



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act to clarify the definition of “subscriber organization,” to amend the Lead-Hazard Prevention and Elimination Act of 2008 to clarify the definition of “lead-based paint,” and to amend the Sustainable Solid Waste Management Amendment Act of 2014 to clarify the definition of “producer.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Department of Energy and Environment Definitions Clarification Emergency Declaration Resolution of 2024”.

Sec. 2. (a) The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; 47 DCR 1091), currently defines the term “Subscriber organization” as “any for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more community renewable energy facilities for the benefit of the subscribers.” A primary function of subscriber organizations is to assign energy credits to subscribers who participate in community renewable energy facilities (“CREFs”). Subscription management is an administratively burdensome activity, and solar developers generally prefer to assign the responsibility for subscription management to another entity.

(b) In practice, the Department of Energy and Environment (“DOEE”) has been functioning as a subscriber organization for low- to moderate-income District residents, who are subscribers to CREFs through DOEE’s Solar for All program.

34 (c) Uncertainty regarding whether the definition of “subscriber organization” covers a  
35 government entity could adversely impact DOEE’s authority to continue performing these  
36 administrative functions, and may inhibit other government entities, including the federal  
37 government, from performing these functions for future CREFs.

38 (d) The Residential Housing Environmental Safety Amendment Act of 2020, effective  
39 March 16, 2021 (D.C. Law 23-188; 68 DCR 1227), amended the Lead-Hazard Prevention and  
40 Elimination Act of 2008, effective March 31, 2009 (D.C. Law 17-381; 56 DCR 1596), to lower  
41 the amount of lead needed in paint or other surface coatings to qualify as a “lead-based paint” from  
42 one milligram per square centimeter (1.0mg/cm<sup>2</sup>) to 0.7 milligrams per square centimeter  
43 (0.7mg/cm<sup>2</sup>). However, the parenthetical within the amended definition erroneously uses  
44 microgram symbol (“μ”) instead of the correct abbreviation for milligram (“mg”).

45 (e) The Zero Waste Omnibus Amendment Act of 2020, effective March 16, 2021 (D.C.  
46 Law 23-211; 68 DCR 68), amended the Sustainable Solid Waste Management Amendment Act of  
47 2014, effective February 26, 2015 (D.C. Law 20-154; 61 DCR 9971) to define “producer.” Due to  
48 a drafting error, the definition uses the phrase “A person who manufacturers [sic] a . . .” when it  
49 should instead read “A person who manufactures a . . .”

50 (f) This emergency legislation is necessary to prevent the misapplication or  
51 misinterpretation of several key definitions in the D.C. Code that DOEE relies on when fulfilling  
52 its statutory duties or administrating agency programs.

53 Sec. 3. The Council of the District of Columbia determines that the circumstances  
54 enumerated in section 2 constitute emergency circumstances making it necessary that the  
55 Department of Energy and Environment Definitions Clarification Emergency Amendment Act of  
56 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

DRAFT