

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-504

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 25, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To designate the P Street Bridge, bounded by P Street, N.W., and 23rd Street, N.W., in Ward 2, as the Lauzun's Legion Bridge.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lauzun's Legion Bridge Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council designates the P Street Bridge, bounded by P Street, N.W., and 23rd Street, N.W., in Ward 2, as the "Lauzun's Legion Bridge".

Note,
§ 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

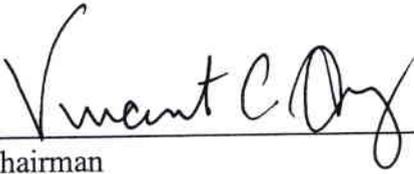
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

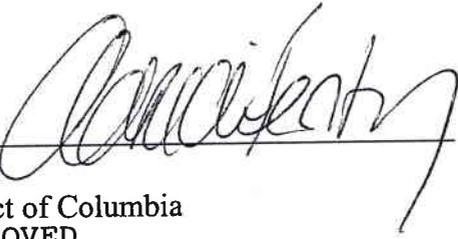
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 25, 2008

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AN ACT
D.C. ACT 17-505

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 25, 2008

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To designate the baseball field at the Banneker Recreation Center, located at the 2500 block of Georgia Avenue, N.W., in Ward 1, as the Maury Wills Baseball Field.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Maury Wills Baseball Field Designation Act of 2008".

Sec. 2. Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01) ("Act"), and notwithstanding section 405 of the Act (D.C. Official Code § 9-204.05), the Council designates the baseball field at the Banneker Recreation Center, located at the 2500 block of Georgia Avenue, N.W., in Ward 1, as the "Maury Wills Baseball Field".

Note,
 § 9-204.01

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the Department of Parks and Recreation.

Sec. 4. Fiscal impact statement.

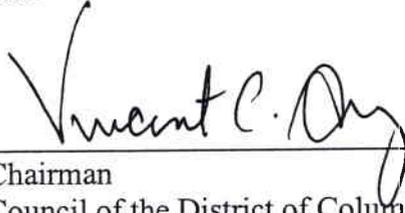
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by 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

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 25, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 25, 2008

To authorize payment to MVS Inc., for office equipment provided to the Department of Employment Services without a valid written contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "MVS Inc., Payment Authorization Act of 2008".

Sec. 2. Pursuant to section 105(d)(6) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05(d)(6)), the Council authorizes the Department of Employment Services to pay MVS Inc., \$5,762.49 for office equipment received on October 5, 2006, such costs being incurred without benefit of a valid written contract.

Sec. 3. Fiscal impact statement.

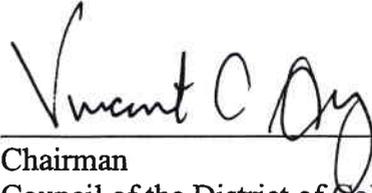
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

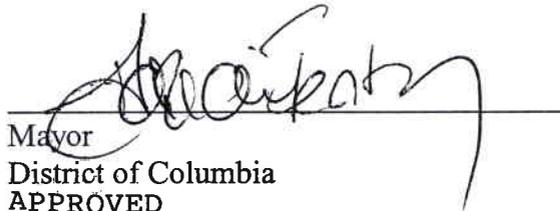
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 25, 2008

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AN ACT
D.C. ACT 17-507

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 25, 2008

To amend, on an emergency basis, due to Congressional review, Title 31 of the District of Columbia Municipal Regulations to establish a specific penalty for taxicabs violating the restrictions of the Adams Morgan Taxicab Zone Pilot Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Adams Morgan Taxicab Zone Enforcement Congressional Review Emergency Amendment Act of 2008”.

Sec. 2. Subsection 825.1 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 825.1) is amended by adding to the table, after the infraction for “**Speedometer or Odometer**,” a new infraction to read as follows:

“Taxicab Zone

“Picking up during restricted hours,
except as directed by taxicab stand starter 75.00”.

Sec. 3. Fiscal impact statement.

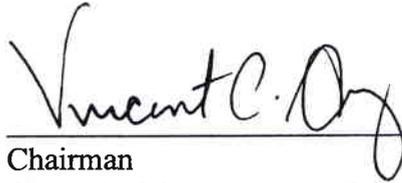
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

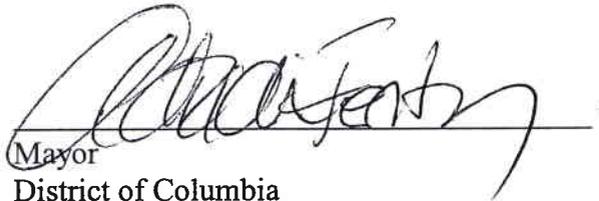
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 25, 2008

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AN ACT

D.C. ACT 17-508

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 25, 2008*Codification
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To establish, on an emergency basis, authority to contract with a private company to be known as a Sustainable Energy Utility to administer sustainable energy programs in the District of Columbia; to establish an advisory board for the Sustainable Energy Utility; to define the responsibilities of the Sustainable Energy Utility Advisory Board; to define the role of the Sustainable Energy Utility; to lay out the structure of the Sustainable Energy Utility contract; to require the Mayor to design and implement a brand for sustainable energy services in the District of Columbia; to require the Commission to rule on a portion of Formal Case 945; to require the incumbent distribution utilities to share certain customer energy use data with the Sustainable Energy Utility; to establish a renewable energy incentive program in the District of Columbia; to establish the Sustainable Energy Trust Fund and associated assessment; to establish the Energy Assistance Trust Fund and associated assessment; to amend the Retail Competition and Consumer Protection Act of 1999 to eliminate the Reliable Energy Trust Fund and associated charge; to amend the Omnibus Utility Amendment Act of 2004 to eliminate the Natural Gas Trust Fund and associated charge; to amend the Renewable Portfolio Standard Act of 2004 to increase the renewable requirement, allow solar thermal to count as a Tier 1 solar resource, and increase the alternative compliance payment; to amend the Green Building Act of 2006 to establish benchmarking requirements for all qualified public and private buildings; to amend 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 to amend the responsibilities of the Public Service Commission; to amend AN ACT To provide a People's Counsel for the Public Service Commission in the District of Columbia, and for other purposes to amend the responsibilities of the Office of the People's Counsel; to require the Mayor to commission a study of the feasibility of District investment or involvement in the construction of a renewable energy generating facility; and to require lessors of nonresidential buildings to measure and bill each rental unit for energy costs.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clean and Affordable Energy Emergency Act of 2008".

TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Commission" means the Public Service Commission.
- (2) "District Department of the Environment," "DDOE," or "Energy Office" means the District Department of the Environment Energy Office.
- (3) "Electric company" shall have the same meaning as in the fifteenth unnumbered paragraph, beginning "The term "electric company"", of section 8(1) 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 § 34-209).
- (4) "Energy Assistance Trust Fund" or "EATF" means the Energy Assistance Trust Fund established under section 211.
- (5) "Existing electricity programs" means those programs operated by the District Department of the Environment under the names "Weatherization Plus," "Low Income Appliance Replacement Program," and "Weatherization and Rehabilitation."
- (6) "Existing low-income programs" means those programs operated by the District Department of the Environment under the names "LIHEAP Expansion and Energy Education," "RAD Expansion," "RAD Arrearages Retirement and Education Program," and "Residential Essential Service Expansion and Awareness Program."
- (7) "Existing natural gas programs" means those programs proposed or operated by the District Department of the Environment under the names "Heating System Repair, Replacement, and Tune-Up Program," "Residential Weatherization and Efficiency Program," "Energy Awareness Program," and "Saving Energy in D.C. Schools."
- (8) "Fiscal Agent" means the Office of the Chief Financial Officer.
- (9) "Gas company" shall have the same meaning as in the thirteenth unnumbered paragraph, beginning "The term "gas company"", of section 8(1) 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 § 34-209).
- (10) "Green collar jobs" means jobs in the environmental sector of the economy which jobs may involve the implementation of environmentally-conscious design, policy, or technology.
- (11) "OIML" means the International Association of Legal Metrology.
- (12) "Request for Proposals" or "RFP" means the request for proposals prepared by the District Department of the Environment for the SEU.
- (13) "Residential Aid Discount" means the utility discount program offered by

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the electric company to low-income electricity customers in the District of Columbia.

(14) "Residential Essential Service" means the utility discount program offered by the gas company to low-income natural gas customers in the District of Columbia.

(15) "Solar thermal systems" means systems which utilize the sun's radiation to efficiently heat fluids or air.

(16) "SRCC" means the Solar Rating and Certification Corporation.

(17) "Substantial improvement" has the same meaning as in section 202 of Title 12J of the District of Columbia Municipal Regulations (12J DCMR § 202).

(18) "Sustainable Energy Trust Fund" or "SETF" means the Sustainable Energy Trust Fund established under section 210.

(19) "Sustainable Energy Utility" or "SEU" means the private contractor selected to develop, coordinate, and provide programs for the purpose of promoting the sustainable use of energy in the District of Columbia.

(20) "Sustainable Energy Utility Advisory Board", "Advisory Board", or "Board" means the board established under section 203 that advises the DDOE on the procurement of the contract with the SEU and monitors the progress of the SEU under its contract.

(21) "Temporary electricity programs" means those programs operated by the District Department of the Environment under the names "Affordable Housing Energy Efficient Rebate Program", "Weatherization Rehabilitation Asset Partnership", and "Home Energy Rating System".

(22) "Utility or energy company" means a company distributing, supplying, or transmitting electricity or natural gas in the District of Columbia.

TITLE II. MANAGEMENT OF SUSTAINABLE ENERGY PROGRAMS.

Sec. 201. Contract with a Sustainable Energy Utility.

(a) The Mayor, by, and through DDOE, shall contract with a SEU to conduct sustainable energy programs on behalf of the District of Columbia.

(b) The SEU shall be a private entity.

(c) The SEU shall conduct the sustainable energy programs under a brand name to be determined by the District Department of the Environment.

(d) The SEU contract shall provide that the SEU shall, at a minimum, achieve the following:

- (1) Reduce per-capita energy consumption in the District of Columbia;
- (2) Increase renewable energy generating capacity in the District of Columbia;
- (3) Reduce the growth of peak electricity demand in the District of Columbia;
- (4) Improve the energy efficiency of low-income housing in the District of

Columbia;

(5) Reduce the growth of the energy demand of the District of Columbia's largest energy users; and

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- (6) Increase the number of green-collar jobs in the District of Columbia.
- (e) The SEU contract shall be funded by the SETF. The SEU contract may also be funded by any other source of funding available to the Mayor, including:
 - (1) Federal funds;
 - (2) Private funds, subject to DDOE approval; and
 - (3) Other District funds.
- (f) All funds used to support the SEU contract shall be managed by the Fiscal Agent.
- (g) The SEU contract shall permit coordination with any similar private entity operating in an adjacent or nearby jurisdiction.
- (h) The use of private grant money by the SEU shall be subject to DDOE approval.
- (i) Notwithstanding the provisions of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the SEU contract shall be awarded pursuant to the procedure set forth under this title.

Sec. 202. Structure of the SEU contract.

- (a) The initial SEU contract shall be for a period of not less than 5 years.
- (b) The SEU contract shall be funded as provided in section 201(e).
- (c) The SEU contract shall be performance-based and shall provide financial incentives for the SEU to surpass the performance benchmarks set forth in the SEU contract. The SEU contract shall also provide financial penalties to be applied to the SEU if the SEU fails to meet the required performance benchmarks.
- (d) The SEU contract shall require that the SEU program shall, when taken as a whole, meet the societal benefit test on an annual and contract-term basis.
- (e) Each bid shall detail how the contractor proposes to nearly meet, meet, or exceed each performance benchmark. The performance benchmarks shall be set forth in the bid.
- (f) The SEU contract shall permit the programs, benchmarks, and level of funding to be changed at any time with the approval of both the SEU and the DDOE. No change to the funding shall allow the Mayor to exceed the SETF funding limits set forth in section 210.
- (g) The SEU contract shall be revocable if the SEU fails to meet the performance benchmarks of the contract.
- (h) The SEU contract shall provide that the annual expenditure on natural gas-related programs shall be no less than 75%, and no greater than 125%, of the amount provided in the contract from the assessment on the natural gas company.
- (i) The SEU contract shall provide that the expenditure on electricity-related programs shall be no less than 75%, and no greater than 125%, of the amount provided in the contract from the assessment on the electricity company.
- (j) Subsections (h) and (i) shall not apply to funds from a source other than an assessment on the gas company or the electric company.
- (k) The SEU contract shall provide that the SEU shall submit, to the DDOE and Board, a quarterly report detailing expenditures under the contract and performance of SEU programs.

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Sec. 203. Establishment of a Sustainable Energy Utility Advisory Board.

(a) There is established a Sustainable Energy Utility Advisory Board whose purpose shall be to:

(1) Provide advice, comments, and recommendations to the DDOE and Council regarding the procurement and administration of the SEU contract described in sections 201 and 202.

(2) Advise the DDOE on the performance of the SEU under the SEU contract;
and

(3) Monitor the performance of the SEU under the SEU contract.

(b) The Board shall be comprised of:

(1) The Mayor, or his or her designee, who shall chair the Advisory Board;
(2) The People's Counsel or his or her designee;
(3) The Chair of the Public Service Commission or his or her designee;
(4) One member appointed by the Chairman of the Council committee with oversight of the Energy Office;

(5) One member appointed by the Chairman of the Council;
(6) One member, appointed by the Mayor, representing the renewable energy industry;

(7) One member, appointed by the Mayor, representing an environmental group;
(8) One member, appointed by the Mayor, representing the low-income community;

(9) One member, appointed by the Mayor, representing the building construction industry;

(10) One member, appointed by the Mayor, representing the building management industry;

(11) One member, appointed by the Mayor, representing the economic development community with particular expertise in the generation of green-collar jobs;

(12) One member, appointed by the Mayor, representing the electric company;
and

(13) One member, appointed by the Mayor, representing the gas company.

(c) Each member of the Advisory Board appointed by the Mayor or Council shall have demonstrable expertise in energy efficiency or renewable energy.

(d) Board members shall be entitled to reimbursement for expenses, including transportation, parking, mileage expenses, and conference admission fees incurred in the performance of official duties of the Board. The reimbursement shall be limited to \$2,000 per board member per year.

(e) Each member of the Board shall serve a 3-year term.

(f) The Mayor, Council Chairman, or Chairman of the Council committee with oversight of the Energy Office may replace any appointee at any time, but shall not replace the appointee to any individual position more than 2 times per calendar year.

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(g) Any Board member who is an employee of the District government, or who serves on the Board as the representative of a particular organization, group, business, or other entity, including an elected official, shall be removed from the Board upon leaving the employment of the District government, elected office, or other entity, as applicable.

Sec. 204. Operations of the Sustainable Energy Utility Advisory Board.

(a) Within 45 days after the effective date of this act, the Mayor, Council Chairman, and Chairman of the Council committee with oversight of the Energy Office shall appoint the respective members of the Board.

(b) Within 120 days after the effective date of this act, the Board shall adopt rules and procedures governing its meetings and decisionmaking processes. The procedures shall include a formal means for members of the Board to submit their dissent from the recommendations of the Board with the comments of the Board provided to the DDOE.

(c) Within 210 days after the effective date of this act, the Board shall recommend to the Mayor performance benchmarks for the SEU contract based on the requirements set forth in section 201.

(d) Within 60 days after the submission of a draft RFP to the Board by the DDOE, pursuant to section 205(b), the Board shall submit to the DDOE and Council comments on the draft RFP.

(e) Within 60 days of the final submission of bids for the contract for the SEU, the Board shall submit to the DDOE and Council comments on the bids submitted for the SEU contract.

(f) During the term of a SEU contract, the Board shall meet quarterly with representatives from the SEU to monitor the performance of the SEU and programs operated by the SEU.

(g) The Board shall present a report on the progress of the SEU to the Council annually, with the 1st report being due 30 days after the conclusion of the 1st year of the SEU contract. The DDOE shall make this document available to the public on its website within 10 days of its submission to the Council.

(h) The Board may convene any subcommittees and working groups it considers appropriate without any limitation as to the membership of such groups.

(i) All Board meetings shall be subject to the open meeting provisions contained in section 742 of the District of Columbia Home Rule Act, effective December 24, 1973 (87 Stat. 831; D.C. Official Code §1-207.42).

(j) The DDOE shall provide staff resources to the Board and coordinate the involvement of staff from the Public Service Commission, Office of the People's Counsel, and any other appropriate agency or organization as necessary for the Board to fulfill its mandate.

Sec. 205. Implementation of the Sustainable Energy Utility contract.

(a) The District Department of the Environment shall be responsible for the

ENROLLED ORIGINAL

procurement and monitoring of the contract for the SEU, including:

- (1) Drafting and revising the RFP for the SEU;
- (2) Staffing the Advisory Board;
- (3) Accepting the bids for the SEU contract;
- (4) Reviewing bids for the SEU contract; and
- (5) All other responsibilities not otherwise expressly delegated to another entity

for purposes of operation under this act.

(b) Within 180 days of the Board's recommendation of performance benchmarks for the SEU contract, pursuant to section 204(c), the DDOE shall prepare a draft RFP and submit the RFP to the Board for comments. In preparing the RFP, the DDOE shall consult with at least one person or organization that has had experience in the drafting of a RFP for the state-wide provision of end-user energy efficiency services, and shall hold an industry day to solicit the advice and input of private entities that may bid on the contract.

(c) Within 60 days of the receipt of the Board's comments on the RFP pursuant to section 204(d), the DDOE shall revise the RFP to the extent it considers necessary and shall issue the RFP for bids for such period as it considers appropriate.

(d) Within 30 days of the completion of the bidding period, the DDOE shall submit the bids to the Board. The Board shall have 30 days to recommend a bidder or, failing the submission of a bid considered adequate by the Board, recommend the modification of the RFP.

(e) If the DDOE determines that there is not a sufficient bid, DDOE shall modify the RFP, if necessary, and solicit additional bids.

(f) The DDOE shall maintain the brand name adopted pursuant to section 206.

(g) The DDOE shall administer the transition from one SEU to another.

(h) Prior to the execution of the contract with the SEU, \$1 million shall be allocated annually for the purposes of:

- (1) Preparing the RFP;
- (2) Staffing the Board;
- (3) Maintaining the brand name adopted pursuant to section 206; and
- (4) Operating the renewable energy rebate program established by section 209.

(i) After the execution of the contract with the SEU, 10% of the annual cost of the SEU contract shall be allocated to DDOE for administrative costs.

(j) The DDOE shall submit to the Council, within 30 days following the end of each fiscal year, a report detailing the expenditures of money from the SETF and EATF during the previous fiscal year. The DDOE shall make this document available to the public on its website within 10 days of its receipt.

(k) The DDOE shall commission, on an annual basis, an independent review of the performance and expenditures of the SEU and shall provide the results of this review to the Board and Council within 6 months of the conclusion of each year of the SEU contract.

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Sec. 206. Sustainable energy branding.

(a) Within 90 days after the effective date of this act, the DDOE shall determine a brand name for the provision of energy efficiency and renewable energy services in the District of Columbia.

(b) Within 90 days after the effective date of this act, the DDOE shall establish and maintain a website for the brand, with a web address of the brand name bracketed by www. and .org, .com, or .gov. The purpose of this website shall be to serve as a portal that will provide information about every energy efficiency and renewable energy program available to District residents and businesses, including those offered by:

- (1) The DDOE;
- (2) The SEU;
- (3) The electricity or natural gas companies;
- (4) The federal government;
- (5) Nonprofit entities; and
- (6) Any contractors or subcontractors for any of the entities set forth in

paragraphs (1) through (5) of this subsection.

(c) The DDOE shall provide a phone number that shall serve as a hotline for the brand during normal business hours.

(d) The DDOE shall be responsible for working with providers of energy efficiency and renewable energy services to ensure that all information is accurate and up-to-date.

Sec. 207. Electric company.

(a) Within 90 days of the completion of the record on Formal Case 945, the Commission shall issue an order regarding the demand-side management programs proposed by the electric company.

(b) In considering Formal Case 945, the Commission shall seek to approve those programs that:

- (1) Can be implemented most quickly;
- (2) Take advantage of the electric company's frequent contact with customers;

and

(3) Do not replicate the efforts of sustainable energy programs operated by the DDOE.

(c) The programs that the Commission approves may be funded by the SETF under section 210.

(d)(1) Within 30 days after the execution of a contract with the SEU, the electric company shall disclose, or allow access to, the aggregate energy use data for every rate class for electric company customers in the District of Columbia. Customer-specific information, including the customer's name, account number, service address, phone number, and energy use data, shall not be provided without the customer's express written consent.

- (2) The electric company shall ensure the privacy of any and all customer

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information, including the electric company customer's name, account number, service address, billing address, phone number, and energy use data, in making the disclosure. The SEU shall not sell or otherwise disclose any customer or billing information to any third party without express written authorization from the customer.

(3) The electric company shall not be liable for any damages resulting from its provision of customer energy use data to the SEU absent gross negligence. The SEU shall be liable for damages to the customer for any unauthorized use of customer information or data, including the electric company customer's name, account number, service address, billing address, phone number, and energy use data.

(e) Within one year after the effective date of this act, all energy efficiency and renewable energy programs administered by the electric company and funded by the SETF shall be operated in coordination with the brand managed by the DDOE. To effectuate this mandate, the electric company shall:

(1) Prominently display the name and logo of the brand name on all advertisements of the programs;

(2) Include the website and phone number for the DDOE brand on all advertisements of the programs;

(3) Post a link to the brand website on all company webpages related to energy efficiency and renewable energy; and

(4) Provide timely, accurate, and comprehensive information regarding its programs to the DDOE to permit DDOE to include such information in material provided to the public.

Sec. 208. Natural gas company.

(a) Within 30 days after the execution of a contract with the SEU, the gas company shall disclose, or allow access to, the aggregate energy use data for every rate class for gas company customers in the District of Columbia. Customer-specific information, including the customer's name, account number, service address, phone number, and energy use data, shall not be provided without the customer's express written consent.

(b) The gas company shall ensure the privacy of any and all customer information, including the gas company customer's name, account number, service address, billing address, phone number, and energy use data, in making the disclosure. The SEU shall not sell or otherwise disclose any customer or billing information to any third party without express written authorization from the customer.

(c) The gas company shall not be liable for any damages resulting from its provision of customer energy use data to the SEU absent gross negligence. The SEU shall be liable for damages to the customer for any unauthorized use of customer information or data, including the gas company customer's name, account number, service address, billing address, phone number, and energy use data.

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Sec. 209. Renewable energy incentive program.

(a) There is established a rebate program that shall provide funding to the owners of the following new renewable energy generation systems in the District of Columbia:

- (1) Solar photovoltaic;
- (2) Solar thermal;
- (3) Geothermal;
- (4) Wind;
- (5) Biomass; and
- (6) Methane or waste-gas capture.

(b) The program shall provide funding in the following amounts:

- (1) The amount of \$3 for each of the first 3,000 installed watts or watt-equivalents of capacity;
- (2) The amount of \$2 for each of the next 7,000 installed watts or watt-equivalents of capacity; and
- (3) The amount of \$1 for each of the next 10,000 installed watts or watt-equivalents of capacity.

(c) The program shall be administered by DDOE and shall operate until the end of fiscal year 2012.

(d) The program shall receive funding from the SETF as set forth in section 210.

(e) DDOE shall allocate $\frac{1}{2}$ of the funds available annually every 6 months.

(f) DDOE shall only fund systems installed in the District of Columbia.

(g) Applications shall be considered and approved or rejected in the order in which they are received. Rebate payments shall be awarded immediately upon receipt by DDOE of the invoice for the purchase of the renewable energy generating equipment.

(h)(1) An owner shall have 6 months from the date of the approval of its rebate application to complete the installation.

(2) DDOE shall visit each project site to verify the completion of each project upon the earlier of 14 days of notification by the owner of the completion of the project or 6 months after DDOE approves the project for funding. If the project has not been completed, the DDOE may, in its discretion, allow the owner up to an additional 6 months to complete the installation. If the owner fails to complete the installation within the period allowed under paragraph (1) of this subsection, it shall return the amount of the rebate within 30 days after the expiration of such period. If the owner fails to return the rebate money within 30 days after the expiration of such period, this subsection shall constitute a lien on all of the property, real or personal, of the owner to secure repayment of the rebate.

(i) Within 90 days after the effective date of this act, the DDOE shall post, and update monthly, on the website required by section 206, information about the rebate program, including:

- (1) The date that funds shall be made available;
- (2) A printable copy of the rebate application determined by DDOE;

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- (3) The amount of rebate funds remaining to be awarded; and
- (4) The amount of rebate funds awarded.

(j) The application form for the rebate shall be substantially the same as the application for the analogous program in use in Maryland as of the date of the program.

(k) Within 90 days after the effective date of this act, the DDOE shall define a method for converting the heating and cooling capacity of solar thermal and geothermal systems to kilowatt equivalents to permit such systems to qualify for rebates under this program.

(l) The Mayor, pursuant to Title 1 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 modify the incentive program as market conditions dictate.

(m) DDOE may pay for the installation of monitoring and communications systems, for collecting generation data from renewable energy systems funded by the rebate program and transmitting it to a designated web site; provided, that the system owner shall permit the DDOE to make the data publicly accessible on the DDOE website.

Sec. 210. Sustainable Energy Trust Fund.

(a)(1) There is established as a nonlapsing fund the Sustainable Energy Trust Fund, which shall be used solely for the purposes stated in subsection (c) of this section. The Sustainable Energy Trust Fund shall be funded by an assessment on the natural gas and electric companies under subsection (b) of this section and from the sale of credits associated with the Regional Greenhouse Gas Initiative or any successor program. All funds collected from these sources shall be deposited into the SETF and shall be disbursed by the Fiscal Agent.

(2) All funds deposited into the Sustainable Energy Trust Fund, and any interest earned on the funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b)(1) There is imposed upon the natural gas company an assessment calculated on sales on a per-therm basis as follows:

- (A) The amount of \$.011 in fiscal year 2009;
- (B) The amount of \$.012 in fiscal year 2010;
- (C) The amount of \$.014 in fiscal year 2011 and each year thereafter.

(2) There is imposed upon the electric company an assessment calculated on sales on a per-kilowatt hour basis as follows:

- (A) The amount of \$.0011 in fiscal year 2009;
- (B) The amount of \$.0013 in fiscal year 2010;
- (C) The amount of \$.0015 in fiscal year 2011 and each year thereafter.

(3) The assessments shall be paid to the Fiscal Agent before the 21st day of each month, beginning in November, 2008, or the 1st full month following the effective date of this act, whichever is later, for sales for the preceding billing period.

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(4) The assessment shall be applied to the sale of every kilowatt hour and therm in the District, except to those sold to residents participating in the Residential Essential Service or Residential Aid Discount programs operated by DDOE.

(5) Nothing in this title shall be construed to prohibit the electric company or natural gas company from recovering the assessment imposed under paragraphs (1) and (2) of this section, respectively, in its rates as a surcharge on customers' bills.

(c) The funds in the Sustainable Energy Trust Fund shall be used solely to fund:

(1) The SEU contract in the following amounts:

(A) The amount of \$7.5 million in the 1st year of the contract;

(B) The amount of \$15 million in the 2nd year of the contract;

(C) The amount of \$17.5 million in the 3rd year of the contract; and

(D) The amount of \$20 million in the 4th and each subsequent year of the initial contract, and for each year of any subsequent contract;

(2) The administration of the SEU contract by DDOE, on an annual basis, equal to 10% of the payments under the contract in that fiscal year;

(3) An independent review of the performance of the SEU under section 205(1) in the amount of \$100,000 annually;

(4) The activities of the SEU Advisory Board under section 203 in the amount of \$26,000 annually;

(5) Existing electricity programs in the amount of \$3.545 million annually for fiscal years 2009 through 2011;

(6) Temporary electricity programs in the amount of \$916,000 for fiscal year 2009;

(7) Existing natural gas programs in the amount of \$3 million annually for fiscal years 2009 through 2011;

(8) Renewable energy incentive program under section 209 in the amount of \$2 million annually for fiscal years 2009 through 2012, of which up to \$20,000 annually may be used to pay for the installation of monitoring and communications systems; and

(9) Energy efficiency programs administered by the electric company under section 207 in the amount of \$6 million annually for fiscal years 2009 through 2011.

(d) If, at the beginning of a fiscal year, the fund balance of the SETF exceeds the projected annual cost of all programs pursuant to subsection (c) of this section in that fiscal year by at least \$10 million, the Fiscal Agent shall suspend payment and the collection of the SETF assessment, until such excess is estimated by the Fiscal Agent to be \$5 million.

(e) The DDOE shall submit to the Council a quarterly report detailing:

(1) Expenditures from the SETF; and

(2) The performance of SETF programs operated by the DDOE.

Sec. 211. Energy Assistance Trust Fund.

(a)(1) There is established as a nonlapsing fund the Energy Assistance Trust Fund,

ENROLLED ORIGINAL

which shall be used solely for the purposes stated in subsection (c) of this section. The Energy Assistance Trust Fund shall be funded by an assessment on the natural gas and electric companies under subsection (b) of this section. All funds collected from these sources shall be deposited into the EATF and be disbursed by the Fiscal Agent.

(2) All funds deposited into the Energy Assistance Trust Fund, and any interest earned on the funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b)(1) There is imposed upon sales of the gas company an assessment of \$.006 per therm.

(2) There is imposed upon the sales of the electric company an assessment of \$.0004 per-kilowatt hour.

(3) The assessments shall be paid to the Fiscal Agent before the 21st day of each month, beginning in November, 2008, or the first full month following the effective date of this act, whichever is later, for sales for the preceding billing period.

(4) The assessment shall be applied to the sale of every kilowatt hour and therm in the District, except sales to residents participating in the Residential Essential Service or Residential Aid Discount programs operated by DDOE.

(5) Nothing in this title shall be construed to prohibit the electric company or natural gas company from recovering the assessment imposed under paragraphs (1) and (2) of this section, respectively, in its rates as a surcharge on customers' bills.

(c) The Energy Assistance Trust Fund shall be used solely to fund:

(1) The existing low-income programs in the amount of \$3.3 million annually;
and

(2) The Residential Aid Discount subsidy in the amount of \$3 million annually.

(d) The Mayor, pursuant to Title 1 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 modify the assessments under subsection (b) of this section and the programs funded by the EATF.

(e) The DDOE shall submit to the Council a quarterly report detailing:

(1) Expenditures from the EATF; and

(2) The performance of EATF programs operated by the DDOE.

Sec. 212. Conforming amendments.

(a)(1) Section 114 of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1514), is repealed.

(2) One-half of the funds remaining in the Reliable Energy Trust Fund shall be transferred to the Sustainable Energy Trust Fund and ½ of the funds shall be transferred to the Energy Assistance Fund.

Note,
§ 34-1514

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(b)(1) Section 101 of the Omnibus Utility Amendment Act of 2004, effective April 12, 2005 (D.C. Law 15-142; D.C. Official Code § 34-1651), is repealed.

Note,
§ 34-1651

(2) One-half of the funds remaining in the Natural Gas Trust Fund shall be transferred to the Energy Assistance Trust Fund and ½ of the funds shall be transferred to the Sustainable Energy Trust Fund.

Sec. 213. Solar and Renewable Home Improvement Financing Proposal.

(a) Within 90 days after the effective date of this act, the Commission shall open an investigation into mechanisms to make long-term affordable financing available to energy consumers to purchase:

(1) Renewable energy generating systems, including solar thermal and solar photovoltaic panels and geothermal heating and cooling systems; and

(2) Home and business improvements that increase the energy efficiency of buildings, including weatherizing, adequate insulation, efficient doors and windows, and central air conditioning.

(b) The Commission's investigation shall include the means by which the electric and gas companies' billing systems can be used to collect payments from individuals to purchase renewable energy generating systems and make energy efficiency improvements to homes and businesses.

(c) Within 60 days after the close of the record of the investigation, the Commission shall issue a report, including findings, on the feasibility of the implementation of the proposal set forth in subsections (a) and (b) of this section.

TITLE III. RENEWABLE PORTFOLIO STANDARDS.

Sec. 301. 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(14)(D.C. Official Code § 34-1431(14)) is amended to read as follows:

“(14) “Solar energy” means radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy, that is collected, generated, or stored for use at a later time.”

Note,
§ 34-1431

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

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

“(a-1)(1) For nonresidential solar heating, cooling, or process heat property systems producing or displacing greater than 10,000 kilowatt hours per year, the solar systems shall be rated and certified by the SRCC and the energy output shall be determined by an onsite energy meter that meets performance standards established by OIML.

Note,
§ 34-1432

“(2) For nonresidential solar heating, cooling, or process heat property systems producing or displacing 10,000 or less than 10,000 kilowatt hours per year, the solar systems shall be rated and certified by the SRCC and the energy output shall be determined by the SRCC OG-300 annual system performance rating protocol applicable to the property, by the

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SRCC OG-100 solar collector rating protocol, or by an onsite energy meter that meets performance standards established by OIIML; and

“(3) For residential solar thermal systems, the system shall be certified by the SRCC and the energy output shall be determined by the SRCC OG-300 annual rating protocol or by an onsite energy meter that meets performance standards established by OIIML.”.

(2) Subsection (c) is amended to read as follows:

“(c) The renewable energy portfolio standard shall be as follows:

“(1) In 2008, 2% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.011% from solar energy;

“(2) In 2009, 2.5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.019 % from solar energy;

“(3) In 2010, 3% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.028% from solar energy;

“(4) In 2011, 4% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.04% from solar energy;

“(5) In 2012, 5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.07% from solar energy;

“(6) In 2013, 6.5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.10% from solar energy;

“(7) In 2014, 8% from tier one renewable sources; 2.5% from tier two renewable sources, and not less than 0.13% from solar energy;

“(8) In 2015, 9.5% from tier one renewable sources, 2.5% from tier two renewable sources, and not less than 0.17% from solar energy;

“(9) In 2016, 11.5% from tier one renewable sources, 2% from tier two renewable sources, and not less than 0.21% from solar energy;

“(10) In 2017, 13.5% from tier one renewable sources, 1.5% from tier two renewable sources, and not less than 0.25% from solar energy;

“(11) In 2018, 15.5% from tier one renewable sources, 1% from tier two renewable sources, and not less than 0.30% from solar energy;

“(12) In 2019, 17.5% from tier one renewable sources, 0.5% from tier two renewable sources, and not less than 0.35% from solar energy; and

“(13) In 2020, 20% from tier one renewable sources, 0% from tier two renewable sources, and not less than 0.4% from solar energy.”.

(3) A new subsection (e) to read as follows:

“(e) Subject to subsections (a) and (c) of this section, an electricity supplier shall meet the solar requirement by obtaining the equivalent amount of renewable energy credits from solar energy systems interconnected to the distribution grid serving the District of Columbia. Only after an electricity supplier exhausts all opportunity to meet this requirement that the solar energy systems be connected to the grid within the District of Columbia, can that supplier obtain renewable energy credits from jurisdictions outside the District of Columbia.”.

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

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

"(1) Five cents for each kilowatt-hour of shortfall from required tier one renewable sources;"

(2) Paragraph (3) is amended to read as follows:

"(3) Fifty cents in 2009 until 2018 for each kilowatt-hour of shortfall from required solar energy sources;"

(3) New paragraphs (4) and (5) are added to read as follows:

"(4) Beginning on March 1, 2010, and annually thereafter, energy companies that sell electricity in the District of Columbia shall file an energy portfolio report for the preceding calendar year with DDOE, which shall include a breakdown of the average cost per kilowatt hour of electricity that the company sold in the District of Columbia by source of generation, to include coal, gas, oil, nuclear, solar, land-based wind, off-shore wind, and other renewable sources. The breakdown of cost should also include the average capital cost per kilowatt, as well as the average fixed and variable costs associated with operations and maintenance per megawatt.

"(5) Beginning in 2018, and every year thereafter, the DDOE shall review the data found in the energy portfolio reports, and recommend to the Council a revised annual compliance fee. The proposed alternative compliance fee shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, and legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed alternative compliance fee by resolution within this 45-day review period, the proposed rules shall be deemed approved;"

(d) Section 8 (D.C. Official Code § 34-1436) is amended by adding a new subsection (f) to read as follows:

"(f) The DDOE shall provide to the Council a quarterly report detailing:

"(1) Expenditures from the Renewable Energy Development Fund; and

"(2) The performance of programs or projects funded by the Renewable Energy Development Fund."

Sec. 302. Section 2(a)(15)(A) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501(a)(15)(A)) is amended by striking the phrase "100 kilowatts" and inserting the phrase "1000 kilowatts" in its place.

TITLE IV. PUBLIC SERVICE COMMISSION AND THE OFFICE OF THE PEOPLE'S COUNSEL.

Sec. 401. Section 8 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; codified

Note,
§ 34-1434

Note,
§ 34-1436

Note,
§ 34-1501

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in scattered sections of the Title 34 of the District of Columbia Official Code), is amended by adding a new paragraph (96A) to read as follows:

"Par. (96A) In supervising and regulating utility or energy companies, the Commission shall consider the public safety, the economy of the District, the conservation of natural resources, and the preservation of environmental quality."

Sec. 402. Section 1 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), is amended by adding a new subsection (e) to read as follows:

Note,
§ 34-804

"(e) In defining its positions while advocating on matters pertaining to the operation of public utility or energy companies, the Office shall consider the public safety, the economy of the District of Columbia, the conservation of natural resources, and the preservation of environmental quality."

TITLE V. ENERGY BENCHMARKING REQUIREMENTS FOR PRIVATE AND GOVERNMENT BUILDINGS.

Sec. 501. 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 3 (D.C. Official Code § 6-1451.02) is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 6-1451.02

"(a-1)(1) Beginning 90 days after the effective date of the Clean and Affordable Energy Act of 2008, passed on 2nd reading on July 15, 2008 (Enrolled version of Bill 17-492), 10 buildings owned or operated by the District of Columbia shall be benchmarked using the Energy Star® Portfolio Manager benchmarking tool, and the results made available to the public on the Internet through the DDOE website.

"(2) Beginning one year after the effective date of the Clean and Affordable Energy Act of 2008, passed on 2nd reading on July 15, 2008 (Enrolled version of Bill 17-492), all buildings owned or operated by the District or any of its instrumentalities shall be benchmarked annually using the Energy Star® Portfolio Manager benchmarking tool; provided, that the building has at least 10,000 square feet of gross floor area and is of a building type for which Energy Star® benchmarking tools are available. Benchmark and Energy Star® statements of energy performance for each building shall, within 60 days of being generated, be made available to DDOE, which shall then make them accessible to the public via an online database."

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

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

Note,
§ 6-1451.03

"(a-1)(1) All privately-owned buildings shall be benchmarked annually using the Energy Star® Portfolio Manager benchmarking tool as designated by the schedule in paragraph (2) of this subsection; provided, that the buildings are of a building type for which Energy

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Star® tools are available. Benchmark and Energy Star® statements of energy performance for each building shall, by January 1 of the following year, be made available to DDOE. DDOE shall, upon the receipt of the 2nd annual benchmarking data for each building, make the data accessible to the public via an online database.

“(2) The schedule shall be as follows:

“(A) All buildings over 200,000 square feet of gross floor area beginning in 2010 and thereafter;

“(B) All buildings over 150,000 square feet of gross floor area beginning in 2011 and thereafter;

“(C) All buildings over 100,000 square feet of gross floor area beginning in 2012 and thereafter; and

“(D) All buildings over 50,000 square feet of gross floor area beginning in 2013 and thereafter.”

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

“(b-1) A project that has submitted the 1st construction building construction permit after January 1, 2012, for new construction or substantial improvement shall, prior to construction, estimate its energy performance using the Energy Star® Target Finder Tool and be benchmarked annually using the Energy Star® Portfolio Manager benchmarking tool; provided, that the building has 50,000 square feet of gross floor area or more and is of a building type for which Energy Star® tools are available. Benchmark and Target Finder scores and Energy Star® statements of energy performance for each building shall, within 60 days of being generated, be made available to DDOE, which shall make the data accessible to the public via an online database.”.

TITLE VI. RENEWABLE ENERGY STUDY.

Sec. 601. Renewable energy study.

Within one year after the effective date of this act, the Mayor shall commission a study to determine the economic, legal, and technical viability of the District government pursuing a new large-scale wind energy project through public financing or private financing.

Sec. 602. Applicability.

This title shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

TITLE VII. SUBMETERING PROVISIONS.

Sec. 701. Definitions.

For the purposes of this title, the term:

(1) “Building” means all of the individual units served through the same utility-owned meter within a property defined as Class 2 Property under D.C. Official Code § 47-813(c-6).

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(2) "Building owner, operator, or manager" means any person or entity responsible for the operation and management of a building.

(3) "Commission" means the Public Service Commission.

(4) "Energy allocation equipment" means any device, other than submetering equipment, used to determine approximate electric or natural gas usage for any nonresidential rental unit within a building.

(5) "Electricity supplier" shall have the same meaning as in section 101(17) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501(17).)

(6) "Natural gas supplier" shall have the same meaning as in section 3(12) of the Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code § 34-1671.02(12)).

(7) "Nonresidential rental unit" means real property leased for commercial purposes.

(8) "Owner-paid areas" means the portion of the real property for which the owner bears financial responsibility for energy costs, which portions include areas outside individual units or in owner-occupied or shared areas.

(9) "Public utility," "utility," or "utility company" shall have the same meaning as in the third unnumbered paragraph, beginning "the term "public utility" section 8(1) 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 § 34-214).

(10) "Submetering equipment" means equipment used to measure actual electricity or natural gas usage in any nonresidential rental unit when the equipment is not owned or controlled by the electric or natural gas utility serving the building in which the nonresidential rental unit is located.

Sec. 702. Commission to promulgate rules, including standards.

(a) The Commission shall promulgate rules, including standards, under which any owner, operator, or manager of a building which is not individually metered for electricity or gas for each nonresidential rental unit may install submetering equipment or energy allocation equipment for the purpose of fairly allocating:

(1) The cost of electrical or gas consumption for each nonresidential rental unit;
and

(2) Electrical or gas demand and customer charges made by the utility and electricity and natural gas supplier.

(b) In addition to other appropriate safeguards for the tenant, the rules shall require that a building owner, operator, or manager:

(1) Shall not impose on the tenant any charges over and above the cost per kilowatt hour, cubic foot or therm, plus demand and customer charges, where applicable, which

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are charged by the utility company, the electricity supplier, and natural gas supplier to the building owner, operator, or manager, including any sales, local utility, or other taxes, if any; provided, that additional service charges permitted by section 703 may be collected to pay administrative costs and billing; and

(2) Shall maintain adequate records regarding submetering and energy allocation equipment and shall make such records available for inspection by the Commission during reasonable business hours.

(c)(1) For the purposes of Commission enforcement of the rules adopted under this section, building owners, operators, or managers shall be treated as public utilities for the purposes of making a complaint under section 8(47) 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. 984; D.C. Official Code § 34-917), and any rules governing the making of complaints adopted under section 8(32) 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. 982; D.C. Official Code § 34-902).

(2) All submetering equipment shall be subject to the same rules, including standards, established by the Commission for accuracy, testing, and recordkeeping of meters installed by electric or gas utilities and shall be subject to the meter requirements of section 8(57) 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. 987; D.C. Official Code § 34-303).

(3) All energy allocation equipment shall be subject to rules, including standards established by the Commission to ensure that such systems result in a reasonable determination of energy use and the resulting costs for each nonresidential rental unit.

(4) Violations of Commission rules and orders issued under this section shall be subject to the penalty provisions set forth in section 8(87) 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. 992; D.C. Official Code § 34-708), and section 1 of AN ACT To provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia, approved April 5, 1939 (53 Stat. 569; D.C. Official Code § 34-731).

(d) In implementing this section, no building owner, operator, or manager shall be considered a public utility engaged in the business of distributing or reselling electricity or gas except as provided in subsection (c) of this section. The building owner, operator, or manager may use submetering or energy allocation equipment solely to allocate the costs of electric or gas service fairly among the tenants using the building.

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Sec. 703. Energy submetering and energy allocation equipment.

(a) Energy submetering equipment or energy allocation equipment may be used in a building if it is authorized in the rental agreement or lease for the nonresidential rental unit. All energy submetering equipment and energy allocation equipment shall meet the requirements and standards established and enforced by the Commission pursuant to subsection (b) of this section.

(b)(1) If energy submetering equipment or energy allocation equipment is used in any building, the building owner, operator, or manager shall bill the tenant for electricity or natural gas for the same billing period as the utility, the electricity supplier, or the natural gas supplier serving the building, unless the rental agreement or lease expressly provides otherwise.

(2) A late payment charge shall not be imposed on all amounts, including deferred payment installments, paid by the due date or on amounts in dispute before the Commission. Amounts paid after the due date shall bear a late payment charge of 1%, and an additional late payment charge at the rate of 1 1/2 % on the remaining unpaid balance per billing month thereafter.

(c) Energy allocation equipment shall be tested periodically under Commission rules by the building owner, operator, or manager. Upon the request by a tenant, the building owner, operator, or manager shall test the energy allocation equipment without charge. The test shall be conducted without charge to the tenant and shall not be conducted more frequently than once in a 24-month period for the same tenant. The tenant or his designated representative may be present during the testing of the energy allocation equipment. A written report of the results of the test shall be made to the tenant within 10 business days after the completion of the test.

(d) A building owner, operator, or manager shall maintain adequate records regarding energy submetering equipment or energy allocation equipment. A tenant may inspect and copy the records for the nonresidential unit during reasonable business hours at a convenient location within the building. The building owner, operator, or manager may impose and collect a reasonable charge for copying documents, reflecting the actual costs of materials and labor for copying, prior to providing copies of the records to the tenant.

(e) Notwithstanding any enforcement action undertaken by the Commission pursuant to its authority under section 702, tenants and owners, operators, or managers shall retain any private right of action resulting from any breach of the rental agreement or lease terms required by this section or section 703.

TITLE VIII. APPLICABILITY; EFFECTIVE DATE; AND FISCAL IMPACT STATEMENT.

Sec. 801. Applicability.

This act shall apply as of October 1, 2008.

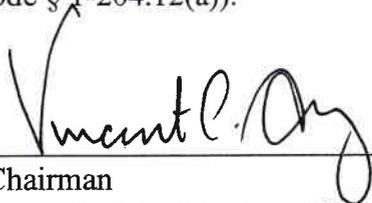
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Sec. 802. Fiscal impact statement.

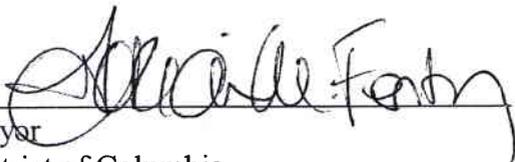
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 803. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
September 25, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 25, 2008

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2009 Spring
 Supp.

West Group
 Publisher

To amend, on an emergency basis, Chapter 3 of Title 25 of the District of Columbia Official Code to prohibit the sales of single containers of beer, malt liquor, or ale by off-premises retailers located in a targeted area of Ward 4.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Targeted Ward 4 Single Sales Moratorium Emergency Act of 2008”.

Sec. 2. Chapter 3 of Title 25 of the District of Columbia Official Code is amended as follows:

(a) New sections 25-340.01 and 25-341.01 are added to read as follows:

“§ 25-340.01. Special restrictions for Ward 4.

“No class A or B license shall be issued in or transferred into Ward 4; provided, that this section shall not prohibit the transfer of a class A or B license within Ward 4. For the purposes of this section, “Ward 4” means the area defined as Ward 4 in § 1-1041.03 on September 30, 2004. This section shall not apply to any application for a new or transferred license pending on September 30, 2004.

“§ 25-341.01. Targeted Ward 4 Moratorium Zone.

“(a) For the purposes of this section, the term “Targeted Ward 4 Moratorium Zone” means the area bounded by the line starting at 13th Street, N.W., and Eastern Avenue, N.W.; thence in a southerly direction along 13th Street, N.W., to Fern Street, N.W.; thence in an easterly direction along Fern Street, N.W., to Georgia Avenue, N.W.; thence in a southerly direction along Georgia Avenue, N.W., to Aspen Street, N.W.; thence in a westerly direction along Aspen Street, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Piney Branch Road, N.W.; thence in a southerly direction along Piney Branch Road, N.W., to 13th Street, N.W.; thence in a southerly direction along 13th Street, N.W., to Colorado Avenue, N.W.; thence in a southwesterly direction along Colorado Avenue, N.W., to Madison Street, N.W.; thence in a westerly direction along Madison Street, N.W., to 16th Street, N.W.; thence in a southerly direction along 16th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W. to 13th Street, N.W.; thence in a northerly direction along 13th Street, N.W., to Randolph Street, N.W.; thence in an easterly direction along Randolph Street, N.W. to 10th Street, N.W.; thence in a southerly direction

Note,
 § 25-340

Note,
 § 25-341

ENROLLED ORIGINAL

along 10th Street, N.W., to Spring Road, N.W.; thence in an easterly direction along Spring Road, N.W., to Rock Creek Church Road, N.W.; thence in an easterly direction along Rock Creek Church Road, N.W., to 7th Street, N.W., thence in a northerly direction along 7th Street, N.W., to Randolph Street, N.W., thence in an easterly direction along Randolph Street, N.W., to Rock Creek Church Road, N.W.; thence in a northeasterly direction along Rock Creek Church Road, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to Grant Circle, N.W.; thence in a westerly direction along the southern circumference of Grant Circle, N.W., to Varnum Street, N.W.; thence in a westerly direction along Varnum Street, N.W., to 8th Street, N.W.; thence in a northerly direction along 8th Street, N.W., to Ingraham Street, N.W.; thence in an easterly direction along Ingraham Street, N.W., to 2nd Street, N.W.; thence in a southerly direction along 2nd Street, N.W., to Farragut Street, N.W.; thence in a southeasterly direction along Farragut Street, N.W., to 1st Street, N.W.; thence in a northeasterly direction along 1st Street, N.W., to Gallatin Street, N.W.; thence in an easterly direction along Gallatin

Street, N.W., to North Capitol Street; thence in a northerly direction along North Capitol Street to Riggs Road, N.E.; thence in an easterly direction along Riggs Road, N.E., to South Dakota Avenue, N.E.; thence in a southeasterly direction along South Dakota Avenue, N.E., to Kennedy Street, N.E.; thence in a northeasterly direction along Kennedy Street, N.E., to Madison Street, N.E.; thence in a northwesterly direction along Madison Street, N.E., to 6th Street, N.E.; thence in a northeasterly direction along 6th Street, N.E., to Nicholson Street, N.E.; thence in a northwesterly direction along Nicholson Street, N.E., to 6th Street, N.E.; thence in a northerly direction along 6th Street, N.E., to Eastern Avenue, N.E.; thence in a northwesterly direction along Eastern Avenue, N.E., to New Hampshire Avenue, N.E.; thence in a southwesterly direction along New Hampshire Avenue, N.E. to Blair Road, N.E.; thence in a northwesterly direction along Blair Road, N.E., to North Capitol Street; thence in a northwesterly direction along Blair Road, N.W., to Aspen Street, N.W.; thence in an easterly direction along Aspen Street, N.W., to Willow Street, N.W.; thence in a northeasterly direction along Willow Street, N.W., to Eastern Avenue, N.W.; thence in a northwesterly direction along Eastern Avenue, N.W., to the point of beginning at the intersection of 13th Street, N.W., and Eastern Avenue, N.W.; provided, that the Targeted Ward 4 Moratorium Zone shall not include the area bounded by the line starting at the intersection of 8th Street, N.W., and Dahlia Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Aspen Street, N.W.; thence easterly along Aspen Street, N.W., to Piney Branch Road, N.W.; thence southwesterly along Piney Branch Road, N.W., to 8th Street, N.W.; thence in a southerly direction along 8th Street, N.W., to Madison Street, N.W.; thence in an easterly direction along Madison Street, N.W., to 3rd Street, N.W.; thence in a northerly direction along 3rd Street, N.W., to Whittier Street, N.W.; thence in a westerly direction along Whittier Street, N.W., to 5th Street, N.W.; thence in a northerly direction along 5th Street, N.W., to Dahlia Street, N.W.; thence in a westerly direction along Dahlia Street, N.W., to the point of beginning at the intersection of 13th Street, N.W., and Dahlia Street, N.W.

“(b) Within the Targeted Ward 4 Moratorium Zone, a licensee under an off-premises

ENROLLED ORIGINAL

retailer's license, class A or B, shall not divide a manufacturer's package of more than one container of beer, malt liquor, or ale, to sell an individual container of the package if the capacity of the individual container is 70 ounces or less.

“(c) Within the Targeted Ward 4 Moratorium Zone, a licensee under an off-premises retailer's license, class A or B, shall not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale with a capacity of 70 ounces or less.”.

Sec. 3. Rules.

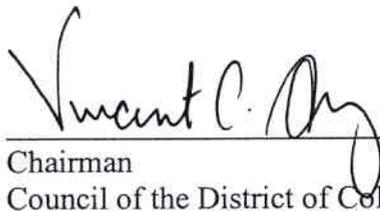
The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.

Sec. 4. Fiscal impact statement.

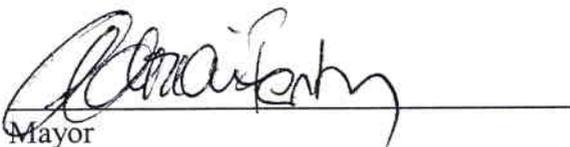
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor

District of Columbia
APPROVED

September 25, 2008
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-510

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To establish a process for members of the public to file complaints of trash collection noise violations with the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Trash Collection Noise Violations Abatement Act of 2008".

Sec. 2. (a) Any person may file a complaint of a trash collection noise violation with the Mayor.

(b) A complaint under subsection (a) of this section shall be submitted in written form prescribed by the Mayor and made available on the District of Columbia website. The complaint shall be submitted within one week of the alleged violation and shall be signed by an original complainant who shall attest to its accuracy, under penalty of perjury. The complaint shall include:

- (1) The name of the individual or company alleged to have violated section 2806 of Title 20 of the District of Columbia Municipal Regulations;
- (2) The location of the alleged violation;
- (3) The date and time of the alleged violation; and
- (4) Any additional identifying information about the trash truck or its driver.

(c) A District inspector need not witness a violation for a complaint to be valid.

(d) A complainant under subsection (a) of this section may appear and give testimony at any administrative hearing or administrative review of the complaint, or any other judicial or quasi-judicial action that may result from the complaint.

(e) If the Mayor deems that the complaint has merit, the Mayor shall file a Notice of Infraction 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.*), and with the Office of Administrative Hearings.

(f) This section shall not apply to complaints relating to Department of Public Works trash trucks.

ENROLLED ORIGINAL

Sec. 3. Rules.

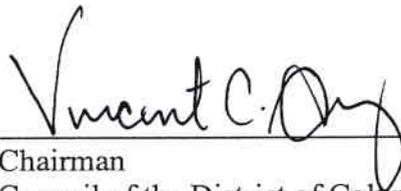
The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this act.

Sec. 4. Fiscal impact statement.

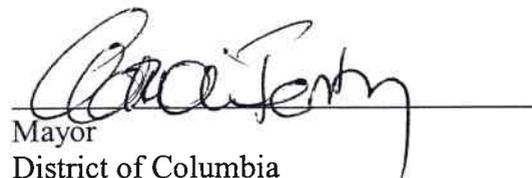
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by 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 § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-511

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the defined contribution plan provisions applicable to District government employees for the Director of the Department of Corrections Devon Brown.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Defined Contribution Plan Modifications for the Director of the Department of Corrections Devon Brown Amendment Act of 2008".

Sec. 2. Section 2610 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Official Code § 1-626.10), is amended by adding a new subsection (d) to read as follows:

Amend
§ 1-626.10

"(d)(1) Notwithstanding subsections (b) and (c) of this section, the District's contributions to the defined contribution plan under section 2605(3) for Devon Brown, Director of the Department of Corrections ("Director Brown"), and the earnings on the District's contributions shall vest when Director Brown completes 5 years of creditable service with the District, dies, or becomes entitled to disability benefits under the Social Security Act.

"(2) Director Brown's interest in the benefits in the defined contribution plan shall not be forfeited upon separation from employment if separation occurs prior to the completion of 5 years of creditable service as calculated pursuant to this subsection.

"(3) For the purposes of this subsection, creditable service shall be calculated as either consecutive service or a combination of different periods of service as a District government employee."

Sec. 3. Applicability.

Section 2 shall apply as of April 5, 2002.

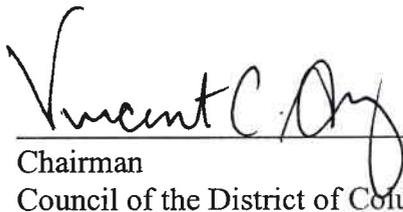
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

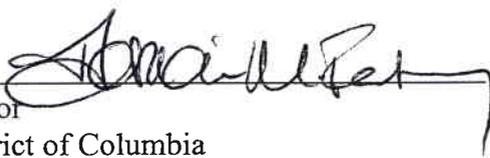
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by 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 § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-512

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To symbolically designate the 5200 block of Foote Street, N.E., between Division Avenue, N.E., and 52nd Street, N.E., in Ward 7, as Marvin Gaye Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Marvin Gaye Way Designation Act of 2008”.

Sec. 2. Pursuant to sections 401 and 403a of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01 and 9-204.03a) (Act”), and notwithstanding section 407 of the Act (D.C. Official Code § 9-204.07), the Council symbolically designates the 5200 block of Foote Street N.E., between Division Avenue, N.E., and 52nd Street, N.E., in Ward 7, as “Marvin Gaye Way”.

*Note,
§ 9-204.01*

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this act, after it becomes effective, to the Director of the District Department of Transportation.

Sec. 4. Fiscal impact statement.

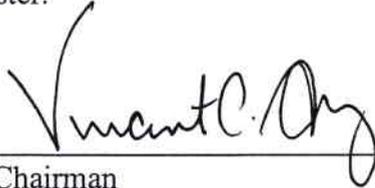
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

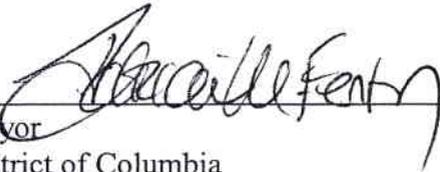
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by this Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-513

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 29, 2008

Codification
District of
Columbia
Official Code

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Supp.

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Publisher

To amend the Retail Incentive Act of 2004 to authorize the use of tax increment financing for grocery and specialty food stores in the Downtown Retail Priority Area and to authorize the issuance of bonds for a project to be supported with tax increment financing in the Downtown Retail Priority Area prior to the opening of the project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Downtown Retail Tax Increment Financing Amendment Act of 2008".

Sec. 2. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) The lead-in text to section 2(8) (D.C. Official Code § 2-1217.71(8)) is amended by striking the phrase "limited to" and inserting the phrase "limited to grocery and specialty food stores and" in its place.

Amend
§ 2-1217.71

(b) Section 5(b)(6) (D.C. Official Code § 2-1217.74(b)(6)) is amended by striking the phrase "that Bonds shall not be issued with respect to any TIF Area and the proceeds of the Bonds" and inserting the phrase "that the proceeds of the Bonds issued with respect to any TIF Area" in its place.

Amend
§ 2-1217.74

Sec. 3. Fiscal impact statement.

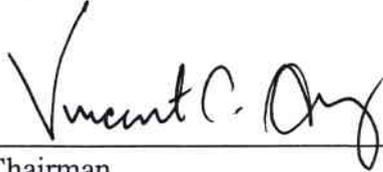
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by 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

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-514

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008Codification
District of
Columbia
Official Code

2001 Edition

2009 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, the District of Columbia Public Space Rental Act to clarify the definition of assessed value, to decrease the collection of rent associated with vaults, to provide that owners have at least 30 days to pay a rent bill, and to provide for a statute of limitations for claiming a refund of an overpayment of rent; and to amend the Department of Transportation Establishment Act of 1996 to reduce the amount of revenue from vault rent to be deposited in the Highway Trust Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Space Rental Fees Temporary Amendment Act of 2008".

Sec. 2. The District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 10-1101.01) is amended by adding a new 2nd unnumbered paragraph to read as follows:

““Assessed value” means the estimated market value of the real property attributable to the land for purposes of real property taxation as of January 1 preceding the rent year.”.

Note,
§ 10-1101.01

(b) Section 305 (D.C. Official Code § 10-1103.04) is amended as follows:

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

(A) Strike the phrase “One and eight-tenths percent (1.8%)” and insert the phrase “One and two-tenths percent (1.2%)” in its place.

(B) Strike the phrase “Forty-fifth of one percent (0.45%)” and insert the phrase “Three-tenths of one percent (0.30%)” in its place.

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

“(d) The owner shall have at least 30 days from the date of issuance of a bill to pay the rent.”.

Note,
§ 10-1103.04

(c) A new section 305a is added to read as follows:

“Sec. 305a. Overpayments.

“(a) If there is a payment of a rent that results in an overpayment, the overpayment shall be credited against other rent periods owed.

“(b) The Mayor shall refund the rent payment less any other rent owing; provided, that

ENROLLED ORIGINAL

the refund shall not be allowed after 3 years from the date the rent payment was made.

“(c) The owner may file a claim for a refund in the manner prescribed by the Mayor.

“(d) The District shall pay interest on the overpayment beginning 90 days after the receipt of the claim for refund; provided, that for the rent originally due on June 30, 2008, interest on the overpayment shall not accrue before 180 days from the receipt of the claim for refund.

“(e) The interest payable by the District under subsection (d) of this section shall be at the rate provided in D.C. Official Code § 47-3310(c).

“(f) The Mayor shall issue a final decision concerning the claim for a refund within 180 days from the date that the claim was filed. The owner may, within 45 days from either the date of the final decision or the expiration of the 180 days if no final decision issues, file suit in the Superior Court of the District of Columbia in the same manner and to the same extent as provided in D.C. Official Code §§ 47-3303 and 47-3304; provided, that the rent, including any interest, shall have first been paid.”

Sec. 3. Section 9c(c)(4) of the Department of Transportation Establishment Act of 1996, effective April 9, 1997 (D.C. Law 14-137; D.C. Official Code § 50-921.11(c)(4)), is amended to read as follows:

Note,
§ 50-921.11

“(4) One hundred percent of the proceeds collected by the District for rental of public space, including bus shelter advertising revenue; provided, that 1/6 of revenue generated by public space rental fees for vaults shall be deposited into the Highway Trust Fund.”

Sec. 4. Applicability.

Sections 2 and 3 shall apply as of July 1, 2008.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

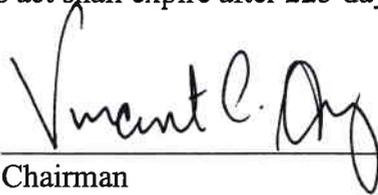
Sec. 6. Effective date.

(a) This act shall take effect following approval by 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

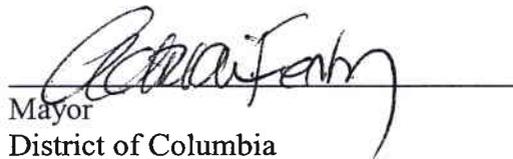
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-515

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, the Office of Property Management Establishment Act of 1998 to authorize the Office of Property Management to make a grant of up to \$5.5 million to the Old Naval Hospital Foundation for the purpose of renovating and making improvements to the Old Naval Hospital, Carriage House, and adjacent grounds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Old Naval Hospital Grant Temporary Amendment Act of 2008”.

Sec. 2. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended by adding a new section 1806k to read as follows:

“Sec. 1806k. Old Naval Hospital Foundation grant authority.

“Subject to appropriations, the Office of Property Management is authorized to make a grant in the amount of up to \$5.5 million to the Old Naval Hospital Foundation for the purposes of renovating and making improvements to the Old Naval Hospital, Carriage House, and adjacent grounds, located at 921 Pennsylvania Avenue, S.E., in accordance with plans and specifications approved by the Office of Property Management and pursuant to a grant agreement between the District and the Old Naval Hospital Foundation.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

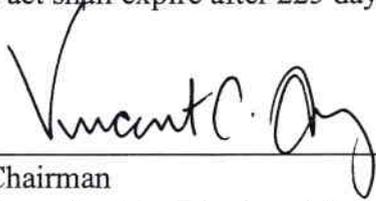
Sec. 4. Effective date.

(a) This act shall take effect following approval by 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

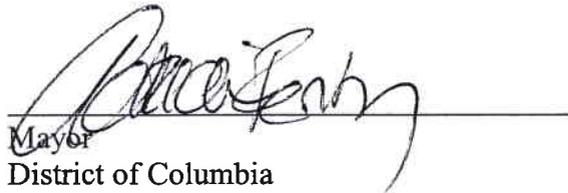
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-516

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
SEPTEMBER 29, 2008

To authorize, on a temporary basis, the Mayor to enter into a contract with Waterfront Associates, LLC, for the construction of Fourth Street, S.W., as part of the redevelopment of the Waterside Mall site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Waterside Mall and Fourth Street, S.W., Redevelopment and Reconstruction Temporary Act of 2008".

Sec. 2. (a) Notwithstanding the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), the Mayor is authorized to enter into a contract with Waterfront Associates, LLC, to provide services for the construction of Fourth Street, S.W., as part of the redevelopment of the Waterside Mall site, on such terms and conditions as the Mayor considers necessary or appropriate.

(b) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves the contract between Waterfront Associates, LLC, and the District of Columbia, as received by the Council on July 14, 2008, in the amount of \$13.5 million, for construction services related to the construction of Fourth Street, S.W.

Sec. 3. Fiscal impact statement.

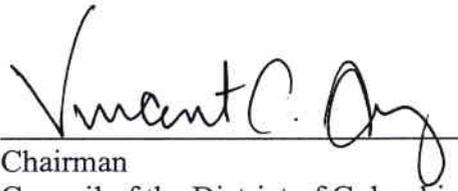
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

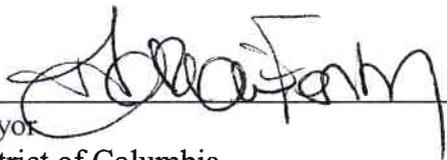
Sec. 4. Effective date.

(a) This act shall take effect following approval by 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 § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-517

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 29, 2008

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To amend, on a temporary basis, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property located on federal property in the District of Columbia and used by the United States Department of the Air Force, and to provide equitable real property tax relief for the real property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Temporary Act of 2008".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

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

"47-1080. Bolling Air Force Base housing."

(b) A new section 47-1080 is added to read as follows:

"§ 47-1080. Bolling Air Force Base housing.

"(a) The real property, located in Square 6072, or otherwise at the Bolling Air Force Base, together with the improvements thereon, and any future improvements constructed thereon, shall be exempt from all taxation, including ordinary and special taxes and use or possessory interest taxes, on real property or the use thereof, so long as the property is used for the purposes of housing military personnel or their families, as contemplated by 10 U.S.C. §§ 2871 through 2885, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009. The transfer of a leasehold or fee interest in the property, or the improvements thereon, from the United States of America, or any branch of the United States military; the recordation of any lease, deed, deed of trust, other security instrument, or financing used for the improvement or construction of military housing and related facilities; and the transfer from any entity to the United States government, or any branch of the United States military, shall be exempt from all transfer and recordation taxes of or imposed by the District of Columbia.

Note,
§ 47-1079

ENROLLED ORIGINAL

“(b) Real property taxes, recordation or transfer taxes, interest, penalties, fees and other related charges assessed against said real property in Square 6072, located on Bolling Air Force Base, for the period of October 1, 2007, through July 28, 2008, shall be forgiven, and any payments made for this period shall be refunded.”

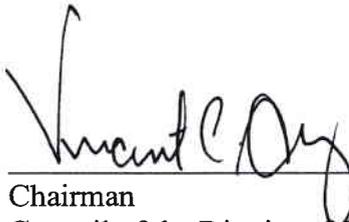
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

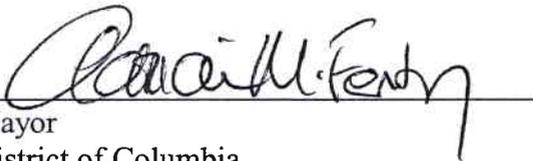
Sec. 4. Effective date.

(a) This act shall take effect following approval by 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 § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
September 29, 2008

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-518

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 30, 2008*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Spring
Supp.West Group
Publisher

To require, on an emergency basis, the Mayor, prior to closing the Franklin Shelter, to certify to the Council that no fewer than 300 men have been placed in supportive-housing units, and to require the Mayor to submit the certification to the Council along with a report on any proposed closing of the Franklin Shelter that includes a description of the current capacity, current availability, and location of replacement shelter space, and the ability to seasonally increase capacity to reduce incidences of hypothermia among the homeless population.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Franklin Shelter Closing Requirements Emergency Act of 2008".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Low barrier shelter" means an overnight housing accommodation for individuals who are homeless, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter to individuals without imposition of identification, time limits, or other program requirements.

(2) "Supportive-housing unit" means housing provided in connection with voluntary services designed primarily to help tenants maintain housing, including coordination or case management, physical and mental health, substance use management and recovery support, job training, literacy and education, youth and children's programs, and money management.

Sec. 3. (a) Prior to the closing of the Franklin Shelter, located at 925 13th Street, N.W., the Mayor shall certify to the Council that no fewer than 300 men have been placed in supportive-housing units and submit the certification to the Council along with a report on the proposed Franklin Shelter closing that includes:

(1) A description of the supportive-housing placements, including:

(A) For each client who has been placed in a supportive-housing unit since August 1, 2008, the:

*Note,
§ 10-801*

ENROLLED ORIGINAL

- (i) Client's name and supportive housing address;
- (ii) Date the client was placed in the unit;
- (iii) Name and address of the shelter from which the client
relocated; and
- (iv) Supportive services being provided to complement housing;
and
- (B) The percentage of a shelter's clients that were placed in supportive-
housing units;
- (2) A description of the current capacity, current availability, and location of
replacement-shelter space;
- (3) The number of men using low barrier shelters each month during the current
fiscal year and the prior fiscal year;
- (4) Analysis of the impact, if any, that closing the Franklin Shelter may have on
the homeless population, including any risk of increased cases of hypothermia during winter
months resulting from any reduced capacity in the emergency shelter system;
- (5) Any expected increase or decrease in the need for low barrier shelter space
generally and, specifically, during the winter months, when the temperature is at or below 32
degrees Fahrenheit; and
- (6) A description of the ability to seasonally increase capacity to reduce
incidences of hypothermia among the homeless population.
- (b) Except as provided for in subsection (a) of this section, the Mayor shall continue to
operate the Franklin Shelter as a 300-person low barrier shelter.

Sec. 4. Fiscal impact statement.

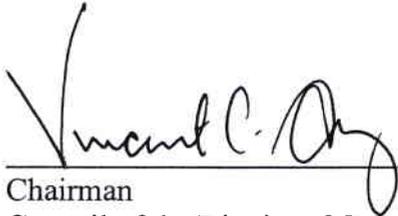
The Council adopts the fiscal impact statement of the Budget Director as the fiscal
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

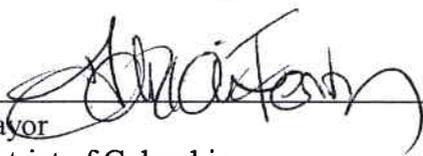
This act shall take effect following approval by the Mayor (or in the event of veto by the
Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
September 30, 2008