, and terms of the Bonds, including a  
3243 determination that the Bonds may be issued in certificated or book-entry form;

3244 (2) The principal amount of the Bonds to be issued and denominations of the Bonds;

3245 (3) The rate or rates of interest or the method for determining the rate or rates of  
3246 interest on the Bonds;

3247 (4) The date or dates of issuance, sale, and delivery of, and the payment of interest  
3248 on the Bonds, and the maturity date or dates of the Bonds;

3249                   (5) The terms under which the Bonds may be paid, optionally or mandatorily  
3250 redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before  
3251 their respective stated maturities;

3252                   (6) Provisions for the registration, transfer, and exchange of the Bonds and the  
3253 replacement of mutilated, lost, stolen, or destroyed Bonds;

3254                   (7) The creation of any reserve fund, sinking fund, or other fund with respect to the  
3255 Bonds;

3256                   (8) The time and place of payment of the Bonds;

3257                   (9) Procedures for monitoring the use of the proceeds received from the sale of the  
3258 Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the  
3259 purposes of the Home Rule Act and this subtitle;

3260                   (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction  
3261 where the Bonds are marketed; and

3262                   (11) The terms and types of credit enhancement under which the Bonds may be  
3263 secured.

3264           (b) The Bonds shall contain a legend, which shall provide that the Bonds are special  
3265 obligations of the District, are without recourse to the District, are not a pledge of, and do not  
3266 involve the faith and credit or the taxing power of the District, do not constitute a debt of the  
3267 District, and do not constitute lending of the public credit for private undertakings as prohibited in  
3268 section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

3269           (c) The Bonds shall be executed in the name of the District and on its behalf by the manual  
3270 or facsimile signature of the Mayor, and attested by the Secretary of State of the District of  
3271 Columbia by the Secretary of State of the District of Columbia's manual or facsimile signature.

3272 The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the  
3273 Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

3274 (d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or  
3275 otherwise reproduced on the Bonds.

3276 (e) The Bonds of any series may be issued in accordance with the terms of a trust instrument  
3277 to be entered into by the District and a trustee to be selected by the Borrower subject to the approval  
3278 of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor  
3279 pursuant to section 490(a)(4) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)).

3280 (f) The Bonds may be issued at any time or from time to time in one or more issues and in  
3281 one or more series.

3282 Sec. 786. Sale of the Bonds.

3283 (a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or  
3284 below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the  
3285 best interest of the District.

3286 (b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the  
3287 Bonds, offering documents on behalf of the District, may deem final any such offering document  
3288 on behalf of the District for purposes of compliance with federal laws and regulations governing  
3289 such matters and may authorize the distribution of the documents in connection with the sale of  
3290 the Bonds.

3291 (c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the  
3292 District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to  
3293 the original purchasers of the Bonds upon payment of the purchase price.



(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 787. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 788. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of

3316 the Financing Documents and each of the Closing Documents to which the District is not a party  
3317 shall be approved, as to form and content, by the Mayor.

3318 (b) The Mayor is authorized to execute, in the name of the District and on its behalf, the  
3319 Financing Documents and any Closing Documents to which the District is a party by the Mayor's  
3320 manual or facsimile signature.

3321 (c) If required, the official seal of the District, or a facsimile of it, shall be impressed,  
3322 printed, or otherwise reproduced on the Financing Documents and the Closing Documents to  
3323 which the District is a party.

3324 (d) The Mayor's execution and delivery of the Financing Documents and the Closing  
3325 Documents to which the District is a party shall constitute conclusive evidence of the Mayor's  
3326 approval, on behalf of the District, of the final form and content of said executed Financing  
3327 Documents and said executed Closing Documents.

3328 (e) The Mayor is authorized to deliver the executed and sealed Financing Documents and  
3329 Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale,  
3330 and delivery of the Bonds, and to ensure the due performance of the obligations of the District  
3331 contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

3332 Sec. 789. Authorized delegation of authority.

3333 To the extent permitted by District and federal laws, the Mayor may delegate to any  
3334 Authorized Delegate the performance of any function authorized to be performed by the Mayor  
3335 under this subtitle.

3336 Sec. 790. Limited liability.

3337 (a) The Bonds shall be special obligations of the District. The Bonds shall be without  
3338 recourse to the District. The Bonds shall not be general obligations of the District, shall not be a

pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act (D.C. Official Code § 1-206.02(a)(2)).

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 787.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this subtitle, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this subtitle.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this subtitle, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

3362 Sec. 791. District officials.

3363 (a) Except as otherwise provided in section 790(f), the elected or appointed officials,  
3364 officers, employees, or agents of the District shall not be liable personally for the payment of the  
3365 Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the  
3366 Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District  
3367 contained in this subtitle, the Bonds, the Financing Documents, or the Closing Documents.

3368 (b) The signature, countersignature, facsimile signature, or facsimile countersignature of  
3369 any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be  
3370 valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases  
3371 to hold that office before delivery of the Bonds, the Financing Documents, or the Closing  
3372 Documents.

3373 Sec. 792. Maintenance of documents.

3374 Copies of the specimen Bonds and of the final Financing Documents and Closing  
3375 Documents shall be filed in the Office of the Secretary of the District of Columbia.

3376 Sec. 793. Information reporting.

3377 Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the  
3378 issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the  
3379 Council.

3380 Sec. 794. Disclaimer.

3381 (a) The issuance of Bonds is in the discretion of the District. Nothing contained in this  
3382 subtitle, the Bonds, the Financing Documents, or the Closing Documents shall be construed as  
3383 obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or  
3384 assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project.

3385 The Borrower shall have no claims for damages or for any other legal or equitable relief against  
3386 the District, its elected or appointed officials, officers, employees, or agents as a consequence of  
3387 any failure to issue any Bonds for the benefit of the Borrower.

3388 (b) The District reserves the right to issue the Bonds in the order or priority it determines  
3389 in its sole and absolute discretion. The District gives no assurance and makes no representations  
3390 that any portion of any limited amount of bonds or other obligations, the interest on which is  
3391 excludable from gross income for federal income tax purposes, will be reserved or will be available  
3392 at the time of the proposed issuance of the Bonds.

3393 (c) The District, by enacting this subtitle or by taking any other action in connection with  
3394 financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the  
3395 Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the  
3396 Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor  
3397 any other person shall rely upon the District with respect to these matters.

3398 Sec. 795. Expiration.

3399 If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of  
3400 the effective date of this act, the authorization provided in this subtitle with respect to the issuance,  
3401 sale, and delivery of the Bonds shall expire.

3402 Sec. 796. Severability.

3403 If any particular provision of this subtitle or the application thereof to any person or  
3404 circumstance is held invalid, the remainder of this subtitle and the application of such provision to  
3405 other persons or circumstances shall not be affected thereby. If any action or inaction contemplated  
3406 under this subtitle is determined to be contrary to the requirements of applicable law, such action

3407 or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the  
3408 Bonds shall not be adversely affected.

3409 **TITLE VIII. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE**  
3410 **DATE**

3411 Sec. 801. Applicability.

3412 This act shall apply as of March 11, 2020.

3413 Sec. 802. Fiscal impact statement.

3414 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
3415 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
3416 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

3417 Sec. 803. Effective date.

3418 This act shall take effect following approval by the Mayor (or in the event of veto by the  
3419 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
3420 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
3421 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
3422 D.C. Official Code § 1-204.12(a)).

3423