

A BILL

22-904

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Renewable Energy Portfolio Standard Act of 2004 to increase the renewable energy portfolio standard to 100% by 2032, to establish a solar energy standard after 2032, and to clarify the factors that the Office of the People’s Counsel and the Public Service Commission must consider in making decisions; to amend the Clean and Affordable Energy Act of 2008 to remove restrictions on the types of energy efficiency measures that the Sustainable Energy Utility must offer, to increase the Sustainable Energy Trust Fund fee assessments, to add an assessment on fuel oil, and to expand the uses of the Sustainable Energy Trust Fund; to establish a building energy performance standard program at the Department of Energy and Environment; to amend The Green Building Act of 2006 to expand the Department of Energy and Environment’s benchmarking program to include buildings of 10,000 square feet or more by 2024; to authorize the Mayor to commit the District to participation in regional programs with the purpose of limiting greenhouse gas emissions; to require the Department of Motor Vehicles to issue regulations tying the vehicle excise tax to fuel efficiency; to establish a transportation electrification program, to establish an energy efficiency program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CleanEnergy DC Omnibus Amendment Act of 2018”.

TITLE I. RENEWABLE. ENERGY.

Sec. 101. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3(10) (D.C. Official Code § 34-1431(10) is amended to read as follows:

“(10) “Renewable energy credit” or “credit” means a credit representing one megawatt-hour of energy produced by:

34 “(A) A tier one or tier two renewable source located within the PJM
35 Interconnection region; or

36 “(B) Until January 1, 2029, a tier one or tier two renewable source located
37 within a state that is adjacent to the PJM Interconnection region that was certified by the District
38 of Columbia Public Service Commission as of the effective date of the CleanEnergy DC
39 Omnibus Amendment Act of 2018, as introduced on July 10, 2018 (Bill 22-904).”.

40 (b)(1) Section 4(c) (D.C. Official Code § 34-1432(c)) is amended as follows:

41 (A) Paragraphs (9), (10), (11), (12), (13), (14) (15), (16), (17), (18), (19),
42 (20), (21), and (22) are amended to read as follows:

43 “(9) In 2019, not less than 17.5% from tier one renewable sources, 0.5% from tier
44 two renewable sources, and not less than 1.85% from solar energy;

45 “(10) In 2020, not less than 20% from tier one renewable sources, 0% from tier
46 two renewable sources, and not less than 2.175% from solar energy;

47 “(11) In 2021, not less than 26.25% from tier one renewable sources, 0% from tier
48 two renewable sources, and not less than 2.5% from solar energy;

49 “(12) In 2022, not less than 32.5% from tier one renewable sources, 0% from tier
50 two renewable sources, and not less than 2.6% from solar energy;

51 “(13) In 2023, not less than 38.75% from tier one renewable sources, 0% from tier
52 two renewable sources, and not less than 2.85% from solar energy;

53 “(14) In 2024, not less than 45.0% from tier one renewable sources, 0% from tier
54 two renewable sources, and not less than 3.15% from solar energy;

55 “(15) In 2025, not less than 52.0% from tier one renewable sources, 0% from tier
56 two renewable sources, and not less than 3.45% from solar energy;

57 “(16) In 2026, not less than 59.0% from tier one renewable sources, 0% from tier
58 two renewable sources, and not less than 3.75% from solar energy;

59 “(17) In 2027, not less than 66.0% from tier one renewable sources, 0% from tier
60 two renewable sources, and not less than 4.1% from solar energy;

61 “(18) In 2028, not less than 73.0% from tier one renewable sources, 0% from tier
62 two renewable sources, and not less than 4.5% from solar energy;

63 “(19) In 2029, not less than 80.0% from tier one renewable sources, 0% from tier
64 two renewable sources, and not less than 4.75% from solar energy;

65 “(20) In 2030, not less than 87.0% from tier one renewable sources, 0% from tier
66 two renewable sources, and not less than 5.0% from solar energy;

67 “(21) In 2031, not less than 94.0% from tier one renewable sources, 0% from tier
68 two renewable sources, and not less than 5.25% from solar energy;

69 “(22) In 2032, not less than 100% from tier one renewable sources, 0% from tier
70 two renewable sources, and not less than 5.5% from solar energy;”.

71 (B) New paragraphs (23) through (31) are added to read as follows:

72 “(23) In 2033, not less than 100% from tier one renewable sources, 0% from tier
73 two renewable sources, and not less than 6.0% from solar energy;

74 “(24) In 2034, not less than 100% from tier one renewable sources, 0% from tier
75 two renewable sources, and not less than 6.5% from solar energy;

76 “(25) In 2035, not less than 100% from tier one renewable sources, 0% from tier
77 two renewable sources, and not less than 7.0% from solar energy;

78 “(26) In 2036, not less than 100% from tier one renewable sources, 0% from tier
79 two renewable sources, and not less than 7.5% from solar energy;

80 “(27) In 2037, not less than 100% from tier one renewable sources, 0% from tier
81 two renewable sources, and not less than 8.0% from solar energy;

82 “(28) In 2038, not less than 100% from tier one renewable sources, 0% from tier
83 two renewable sources, and not less than 8.5% from solar energy;

84 “(29) In 2039, not less than 100% from tier one renewable sources, 0% from tier
85 two renewable sources, and not less than 9.0% from solar energy; and

86 “(30) In 2040, not less than 100% from tier one renewable sources, 0% from tier
87 two renewable sources, and not less than 9.5% from solar energy; and

88 “(31) In 2041 and thereafter, not less than 100% from tier one renewable sources, 0%
89 from tier two renewable sources, and not less than 10% from solar energy.”.

90 “(2) For 3 years after January 1, 2019, this subsection shall not apply to any contract
91 entered into before the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018,
92 as introduced on July 10, 2018 (Bill 22-904); provided, that this subsection shall apply to an
93 extension or renewal of such a contract.”.

94 (c) Section 6 (D.C. Official Code § 34-1434) is amended as follows:

95 (1) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

96 “(1A) In calendar years 2019, 2020, 2021, and 2022 each report shall also
97 include:

98 “(A) The number of contracts that are exempt from changes to the
99 renewable energy portfolio standard pursuant to section 4, the length of each exempt contract,
100 and the amount of electricity associated with each exempt contract; and

101 “(B) The number of contracts that are exempt from changes to the
102 renewable energy portfolio standard pursuant to section 101(b) of the CleanEnergy DC Omnibus
103 Amendment Act as introduced on July 10, 2018 (Bill 22-904), the length of each exempt
104 contract, and the amount of electricity associated with each exempt contract.”.

105 (2) A new subsection (c-1) is added to read as follows:

106 “(c-1) A compliance fee required pursuant to subsection (c) of this section shall
107 be paid to DOEE for deposit into the Fund between October 1 and November 1 following the year
108 the electricity supplier failed to comply with the renewable energy portfolio standard.”.

109 (3) Subsection (c)(3) is amended by striking the phrase “30 cents in 2029 through
110 2032, and 5 cents in 2033 and thereafter” and inserting the phrase “30 cents in 2029 and
111 thereafter” in its place.

112 (d) Section 8(c)(1) (D.C. Official Code § 34-1436(c)(1)) is amended as follows:

113 (1) Subparagraph (E) is amended by striking the word “and” and the end.

114 (2) Subparagraph (F) is amended by striking the period and inserting the phrase “;
115 and” in its place.

116 (3) A new subparagraph (G) is added to read as follows:

117 “(G)(i) In fiscal year 2019, up to \$250,000 shall be used by DOEE to hire an
118 independent third party to conduct a comprehensive study to help DOEE and building owners
119 better understand the potential for cost impacts and benefits of the Building Energy Performance
120 Standards Program, required pursuant to section 301 of this act, to District residents and property
121 owners. The study shall include case studies for different property types of buildings.

122 “(ii) In creating the specifications for the study, DOEE shall seek the
123 advice of the Building Energy Performance Standards Task Force, established pursuant to
124 section 302 of this act.

125 (e) Section 10 (D.C. Official Code § 34-1438) is amended as follows:

126 (1) Subsection (c) is amended by striking the phrase “3 years from the date
127 created” and inserting the phrase “3 years from the date created; provided, that a renewable
128 energy credit from a solar energy system meeting the requirements of section 4(e)(1) shall exist
129 for 5 years from the date created” in its place.

130 (2) Subsection (d) is amended by striking the phrase “before the expiration of 3
131 years” and inserting the phrase “before the expiration of 3 or 5 years pursuant to subsection (c)”
132 in its place.

133 (f) Section 11 (D.C. Official Code § 34-1439) is amended as follows:

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

135 “(b) On or before May 1 of each year, the Commission shall provide a report to the
136 Council on the implementation of this act, including:

137 “(1) The availability of tier one renewable sources;

138 “(2) Certification of the number of renewable energy credits used by electricity
139 suppliers to meet the requirements of section 4;

140 “(3) The amount of compliance fees paid pursuant to section 6(c) in the previous
141 calendar year;

142 “(4) The amount of compliance fees estimated to be paid pursuant to section 6(c)
143 in the current calendar year;

144 “(5) The total amount of the District’s electric supply that was exempt from
145 changes to the renewable energy portfolio standard pursuant to section 4;

146 “(6) The total amount of the District’s electric supply that is estimated to be
147 exempt from changes to the renewable energy portfolio standard pursuant to section 4 for the
148 current calendar year and each subsequent year that the exemption applies;

149 “(7) The total amount of the District’s electric supply that was exempt from
150 changes to the renewable energy portfolio standard pursuant to section 4 of the CleanEnergy DC
151 Omnibus Amendment Act, as introduced on July 10, 2018 (Bill 22-904) (“CleanEnergy DC
152 Omnibus Amendment Act”) for the previous calendar year;

153 “(8) The total amount of the District’s electric supply that is estimated to be
154 exempted from changes to the renewable energy portfolio standard pursuant to section 101(b) of
155 the CleanEnergy DC Omnibus Amendment Act for the current calendar year and each
156 subsequent year that the exemption applies; and

157 “(9) Any other such information as the Commission shall consider necessary or
158 appropriate.”

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

160 “(b-1) Beginning in July 2019, and every 6 months thereafter, the Commission
161 shall publish on its website the total amount of solar energy from solar energy systems meeting
162 the requirements of section 4(e)(1) for which interconnection requests have been submitted in the
163 previous 6 months.”.

164 Sec. 102. Section 1(e) of An Act To provide a People’s Counsel for the Public Service
165 Commission in the District of Columbia, and for other purposes, approved January 2, 1975 (88
166 Stat. 1975; D.C. Official Code § 34-804(e)), is amended by striking the phrase, “and the
167 preservation of environmental quality” and inserting the phrase “and the preservation of
168 environmental quality, including effects on global climate change and the District’s public
169 climate commitments” in its place.

170 Sec. 103. Section 8(97B) of An Act Making appropriations to provide for the expenses of
171 the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen
172 hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C.
173 Official Code § 34-808.02), is amended by striking the phrase, “and the preservation of
174 environmental quality” and inserting the phrase “and the preservation of environmental quality,
175 including effects on global climate change and the District’s public climate commitments” in its
176 place.

177 TITLE II. ENERGY EFFICIENCY

178 Sec. 201. The Clean and Affordable Energy Act of 2008, effective October 22, 2008
179 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

180 (a) Section 202 (D.C. Official Code § 8-1774.02) is amended as follows:

181 (1) Subsection (h) is repealed.

182 (2) Subsection (i) is repealed.

183 (3) Subsection (j) is repealed.

184 (b) Section 207 (D.C. Official Code § 8-1774.07) is amended by adding a new subsection
185 (g) to read as follows:

186 ~~“(g) As of the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018,~~
187 ~~as introduced on July 10, 2018 (Bill 22-904) (“CleanEnergy DC Omnibus Amendment Act”), the~~
188 ~~electric company and gas company, after consultation with the Sustainable Energy Utility, shall~~
189 ~~be permitted to offer and administer energy efficiency and demand reduction programs in the~~
190 ~~District of Columbia focused on low and moderate income residential customers. The~~
191 ~~commission is authorized to approve applications by the electric company and gas company for~~
192 ~~approval of energy efficiency and demand reduction programs to their respective customers,~~
193 ~~including for multi year programs, and shall approve the application and cost recovery, including~~
194 ~~lost revenue through the Bill Stabilization Adjustment and a return on investment; provided, that~~
195 ~~the Commission finds the proposed program to be in the public interest.~~

196 “(g)(1) As of the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018, as
197 introduced on July 10, 2018 (Bill 22-904) (“CleanEnergy DC Omnibus Amendment Act”), the electric
198 company or gas company, after consultation and coordination with the Department of Energy and the
199 Environment, the District Sustainable Energy Utility and its advisory board, may apply to the
200 Commission to offer energy efficiency and demand reduction programs in the District that do not

201 duplicate programs being offered by the Sustainable Energy Utility, particularly those focused on low-
202 and-moderate income residential customers.

203 “(2) An application submitted by the electric company or gas company pursuant to this
204 subsection shall include quantitative performance indicators related to projected energy savings and costs
205 associated with proposed program.

206 “(3) Consistent with the provisions set forth in section 8(2) of An Act Making
207 appropriations to provide for the expenses of the government of the District of Columbia for the fiscal
208 year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4,
209 1913 (37 Stat. 977; D.C. Official Code § 34-1101), the commission is authorized to approve an
210 application by the electric company or gas company of energy efficiency and demand reduction program
211 for their respective customers, including a multi-year program and cost recovery mechanisms to provide
212 full and current cost recovery, including mechanisms to provide for a return on investment and surcharge
213 mechanisms to be adjusted on at least an annual basis as approved by the commission; provided, that the
214 Commission finds the proposed program and cost recovery mechanisms as set forth in the application to
215 be in the public interest and consistent with the District’s public climate change commitments.

216 “(h) The electric company and gas company shall file an annual filing with the Commission to
217 demonstrate compliance with:

218 “(1) The energy efficiency and demand reduction program;

219 “(2) Quantitative performance indicators; and

220 “(3) Cost recovery mechanisms of the program.”.

221 (c) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

222 (1) Subsection (a)(1) is amended by striking the phrase “natural gas and electric
223 companies” and inserting the phrase “natural gas, electric companies, and a person who delivers
224 heating oil or fuel oil to an end-user in the District” in its place.

225 (2) Subsection (b) is amended as follows:

226 (A) Paragraph (1) is amended as follows:

227 (i) Subparagraph (D) is amended by striking the phrase “and each
228 year thereafter.” and inserting the phrase “through fiscal year 2019;” in its place.

229 (ii) New subparagraphs (E) and (F) are added to read as follows:

230 “(E) The amount of \$.03762 in fiscal year 2020 through fiscal year 2031;
231 and;

232 “(F) The amount of \$.0263 in fiscal year 2032 and each year thereafter.”.

233 (B) Paragraph (2) is amended as follows:

234 (i) Subparagraph (D) is amended by striking the phrase “and each
235 year thereafter.” and inserting the phrase “through fiscal year 2019;” in its place.

236 (ii) New subparagraphs (E), (F), (G), (H), (I), (J), (K), (L), (M),
237 (N), (O), (P), and (Q) are added to read as follows:

238 “(E) The amount of \$.0029016 in fiscal year 2020;

239 “(F) The amount of \$.00279279 in fiscal year 2021;

240 “(G) The amount of \$.0027001 in fiscal year 2022;

241 “(H) The amount of \$.00259935 in fiscal year 2023;

242 “(I) The amount of \$.0024986 in fiscal year 2024;

243 “(J) The amount of \$.00239785 in fiscal year 2025;
244 “(K) The amount of \$.0022971 in fiscal year 2026;
245 “(L) The amount of \$.00219635 in fiscal year 2027;
246 “(M) The amount of \$.0020956 in fiscal year 2028;
247 “(N) The amount of \$.00199485 in fiscal year 2029;
248 “(O) The amount of \$.0018942 in fiscal year 2030;
249 “(P) The amount of \$.00179335 in fiscal year 2031;
250 “(Q) The amount of \$.001612 in fiscal year 2032 and each year
251 thereafter.”.

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

253 “(2A) There shall be imposed upon a person who delivers heating oil or fuel oil to
254 an end-user in the District, whether for industrial, commercial, or residential use, an assessment
255 of \$.084 per gallon, calculated on sales.”

256 (3) Subsection (c) is amended as follows:

257 (A) Paragraph (2) is amended by striking the phrase “development of” and
258 inserting the phrase “development and implementation of” in its place.

259 (B) Paragraph (10) is repealed.

260 (C) Paragraph (11) is amended by striking the period and inserting a
261 semicolon in its place.

262 (D) New paragraphs (12), (13), (14), (15), (16), and (17) are added to read
263 as follows:

264 “(12)(A) Beginning in fiscal year 2020, at least 30% of the funds generated by the
265 increases to the assessments described in subsection (b) of this section contained in the Clean
266 Energy DC Omnibus Amendment Act of 2018, as introduced on July 10, 2018 (Bill 22-904)
267 (“Clean Energy DC Omnibus Amendment Act”), activities of DOEE or the Sustainable Energy
268 Utility to:

269 “(i) Benefit low-income residents, which may include energy bill
270 assistance, energy efficiency, and weatherization, including programs making improvements to
271 commercial and institutional buildings that serve low-income residents;

272 “(ii) Establish workforce development initiatives for District
273 residents in energy efficiency fields established by the CleanEnergy DC Omnibus Amendment
274 Act; and

275 “(iii) Establish the Sustainable Energy Infrastructure Capacity
276 Building and Pipeline Program, required by section 401 of the CleanEnergy DC Omnibus
277 Amendment Act.

278 “(B) For purposes of this paragraph, “low-income” means persons with
279 household incomes of 80% or less than the area median income;

280 “(13) Implementation of the Building Energy Performance Standard program
281 required by section 301 of the CleanEnergy DC Omnibus Amendment Act;

282 “(14) In fiscal year 2020, transferring \$15 million to the Green Finance Authority
283 to support sustainable projects and programs; provided, that such transfer is included in an
284 approved budget and financial plan;

285 “(15) In fiscal year 2021, transferring \$15 million to the Green Finance Authority
286 to support sustainable projects and programs; provided, that such transfer is included in an
287 approved budget and financial plan;

288 “(16) In fiscal years 2022, 2023, 2024, and 2025, transferring \$10 million to the
289 Green Finance Authority to support sustainable projects and programs; provided, that such
290 transfer is included in an approved budget and financial plan; and

291 “(17)(A) Beginning in fiscal year 2022, at least \$3 million annually shall be used
292 by DOEE or the Sustainable Energy Utility, selected pursuant to the Clean and Affordable
293 Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-
294 1773.01 *et seq.*) to provide assistance to providers of affordable housing or rent-controlled
295 buildings for energy efficiency upgrades of buildings subject to the Building Energy
296 Performance Standard program required by section 301 of the CleanEnergy DC Omnibus
297 Amendment Act.

298 **TITLE III. BUILDING ENERGY PERFORMANCE STANDARDS AND**
299 **BENCHMARKING.**

300 **Sec. 301. Establishment of a Building Energy Performance Standard Program.**

301 (a) This section shall apply to:

302 (1) Beginning January 1, 2021, all privately-owned buildings with at least 50,000
303 square feet of gross floor area and all District-owned or District instrumentality-owned buildings
304 with at least 10,000 square feet of gross floor area;

305 (2) Beginning January 1, 2023, all privately-owned buildings with at least 25,000
306 square feet of gross floor area; and

307 (3) Beginning January 1, 2026, all privately-owned buildings with at least 10,000
308 square feet of gross floor area.

309 (b)(1)(A) No later than January 1, 2021, and every 5 years thereafter, DOEE shall
310 conduct a building energy performance assessment of all buildings to which this section applies
311 and, no later than March 1, 2021, and every 5 years thereafter, establish property types and
312 building energy performance standards for each property type.

313 (B) DOEE shall establish reporting and data verification requirements for
314 each 5-year compliance cycle.

315 (B)(i) In developing energy performance standards, DOEE shall seek to
316 help the District achieve its short- and long-term climate commitments, including reducing
317 greenhouse gas emissions by 50% by 2032 and carbon neutrality by 2050.

318 (ii) The building energy performance standard shall be no lower
319 than the District median ENERGY STAR score for buildings of each property type.

320 (3) DOEE shall establish campus-wide energy performance standards for post-
321 secondary educational institutions and hospitals with multiple buildings in a single location that
322 are owned by a single entity; provided, that the development of any standard by DOEE shall be
323 based upon an analysis of the existing building efficiency of each campus and shall set campus-
324 specific energy performance standards.

325 (c) All buildings with a verified ENERGY STAR score below the building energy
326 performance standard for its property type shall have 5 years to meet the building energy
327 performance requirements established by DOEE.

328 (d) DOEE may establish multiple compliance pathways for buildings to meet the building
329 energy performance requirements, including:

330 (1) A performance pathway that for buildings to achieve compliance by
331 demonstrating a greater than 20% site energy use intensity decrease over the previous 5 years;

332 (2) A prescriptive pathway for buildings to achieve compliance by implementing
333 cost-effective energy efficiency measures with savings comparable to the performance pathway;
334 and

335 (3) Other compliance pathways established by DOEE.

336 (e)(1) DOEE shall establish exemption criteria for qualifying buildings to delay
337 compliance with the building energy performance requirements for up to 3 years if the owner
338 demonstrates, to the satisfaction of DOEE, financial distress, change of ownership, vacancy,
339 major renovation, pending demolition, or other acceptable circumstances determined by DOEE
340 by regulation.

341 (2) DOEE may establish an exemption criterion for qualifying affordable housing
342 buildings to delay compliance with the building energy performance requirements for more than
343 3 years; provided, that the owner demonstrates, to the satisfaction of DOEE, financial distress,
344 change of ownership, vacancy, major renovation, pending demolition, or other acceptable
345 circumstances as determined by DOEE by regulation.

346 (f) DOEE shall coordinate with the Sustainable Energy Utility, selected pursuant to the
347 Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C.
348 Official Code § 8-1773.01 *et seq.*), and the Green Finance Authority, established by the Green
349 Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155;
350 D.C. Official Code § 8-173.21 *et seq.*), to establish an incentive and financial assistance program
351 for qualifying building owners and affordable housing providers to meet building energy
352 performance requirements.

353 (g) Buildings failing to comply with the building energy performance requirements at the
354 end of the 5-year compliance period shall pay an alternative compliance penalty established by
355 DOEE. Penalties collected pursuant to this provision shall be deposited into the Sustainable
356 Energy Trust Fund.

357 (h) By January 1, 2023, DOEE shall publish a report assessing whether the building
358 energy performance standard should be revised to a standard based on reducing contribution to
359 greenhouse gas emissions, and if so, recommend a method and timeline for doing so, including
360 any statutory changes needed.

361 (i) DOEE may impose civil infraction penalties, fines, and fees as sanctions for a
362 violation of this section or a regulation issued pursuant to this section, pursuant to the
363 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October
364 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

365 (j) The Attorney General for the District of Columbia may commence a civil action in
366 the Superior Court of the District of Columbia or any other court of competent jurisdiction for

367 damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other
368 appropriate relief to enforce compliance with this section or a regulation issued pursuant to this
369 section.

370 (k) For the purposes of this section, the term “affordable housing” means buildings that
371 are primarily residential, contain 5 or more dwelling units, and:

372 (1) In which use restrictions or other covenants require that at least 50% of all of
373 the building’s dwelling units are occupied by households that have household incomes of less
374 than or equal to 80% of the area median income, or

375 (2) The building owner can demonstrate that at least 50% of the dwelling units
376 rent at levels that are affordable to households with incomes less than or equal to 80% of the area
377 median income.

378 Sec. 302. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234;
379 D.C. Official Code § 6-1451.01 *et seq*), is amended as follows:

380 (a) Section 4(c)(2) (D.C. Official Code § 6-1451.03(c)(2)) is amended as follows:

381 (1) Subparagraph (B) is amended as follows:

382 (A) Sub-subparagraph (iii) is amended by striking the phrase “; and” and
383 inserting a semicolon in its place.

384 (B) Sub-subparagraph (iv) is amended by striking the period at the end and
385 inserting the phrase “; and” in its place.

386 (C) New sub-subparagraphs (v) and (vi) are added to read as follows:

387 “(v) January 1, 2021, for a building with 25,000 square feet of gross floor
388 area, or more; and

389 “(vi) January 1, 2024, for a building with 10,000 square feet of gross floor
390 area, or more.”.

391 (2) A new subparagraph (F) is added to read as follows:

392 “(F) Every 3 years the owner, or the owner’s designee, shall perform a
393 third-party verification of its benchmark and ENERGY STAR statements in accordance with
394 requirements specified by DOEE.”.

395 (b) Section 10 (D.C. Official Code § 6-1451.09) is amended by adding a new subsection
396 (h) to read as follows:

397 “(h)(1) Within 180 days of the effective date of this act, the Mayor shall establish
398 the Building Energy Performance Standards Task Force, which shall:

399 “(A) Advise DOEE on creation of an implementation plan for the Building
400 Energy Performance Program;

401 “(B) Recommend amendments to proposed regulations issued by DOEE;
402 and

403 “(C) Recommend complementary programs or policies.

404 “(2) The task force shall be comprised of representatives, or their designees from
405 the following entities:

406 “(A) The Director of the Department of Energy and the Environment;

407 “(B) The Director of the Department of General Services;

- 408 “(C) The Director of the Department of Consumer and Regulatory Affairs;
409 “(D) The Department of Housing and Community Development;
410 “(E) The Department of Planning and Economic Development;
411 “(F) A representative from the Green Building Advisory Council;
412 “(G) A representative from the DC Sustainable Energy Utility;
413 “(H) A representative who is an affordable housing developer;
414 “(I) A representative from a rent-control apartment;
415 “(J) A representative from a market rate apartment building;
416 “(K) A representative from a commercial building;
417 “(L) A representative from the Apartment and Office Buildings
418 Association; and
419 “(M) A representative from the Consortium of Universities in the
420 Washington Metropolitan Area.”.

421 Sec. 303. Rulemaking.

422 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
423 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), may issue rules
424 to implement the provisions of this title, including rules that increase the minimum size of the
425 solar zone for particular classes of residential buildings.”.

426 TITLE IV. SUSTAINABLE ENERGY INFRASTRUCTURE CAPACITY BUILDING
427 AND PIPELINE PROGRAM

428 Sec. 401. Sustainable Energy Infrastructure Capacity Building and Pipeline program;
429 establishment.

430 (a) There is established within the Department of Energy and Environment (“DOEE”) the
431 Sustainable Energy Infrastructure Capacity Building and Pipeline program with the purpose of
432 increasing the participation and capacity of certified business enterprises, as defined in section
433 2302(1D) of the Small and Certified Enterprise Development and Assistance Act of 2005,
434 effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)), or eligible
435 businesses in energy efficiency fields.

436 (b) The program shall apply to all energy efficiency measures designed to increase the
437 renewable energy portfolio standard, as defined in section 3(11) of the Renewable Energy
438 Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §
439 34-1431(11)), to 100% by 2032, including contracts and procurements related to professional
440 services, construction, inspection, maintenance, or installation of energy efficient technology or
441 materials.

442 (c) DOEE and the Office of Contracting and Procurement shall develop and use
443 procurement criteria that includes Certified Business Enterprise utilization as an evaluation
444 factor when shortlisting and selecting businesses for professional services and when selecting
445 contractors in best value procurements with a contract value of more than \$250,000.

446 Sec. 402. DOEE and DSLBD; memorandum of understanding.

447 (a) DOEE shall enter a memorandum of understanding with the Department of Small and
448 Local Business Development to maintain a training and certification program, with a duration of

449 not less than 5 years, for CBEs and CBE eligible firms to increase their capacity to engage in
450 renewable energy design, construction, inspection, and maintenance.

451 Sec. 403. Reporting requirements.

452 (a) DOEE shall submit an annual report to the Mayor and the Council on the program,
453 which includes detailed information on recruitment initiatives and the creation of contracting
454 opportunities.

455 TITLE V. TRANSPORTATION EMISSION REDUCTION.

456 Sec. 501. Section 6(j) of The District of Columbia Traffic Act, 1925, approved March 3,
457 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

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

459 “(1A)(A) By January 1, 2020, the Department of Motor Vehicles, in consultation
460 with the Department of Energy and Environment, shall issue rules revising the calculation of the
461 vehicle excise tax such that the fee amount shall be applied as either an increase or decrease to
462 the excise tax amount as described in this paragraph.

463 “(B) The increase or decrease to the excise tax amount shall be based on
464 the difference between the fuel efficiency of the vehicle for which the title is being sought, using
465 window label vehicle fuel efficiency figures, and a benchmark standard.

466 (C) Vehicles seeking a title with a fuel efficiency below the benchmark
467 standard shall pay an increased excise tax amount, with the amount of increased tax increasing
468 based on how far below the benchmark standards the vehicle is.

469 (D) Vehicles seeking a title with a fuel efficiency above the benchmark
470 standard shall pay a decreased excise tax amount, or receive an excise tax rebate, with the
471 amount of decreased tax decreasing based on how far above the benchmark standards the vehicle
472 is.

473 (E) Changes to the vehicle excise tax made pursuant to this paragraph
474 shall be revenue neutral, whereby total expenditures on excise tax decreases to vehicles with fuel
475 efficiencies above the benchmark standards shall equal the total revenue raised by excise tax
476 increases to vehicles with fuel efficiencies below the benchmark standards.

477 (F) The Department of Motor Vehicles shall publish and maintain publicly
478 available information to help residents understand the vehicle excise tax described in this
479 paragraph, and how it might affect the cost of obtaining a title in the District.

480 (G)(i) The modification of the vehicle excise tax described in this
481 paragraph shall not apply to:

482 (I) Vehicles owned by individuals who demonstrate that
483 they claimed and received the District Earned Income Tax Credit for the tax period closest in
484 time (for which a return could be due) to the date the vehicle excise tax is levied or

485 (II) Trailers.

486 “(ii) The Office of Tax and Revenue shall confirm whether the
487 District Earned Income Tax Credit claimed pursuant to this subparagraph was claimed and
488 received based upon submission of a completed tax information authorization waiver form by the
489 individual.”

490 (b) Paragraph (3)(J) is amended to read as follows:

491 “(J) Electric vehicles.”.

492 Sec. 502. Transportation Electrification program.

493 ~~(a) Within 180 days of the effective date of this act, the mayor shall establish a~~
494 ~~transportation electrification program (“program”) that shall require that all public buses,~~
495 ~~privately owned and operated ride shares, passenger and light duty vehicles associated with~~
496 ~~privately owned fleets with more than 50 passengers or light duty vehicles licensed to operate in~~
497 ~~the District of Columbia; commercial motor carriers, limousines service vehicles, and taxis~~
498 ~~certified to operate in the District only low emission or zero emission vehicles in the District by~~
499 ~~year 2045.~~

500 (b) ~~The transition to zero emission vehicles will be phased in as follows:~~

501 ~~——— (1) By 2030, 50% of public buses, private vehicle for hire,~~
502 ~~passenger and light duty vehicles associated with privately owned fleets with more than 50~~
503 ~~passenger or light duty vehicles licensed to operate by the District of Columbia; commercial~~
504 ~~motor carriers, limousines service vehicles, and taxis certified to operate by the District of~~
505 ~~Columbia shall be low or zero emission vehicles.——~~

506 ~~————— (2) By 2035, 75% of public buses, privately owned and operated ride shares,~~
507 ~~passenger and light duty vehicles associated with privately owned fleets with more than 50~~
508 ~~passenger or light duty vehicles licensed to operate by the District of Columbia; commercial~~
509 ~~motor carriers, limousines service vehicles, and taxis certified to operate by the District of~~
510 ~~Columbia shall be low or zero emission vehicles;~~

511 ~~————— (3) By 2040, 90% of public buses, privately owned and operated ride shares,~~
512 ~~passenger and light duty vehicles associated with privately owned fleets with more than 50~~
513 ~~passenger or light duty vehicles licensed to operate by the District of Columbia; commercial~~
514 ~~motor carriers, limousines service vehicles, and taxis certified to operate by the District of~~
515 ~~Columbia shall be low or zero emission vehicles.~~

516 ~~————— (4) By 2045, 100% of all public buses, privately owned and operated ride shares,~~
517 ~~passenger and light duty vehicles associated with privately owned fleets with more than 50~~
518 ~~passenger or light duty vehicles licensed to operate by the District of Columbia; commercial~~
519 ~~motor carriers, limousines service vehicles, and taxis certified to operate by the District of~~
520 ~~Columbia shall be zero emission vehicles.~~

521 ~~———— (c) In conjunction with the transportation electrification program, the Public Service~~
522 ~~Commission shall consider an application by the electric company to promote transportation~~
523 ~~electrification, including transit and para-transit, and private and municipal plug-in vehicle~~
524 ~~ownership, including if such application has been made prior to the effective date of this act. The~~
525 ~~Public Service Commission shall approve the application if it finds that it is in the public interest~~
526 ~~and consistent with the provisions of D.C. Code Section 34-1101.~~

527 (a) Within 180 days after the applicability date of this act, the mayor shall establish a
528 transportation electrification program (“program”) that shall require that all public buses, privately-owned
529 and operated ride shares, passenger- and light-duty vehicles associated with privately-owned fleets with a
530 capacity of 50 or more passengers or light-duty vehicles licensed to operate in the District of Columbia;

531 commercial motor carriers, limousines service vehicles, and taxis certified to operate in the District only
532 zero-emission vehicles in the District by year 2045.

533 (b)The transition to zero emission vehicles will be phased in as follows:

534 (1) By 2030, 50% of public buses, private vehicle-for-hire,
535 passenger and light-duty vehicles associated with privately-owned fleets with a capacity of 50 or
536 more passengers or light-duty vehicles licensed to operate by the District of Columbia;
537 commercial motor carriers, limousines service vehicles, and taxis certified to operate by the
538 District of Columbia shall be low-or-zero-emission vehicles.

539 (2) By 2035,75% of public buses, privately-owned and operated ride shares,
540 passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50
541 or more passengers or light-duty vehicles licensed to operate by the District of Columbia;
542 commercial motor carriers, limousines service vehicles, and taxis certified to operate by the
543 District of Columbia shall be low-or-zero-emission vehicles;

544 (3) By 2040, 90% of public buses, privately-owned and operated ride shares,
545 passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50
546 or more passengers or light-duty vehicles licensed to operate by the District of Columbia;
547 commercial motor carriers, limousines service vehicles, and taxis certified to operate by the
548 District of Columbia shall be low-or-zero-emission vehicles.

549 (4) By 2045, 100% of all public buses, privately-owned and operated ride shares,
550 passenger- and light-duty vehicles associated with privately-owned fleets with a capacity of 50

551 or more passengers or light-duty vehicles licensed to operate by the District of Columbia;
552 commercial motor carriers, limousines service vehicles, and taxis certified to operate by the
553 District of Columbia shall be zero emission vehicles.

554 (c)(1) The Public Service Commission may consider an application by the electric company to
555 promote transportation electrification through utility infrastructure ownership and other programs and
556 incentives, including if such application has been made before the applicability date of this act.

557 (2) The Public Service Commission may approve the application if it finds that it
558 is in the public interest, consistent with the District’s public climate change commitments, and
559 consistent with section 8(2) of An Act Making appropriations to provide for the expenses of the
560 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen
561 hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 977; D.C.
562 Official Code § 34-1101).

563 (d)(1) The Mayor may authorize non-compliance fees to be assessed against an owner or
564 operator for failure to meet the standards set forth in this section or rules issued pursuant to this
565 section.

566 (2) Fees collected pursuant to this subsection may be used to construct and
567 maintain electrification infrastructure.

568 (e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
569 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
570 rules to implement this section.

571 Sec. 503. Authorization to participate in regional programs limiting greenhouse gas
572 emissions.

573 The Mayor is authorized to:

574 (1) Commit the District to participation or membership in any regional
575 governmental initiative, agreement, or compact for the purpose of limiting greenhouse gas
576 emissions from the transportation sector; and

577 (2) Impose a fee on motor fuel sales or distribution; provided, that Maryland or
578 Virginia imposes a state-wide greenhouse gas emissions fee on motor fuel sales or distribution;
579 provided further, that the District fee is no more than that imposed by Maryland or Virginia.

580 TITLE VI. GENERAL PROVISIONS.

581 Sec. 601. Applicability.

582 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
583 budget and financial plan.

584 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
585 an approved budget and financial plan, and provide notice to the Budget Director of the Council
586 of the certification.

587 (c)(1) The Budget Director shall cause the notice of the certification to be published in
588 the District of Columbia Register.

589 (2) The date of publication of the notice of the certification shall not affect the
590 applicability of this act.

591 Sec. 602. Fiscal impact statement.

592 The Council adopts the fiscal impact statement in the committee report as the fiscal
593 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
594 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

595 Sec. 603. Effective date.

596 This act shall take effect following approval of the Mayor (or in the event of veto by the
597 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
598 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
599 24, 1973 (87 Stat. 813; D.C Official Code § 1-206.22(c)(1)), and publication in the District of
600 Columbia Register.