

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2011 Winter  
Supp.

To amend the Green Building Act of 2006 to change the delivery date for benchmarking data, to clarify the nature of the data to be delivered, and to authorize the imposition of a \$100-per-day fine for owners or tenants who fail to submit the necessary data; to amend the Clean and Affordable Energy Act of 2008 to ensure that the highest quality private contractor is selected to develop, coordinate, and provide programs that promote the sustainable use of energy in the District, to increase incentives for the Sustainable Energy Utility to invest in renewable energy generation systems, and to preserve the competitive bidding process for the Sustainable Energy Utility contract; and to amend section 47-1803.02 of the District of Columbia Official Code to exclude from gross income the amount of rebates for the installation of new renewable energy generation systems under the Renewable Energy Incentive Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sustainable Energy Utility Amendment Act of 2010”.

Sec. 2. Section 4 of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.03), is amended as follows:

Amend  
§ 6-1451.03

(a) Subsection (a-1) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “January 1 of the following year, be made available to DDOE” and inserting the phrase “April 1 of the following year, be made available to DDOE. In 2011 only, the scores and statements shall be made available to DDOE no later than July 1” in its place.

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

“(3) Benchmarking data required in paragraph (1) of this subsection shall include water consumption data as incorporated in the Portfolio Manager Benchmarking Tool.”.

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

“(c) A building owner or tenant who fails to timely, accurately, and completely submit the benchmarking information required by this section to DDOE or the building owner, respectively, shall be assessed a penalty by DDOE of not more than \$100 for each day during which the required submission has not been made. Civil infraction fines, penalties, and fees

**ENROLLED ORIGINAL**

may be imposed as alternative sanctions for such failure, 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 *et seq.* (“Civil Infractions Act”). Adjudication of an infraction shall be pursuant to the Civil Infractions Act.”.

Sec. 3. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 202(d) (D.C. Official Code § 8-1774.02(d)) is amended by striking the word “program” and inserting the phrase “energy efficiency programs” in its place.

Amend  
§ 8-1774.02

(b) Section 204(e) (D.C. Official Code § 8-1774.04(e)) is repealed.

Amend  
§ 8-1774.04

(c) Section 205(d) (D.C. Official Code § 8-1774.05(d)) is repealed.

Amend  
§ 8-1774.05

(d) Section 209(l) (D.C. Official Code § 8-1774.09(l)) is amended to read as follows:

Amend  
§ 8-1774.09

“(l) Subject to the limitations in subsection (b) of this section, the Mayor may issue guidelines that adjust the rebate amounts of the incentive program to reflect market conditions and the prevailing prices of renewable energy systems.”.

Sec. 4. Section 47-1803.02(a)(2) of the District of Columbia Official Code is amended by adding a new subparagraph (AA) to read as follows:

Amend  
§ 47-1803.02

“(AA) The amount received by a taxpayer pursuant to § 8-1774.09.”.

Sec. 5. 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. 6. 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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia