A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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.


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

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

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

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

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

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

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

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

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

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

“(15) In 2025, not less than 52.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.45% from solar energy;
“(16) In 2026, not less than 59.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 3.75% from solar energy;
“(17) In 2027, not less than 66.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.1% from solar energy;
“(18) In 2028, not less than 73.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.5% from solar energy;
“(19) In 2029, not less than 80.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 4.75% from solar energy;
“(20) In 2030, not less than 87.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.0% from solar energy;
“(21) In 2031, not less than 94.0% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.25% from solar energy;
“(22) In 2032, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 5.5% from solar energy;”.

(B) New paragraphs (23) through (31) are added to read as follows:
“(23) In 2033, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 6.0% from solar energy;
“(24) In 2034, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 6.5% from solar energy;
“(25) In 2035, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 7.0% from solar energy;
“(26) In 2036, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 7.5% from solar energy;
“(27) In 2037, not less than 100% from tier one renewable sources, 0% from tier two renewable sources, and not less than 8.0% from solar energy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Subsection (c) is amended by striking the phrase “3 years from the date created” and inserting the phrase “3 years from the date created; provided, that a renewable energy credit from a solar energy system meeting the requirements of section 4(e)(1) shall exist for 5 years from the date created” in its place.
Section 11 (D.C. Official Code § 34-1439) is amended as follows:

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

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

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

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

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

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

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

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

“(7) The total amount of the District’s electric supply that was exempt from changes to the renewable energy portfolio standard pursuant to section 4 of the CleanEnergy DC Omnibus Amendment Act, as introduced on July 10, 2018 (Bill 22-904) (“CleanEnergy DC Omnibus Amendment Act”) for the previous calendar year;
“(8) The total amount of the District’s electric supply that is estimated to be exempted from changes to the renewable energy portfolio standard pursuant to section 101(b) of the CleanEnergy DC Omnibus Amendment Act for the current calendar year and each subsequent year that the exemption applies; and

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

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

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

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

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

TITLE II. ENERGY EFFICIENCY

Sec. 201. The Clean and Affordable Energy Act of 2008, effective October 22, 2008

(D.C. Law 17-250; D.C. Official Code § 8-1773.01 et seq.), is amended as follows:

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

(1) Subsection (h) is repealed.

(2) Subsection (i) is repealed.

(3) Subsection (j) is repealed.

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

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

(c) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:
(1) Subsection (a)(1) is amended by striking the phrase “natural gas and electric companies” and inserting the phrase “natural gas, electric companies, and a person who delivers heating oil or fuel oil to an end-user in the District” in its place.

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

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

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

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

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

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

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

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

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

“(E) The amount of $.0029016 in fiscal year 2020;
“(F) The amount of $.00279279 in fiscal year 2021;
“(G) The amount of $.0027001 in fiscal year 2022;
“(H) The amount of $.00259935 in fiscal year 2023;
“(I) The amount of $.0024986 in fiscal year 2024;
“(J) The amount of $.00239785 in fiscal year 2025;
“(K) The amount of $.0022971 in fiscal year 2026;
“(L) The amount of $0.00219635 in fiscal year 2027;
“(M) The amount of $0.0020956 in fiscal year 2028;
“(N) The amount of $0.00199485 in fiscal year 2029;
“(O) The amount of $0.0018942 in fiscal year 2030;
“(P) The amount of $0.00179335 in fiscal year 2031;
“(Q) The amount of $0.001612 in fiscal year 2032 and each year thereafter.”.

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

“(2A) There shall be imposed upon a person who delivers heating oil or fuel oil to an end-user in the District, whether for industrial, commercial, or residential use, an assessment of $0.084 per gallon, calculated on sales.”

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

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

(B) Paragraph (10) is repealed.

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

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

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

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

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

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

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

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

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

“(15) In fiscal year 2021, transferring $15 million to the Green Finance Authority to support sustainable projects and programs; provided, that such transfer is included in an approved budget and financial plan;
“(16) In fiscal years 2022, 2023, 2024, and 2025, transferring $10 million to the Green Finance Authority to support sustainable projects and programs; provided, that such transfer is included in an approved budget and financial plan; and

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

TITLE III. BUILDING ENERGY PERFORMANCE STANDARDS AND BENCHMARKING.


(a) This section shall apply to:

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

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

(3) Beginning January 1, 2026, all privately-owned buildings with at least 10,000 square feet of gross floor area.
(b)(1)(A) No later than January 1, 2021, and every 5 years thereafter, DOEE shall conduct a building energy performance assessment of all buildings to which this section applies and, no later than March 1, 2021, and every 5 years thereafter, establish property types and building energy performance standards for each property type.

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

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

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

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

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

(d) DOEE may establish multiple compliance pathways for buildings to meet the building energy performance requirements, including:
(1) A performance pathway that for buildings to achieve compliance by
demonstrating a greater than 20% site energy use intensity decrease over the previous 5 years;
(2) A prescriptive pathway for buildings to achieve compliance by implementing
cost-effective energy efficiency measures with savings comparable to the performance pathway;
and that
(3) Other compliance pathways established by DOEE.

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

(2) DOEE may establish an exemption criterion for qualifying affordable housing
buildings to delay compliance with the building energy performance requirements for more than
3 years; provided, that the owner demonstrates, to the satisfaction of DOEE, financial distress,
change of ownership, vacancy, major renovation, pending demolition, or other acceptable
circumstances as determined by DOEE by regulation.
(f) DOEE shall coordinate with the Sustainable Energy Utility, selected pursuant to the
Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C.
Official Code § 8-1773.01 et seq.), and the Green Finance Authority, established by the Green
Finance Authority Establishment Act of 2018, effective August 22, 2018 (D.C. Law 22-155;
D.C. Official Code § 8-173.21 et seq.), to establish an incentive and financial assistance program
for qualifying building owners and affordable housing providers to meet building energy
performance requirements.
(g) Buildings failing to comply with the building energy performance requirements at the end of the 5-year compliance period shall pay an alternative compliance penalty established by DOEE. Penalties collected pursuant to this provision shall be deposited into the Sustainable Energy Trust Fund.

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

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

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

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

1. In which use restrictions or other covenants require that at least 50% of all of the building’s dwelling units are occupied by households that have household incomes of less than or equal to 80% of the area median income, or
Sec. 302. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 et seq), is amended as follows:

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

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

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

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

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

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

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

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

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

(b) Section 10 (D.C. Official Code § 6-1451.09) is amended by adding a new subsection (h) to read as follows:
“(h)(1) Within 180 days of the effective date of this act, the Mayor shall establish the Building Energy Performance Standards Task Force, which shall:

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

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

and

“(C) Recommend complementary programs or policies.

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

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

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

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

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

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

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

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

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

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

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

“(K) A representative from a commercial building;

“(L) A representative from the Apartment and Office Buildings Association; and
“(M) A representative from the Consortium of Universities in the
Washington Metropolitan Area.”.

Sec. 303. Rulemaking.

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

TITLE IV. SUSTAINABLE ENERGY INFRASTRUCTURE CAPACITY BUILDING AND PIPELINE PROGRAM

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

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

(b) The program shall apply to all energy efficiency measures designed to increase the renewable energy portfolio standard, as defined in section 3(11) of the Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431(11)), to 100% by 2032, including contracts and procurements related to professional services, construction, inspection, maintenance, or installation of energy efficient technology or materials.
(c) DOEE and the Office of Contracting and Procurement shall develop and use procurement criteria that includes Certified Business Enterprise utilization as an evaluation factor when shortlisting and selecting businesses for professional services and when selecting contractors in best value procurements with a contract value of more than $250,000.

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

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

Sec. 403. Reporting requirements.

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

TITLE V. TRANSPORTATION EMISSION REDUCTION.

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

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

“(1A)(A) By January 1, 2020, the Department of Motor Vehicles, in consultation with the Department of Energy and Environment, shall issue rules revising the calculation of the vehicle excise tax such that the fee amount shall be applied as either an increase or decrease to the excise tax amount as described in this paragraph.
“(B) The increase or decrease to the excise tax amount shall be based on the difference between the fuel efficiency of the vehicle for which the title is being sought, using window label vehicle fuel efficiency figures, and a benchmark standard.

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

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

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

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

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

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

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

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

“(J) Electric vehicles.”.

Sec. 502. Transportation Electrification program.

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

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

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

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

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

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

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

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

(2) Fees collected pursuant to this subsection may be used to construct and maintain electrification infrastructure.
(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement this section.

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

The Mayor is authorized to:

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

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

TITLE VI. GENERAL PROVISIONS.

Sec. 601. Applicability.

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

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

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

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.
Sec. 602. Fiscal impact statement.


Sec. 603. Effective date.

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