

1 **Committee Print**  
2 **B22-904**  
3 **Committee on Business and Economic Development**  
4 **November 20, 2018**

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7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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13 \_\_\_\_\_  
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15 To amend the Renewable Energy Portfolio Standard Act of 2004 to increase the renewable  
16 energy portfolio standard to 100% by 2032, to establish a solar energy standard after  
17 2032, and to clarify the factors that the Office of the People’s Counsel and the Public  
18 Service Commission must consider in making decisions; to amend the Clean and  
19 Affordable Energy Act of 2008 to remove restrictions on the types of energy efficiency  
20 measures that the Sustainable Energy Utility must offer, to increase the Sustainable  
21 Energy Trust Fund fee assessments, to add an assessment on fuel oil, and to expand the  
22 uses of the Sustainable Energy Trust Fund; to establish a building energy performance  
23 standard program at the Department of Energy and Environment; to amend The Green  
24 Building Act of 2006 to expand the Department of Energy and Environment’s  
25 benchmarking program to include buildings of 10,000 square feet or more by 2024; to  
26 authorize the Mayor to commit the District to participation in regional programs with the  
27 purpose of limiting greenhouse gas emissions; to require the Department of Motor  
28 Vehicles to issue regulations tying the vehicle excise tax to fuel efficiency; to establish a  
29 transportation electrification program, to establish an energy efficiency program.  
30

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

33 TITLE I. RENEWABLE. ENERGY.

34 Sec. 101. The Renewable Energy Portfolio Standard Act of 2004, effective April 12,  
35 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101                   “(1A) In calendar years 2019, 2020, 2021, and 2022 each report shall also  
102 include:

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

106                   “(B) The number of contracts that are exempt from changes to the  
107 renewable energy portfolio standard pursuant to section 101(b) of the CleanEnergy DC Omnibus

108 Amendment Act as introduced on July 10, 2018 (Bill 22-904), the length of each exempt  
109 contract, and the amount of electricity associated with each exempt contract.”.

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

111 “(c-1) A compliance fee required pursuant to subsection (c) of this section shall  
112 be paid to DOEE for deposit into the Fund **November 1** following the year the electricity supplier  
113 failed to comply with the renewable energy portfolio standard.”.to read .

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

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

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

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

119 **“(G)(i) In fiscal year 2019, up to \$250,000 shall be used by DOEE to hire an**  
120 **independent third party to conduct a comprehensive study to help DOEE and building owners**  
121 **better understand the potential for cost impacts and benefits to District residents and property**  
122 **owners, which shall include case studies for different categories of buildings.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

176 including effects on global climate change and the District’s public climate commitments” in its  
177 place.

178 TITLE II. ENERGY EFFICIENCY

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

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

182 (1) Subsection (h) is repealed.

183 (2) Subsection (i) is repealed.

184 (3) Subsection (j) is repealed.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

219 “(J) The amount of \$.00239785 in fiscal year 2025;

220 “(K) The amount of \$.0022971 in fiscal year 2026;

221 “(L) The amount of \$.00219635 in fiscal year 2027;  
222 “(M) The amount of \$.0020956 in fiscal year 2028;  
223 “(N) The amount of \$.00199485 in fiscal year 2029;  
224 “(O) The amount of \$.0018942 in fiscal year 2030;  
225 “(P) The amount of \$.00179335 in fiscal year 2031;  
226 “(Q) The amount of \$.001612 in fiscal year 2032 and each year  
227 thereafter.”.

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

229 “(2A) There shall be imposed upon a person who delivers heating oil or fuel oil to  
230 an end-user in the District, whether for industrial, commercial, or residential use, an assessment  
231 of \$.084 per gallon, calculated on sales.”

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

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

235 (B) Paragraph (10) is repealed.

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

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

240 “(12)(A) Beginning in fiscal year 2020, at least 30% of the funds generated by the  
241 increases to the assessments described in subsection (b) of this section contained in the Clean  
242 Energy DC Omnibus Amendment Act of 2018, as introduced on July 10, 2018 (Bill 22-904)

243 (“Clean Energy DC Omnibus Amendment Act”), activities of DOEE or the Sustainable Energy  
244 Utility to:

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

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

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

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

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

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

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

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

267 “(17)(A) Beginning in fiscal year 2022, at least \$3 million annually shall be used  
268 by DOEE or the Sustainable Energy Utility, selected pursuant to the Clean and Affordable  
269 Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-  
270 1773.01 *et seq.*) to provide assistance to providers of affordable housing or rent-controlled  
271 buildings for energy efficiency upgrades of buildings subject to the Building Energy  
272 Performance Standard program required by section 301 of the CleanEnergy DC Omnibus  
273 Amendment Act.

274

275 TITLE III. BUILDING ENERGY PERFORMANCE STANDARDS AND  
276 BENCHMARKING.

277 Sec. 301. Establishment of a Building Energy Performance Standard Program.

278 (a) This section shall apply to:

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

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

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

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

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

292  
293 (B)(i) In developing energy performance standards, DOEE shall seek to  
294 help the District achieve its short- and long-term climate commitments, including reducing  
295 greenhouse gas emissions by 50% by 2032 and carbon neutrality by 2050.

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

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

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

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

- 308 (1) A performance pathway that for buildings to achieve compliance by  
309 demonstrating a greater than 20% site energy use intensity decrease over the previous 5 years;
- 310 (2) A prescriptive pathway for buildings to achieve compliance by implementing  
311 cost-effective energy efficiency measures with savings comparable to the performance pathway;  
312 andthat
- 313 (3) Other compliance pathways established by DOEE.

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

319 (2) DOEE may establish an exemption criterion for qualifying affordable housing  
320 buildings to delay compliance with the building energy performance requirements for more than  
321 3 years; provided, that the owner demonstrates, to the satisfaction of DOEE, financial distress,  
322 change of ownership, vacancy, major renovation, pending demolition, or other acceptable  
323 circumstances as determined by DOEE by regulation.

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

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

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

339 (i) DOEE may impose civil infraction penalties, fines, and fees as sanctions for a  
340 violation of this section or a regulation issued pursuant to this section, pursuant to the  
341 Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October  
342 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

343 (j) The Attorney General for the District of Columbia may commence a civil action in  
344 the Superior Court of the District of Columbia or any other court of competent jurisdiction for  
345 damages, cost recovery, reasonable attorney and expert witness fees, and injunctive or other  
346 appropriate relief to enforce compliance with this section or a regulation issued pursuant to this  
347 section.

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

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

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

356

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

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

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

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

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

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

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

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

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

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

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



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

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

380                   “(B) Recommend amendments to proposed regulations issued by DOEE;

381 and

382                   “(C) Recommend complementary programs or policies.

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

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

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

387                   “(C) The Director of the Department of Consumer and Regulatory Affairs;

388                   “(D) The Department of Housing and Community Development;

389                   “(E) The Department of Planning and Economic Development;

390                   “(F) A representative from the Green Building Advisory Council;

391                   “(G) A representative from the DC Sustainable Energy Utility;

392                   “(H) A representative who is an affordable housing developer;

393                   “(I) A representative from a rent-control apartment;

394                   “(J) A representative from a market rate apartment building;

395                   “(K) A representative from a commercial building;

396                   “(L) A representative from the Apartment and Office Buildings

397 Association; and

398                                   “(M) A representative from the Consortium of Universities in the  
399 Washington Metropolitan Area.”.

400                   Sec. 303. Rulemaking.

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

405                   **TITLE IV. SUSTAINABLE ENERGY INFRASTRUCTURE CAPACITY BUILDING**  
406 **AND PIPELINE PROGRAM**

407                   Sec. 401. Sustainable Energy Infrastructure Capacity Building and Pipeline program;  
408 establishment.

409                   (a) There is established within the Department of Energy and Environment (“DOEE”) the  
410 Sustainable Energy Infrastructure Capacity Building and Pipeline program with the purpose of  
411 increasing the participation and capacity of certified business enterprises, as defined in section  
412 2302(1D) of the Small and Certified Enterprise Development and Assistance Act of 2005,  
413 effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)), or eligible  
414 businesses in energy efficiency fields.

415                   (b) The program shall apply to all energy efficiency measures designed to increase the  
416 renewable energy portfolio standard, as defined in section 3(11) of the Renewable Energy  
417 Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code §  
418 34-1431(11)), to 100% by 2032, including contracts and procurements related to professional  
419 services, construction, inspection, maintenance, or installation of energy efficient technology or  
420 materials.

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

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

426 (a) DOEE shall enter a memorandum of understanding with the Department of Small and  
427 Local Business Development to maintain a training and certification program, with a duration of  
428 not less than 5 years, for CBEs and CBE eligible firms to increase their capacity to engage in  
429 renewable energy design, construction, inspection, and maintenance.

430 Sec. 403. Reporting requirements.

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

#### 434 TITLE V. TRANSPORTATION EMISSION REDUCTION.

435 Sec. 501. Section 6(j) of The District of Columbia Traffic Act, 1925, approved March 3,  
436 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

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

438 “(1A)(A) By January 1, 2020, the Department of Motor Vehicles, in consultation  
439 with the Department of Energy and Environment, shall issue rules revising the calculation of the  
440 vehicle excise tax such that the fee amount shall be applied as either an increase or decrease to  
441 the excise tax amount as described in this paragraph.

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

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

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

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

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

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

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

464                                   (II) Trailers.

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

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

470 “(J) Electric vehicles.”.

471 Sec. 502. Transportation Electrification program.

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

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

480 (1) By 2030, 50% of public buses, private vehicle-for-hire,  
481 passenger and light-duty vehicles associated with privately-owned fleets with more than 50  
482 passenger- or light-duty vehicles licensed to operate by the District of Columbia; commercial  
483 motor carriers, limousines service vehicles, and taxis certified to operate by the District of  
484 Columbia shall be low-or-zero-emission vehicles.

485 (2) By 2035,75% of public buses, privately-owned and operated ride shares,  
486 passenger- and light-duty vehicles associated with privately-owned fleets with more than 50  
487 passenger- or light-duty vehicles licensed to operate by the District of Columbia; commercial

488 motor carriers, limousines service vehicles, and taxis certified to operate by the District of  
489 Columbia shall be low-or-zero-emission vehicles;

490 (3) By 2040, 90% of public buses, privately-owned and operated ride shares,  
491 passenger- and light-duty vehicles associated with privately-owned fleets with more than 50  
492 passenger or light-duty vehicles licensed to operate by the District of Columbia; commercial  
493 motor carriers, limousines service vehicles, and taxis certified to operate by the District of  
494 Columbia shall be low-or-zero-emission vehicles.

495 (4) By 2045, 100% of all public buses, privately-owned and operated ride shares,  
496 passenger- and light-duty vehicles associated with privately-owned fleets with more than 50  
497 passenger- or light-duty vehicles licensed to operate by the District of Columbia; commercial  
498 motor carriers, limousines service vehicles, and taxis certified to operate by the District of  
499 Columbia shall be zero emission vehicles.

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

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

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

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

514 Sec. 503. Authorization to participate in regional programs limiting greenhouse gas  
515 emissions.

516 The Mayor is authorized to:

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

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

523 TITLE VI. GENERAL PROVISIONS.

524 Sec. 601. Applicability.

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

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

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

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

534           Sec. 602. Fiscal impact statement.

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

538           Sec. 603. Effective date.

539           This act shall take effect following approval of the Mayor (or in the event of veto by the  
540 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
541 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
542 24, 1973 (87 Stat. 813; D.C Official Code § 1-206.22(c)(1)), and publication in the District of  
543 Columbia Register.