



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Retail Electric Competition and Consumer Protection Act to clarify the definition of the term subscriber organization; to amend the Lead-Hazard Prevention and Elimination Act of 2008 to clarify the definition of the term lead-based paint; and to amend the Sustainable Solid Waste Management Amendment Act of 2014 to clarify the definition of the term 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 Congressional Review Emergency Declaration Resolution of 2025”.

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/cm²) to 0.7 milligrams per square centimeter
43 (0.7mg/cm²). 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) To prevent the misapplication or misinterpretation of several key definitions in the D.C.
51 Code that DOEE relies on when fulfilling its statutory duties or administrating agency programs,
52 the Council passed the Department of Energy and Environment Definitions Clarification
53 Emergency Amendment Act of 2024, effective November 22, 2024 (D.C. Act 25-636; 71 DCR
54 14470) (“emergency act”). The emergency act is set to expire on February 20, 2025. The Council
55 also passed the Department of Energy and Environment Definitions Clarification Temporary

56 Amendment Act of 2024 (D.C. Act 25-665; 71 DCR 16302) (“temporary legislation”). The
57 projected law date for the temporary legislation is March 6, 2025.

58 (g) This congressional review emergency legislation is now necessary to prevent a gap in
59 the law between the expiration of the emergency act and the effective date of the temporary
60 legislation.

61 Sec. 3. The Council of the District of Columbia determines that the circumstances
62 enumerated in section 2 constitute emergency circumstances making it necessary that the
63 Department of Energy and Environment Definitions Clarification Congressional Emergency
64 Amendment Act of 2025 be adopted after a single reading.

65 Sec. 4. This resolution shall take effect immediately.