COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT
1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 17, 2020

SUBJECT: Report on Bill 23-193, "Electric Vehicle Readiness Amendment Act of 2020"

The Committee of the Whole, to which Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020" was referred, reports favorably thereon with minor amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On March 19, 2019, Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020" was introduced by Councilmember Mary Cheh with Councilmembers Evans, Bonds, Todd, Allen, Grosso, R. White, and Chairman Mendelson co-sponsoring. Bill 23-193 will amend the Green Building Act of 2006 (D.C. Official Code § 6-1451.01 *et seq*.) to require that new construction or substantial renovation of commercial buildings or multi-unit buildings with at least three off-street parking spaces include the installation of make-ready electric vehicle charging infrastructure in at least 20% of parking spaces. The requirement applies to building permits issued after January 1, 2022. The bill also requires the Department of Energy and Environment to establish incentives for owners to install electric vehicle make-ready infrastructure at a greater percentage of parking spaces, and the Mayor to issue regulations implementing the bill.

The Committee on Transportation and Environment's Print of Bill 23-193 makes several changes from the introduced version that the Committee of the Whole supports. First, the print requires the Mayor to promulgate by regulation the technical requirements regarding make-ready electric vehicle charging infrastructure rather than specifying those requirements in the law.

Taking this approach will give the Department of Energy and Environment greater flexibility to update the technical requirements as electric vehicle technology progresses. Additionally, this approach is consistent with action taken by other jurisdictions that have similar electric vehicle readiness requirements. For instance, the electric vehicle readiness ordinance in Howard County, Maryland, grants the Building Official authority to specify "performance standards for equipment that is installed to comply" with the ordinance.[1] The Great Plains Institute identified Howard County's ordinance as one of a small handful of model ordinances in their 2019 report on best practices in electric vehicle ordinances.[2]

Second, the print will require the Department of Energy and Environment (DOEE) to issue regulations that incentivize developers to include electric vehicle make-ready infrastructure in a greater percentage of parking spaces than 20%. Transportation accounts for 22% of all greenhouse gas emissions in the District.[3] Over 80% of emissions from transportation come from the use of gasoline-powered vehicles.[4] Incentivizing developers to go above and beyond the 20% threshold will be necessary for the District to reach its goal of at least 25% zero-emission vehicle registrations by 2030.[5] It is worth noting that electric vehicle (EV) sales have increased year after year, even without widespread integration of EV infrastructure into commercial or residential developments. In 2015, there were approximately 1,219 EV sales in the District. In 2018, there were 1,642 electric vehicle sales in the District, an increase of 34% in three years.[6] Data on the number of electric vehicle sales in 2019 is not yet publicly available, but electric vehicles made up just over 9% of all motor vehicle sales in the District through June 2019, the highest of any year for which data is available.[7] However, numerous commentators on Bill 23-193 urged adoption because greater access to EV charging stations is essential to grow market share. There simply are not enough charging stations. Rather than the market react to purchases, instead stimulate EV purchases by expanding infrastructure now.

Finally, the print requires the Mayor to promulgate regulations that would set a standard for financial hardship waivers of the requirements of this bill. Costs to install electric vehicle infrastructure as part of new construction are around $1,000 a parking space, much less than the cost to retrofit existing parking spaces with electric vehicle infrastructure.[8] For larger commercial or residential developments with significant capital investment, the requirements of this bill are likely to be minimal. However, we agree with the Committee on Transportation and Environment that there may be smaller developments where the addition of several thousand dollars could cause financial harm to the project, which is why the requirements do not pertain to residential projects with fewer than three off-street parking spaces, and the bill permits financial hardship waivers.

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[1] Howard County Council Bill No. 76-2018.
[2] Cooke, C. & Ross, B. *Summary of Best Practices in Electric Vehicle Ordinances*. Great Plains Institute. June 2019.
[3] Department of Energy and Environment, 2018 Greenhouse Gas Inventory, Emissions by Sector.
[4] *Id*. Author analysis of
[5] Clean Energy DC Omnibus Amendment Act of 2018, Law 22-257, Effective March 22, 2019.
[6] Alliance of Automobile Manufacturers (2019). Advanced Technology Vehicle Sales Dashboard. Data via HIS Markit (2011-2018) and Hedges & Co. (2019). Data last updated on August 20, 2019.
[7] *Id.*
[8] See, for instance, Energy Solutions, "Plug-In Electric Vehicle Infrastructure Cost Analysis Report for CALGreen Nonresidential Update," Table ES-1.

The Committee of the Whole's Print does not make any substantive changes to the recommended print from the Committee on Transportation and the Environment except (1) To clarify that the bill is applicable to building permits issued after January 1, 2022 (rather than 360 days after the effective date of the act); and (2) to give DOEE through the end of the fiscal year to promulgate regulations.

Conclusion

Given the importance of electric vehicle adoption in reducing greenhouse gases in the District, and the changes made by the Committee on Transportation and Environment to the bill to provide great flexibility to DOEE and developers, the Committee recommends approval of Bill 23-193.

II. LEGISLATIVE CHRONOLOGY
(ABBREVIATED)

March 19, 2019	Bill 22-193, the "Electric Vehicle Readiness Amendment Act of 2019" is introduced by Councilmember Mary Cheh, with Councilmembers Evans, Bonds, Todd, Allen, Grosso, R. White, and Chairman Mendelson co-sponsoring.
December 9, 2019	The Committee of the Whole and the Committee on Transportation and the Environment held a public hearing on Bill 23-193.
September 21, 2020	The Committee on Transportation and the Environment marks up Bill 23-193.
November 17, 2020	The Committee of the Whole marks up Bill 23-193.

III. SUMMARY OF TESTIMONY

Tommy Wells, Director of the Department of Energy and Environment, testified at the Committee's joint public hearing on December 9, 2019. Mr. Wells noted that the bill is consistent with the goals of the Clean Energy DC Plan and said that DC should encourage the adoption of electric vehicles. However, he recommended that Bill 23-193 be amended to establish electric vehicle readiness standards via the building code development process, as this would provide for better coordination with other aspects of the code, such as universal accessibility and signage considerations.

Four public witnesses testified at the hearing on Bill 23-193 at the Committee's joint public hearing. Of these witnesses, three testified in support. Supporters noted the benefits this legislation will have on carbon emissions in the District. Kirsten Williams, with the Apartment and Office Building Association of Metropolitan Washington, testified in opposition. She stated that the existing electric vehicle infrastructure is underutilized. A summary of the testimony, as well as

Mr. Well's testimony, can be found in the Committee on Transportation and Environment's report on Bill 23-193.

The People's Counsel submitted a statement opposing the bill as premature, noting that "There is already a thriving market meeting the existing EV needs if the District. OPC cited an initiative by the Public Service Commission "to consider the impact of the rapid increase of electric vehicles in the District" and suggested the Council wait. On the other hand, in a submitted statement Pepco expressed support for Bill 23-193: the bill "is viewed by Pepco as an enabler to electrifying the transportation sector… which is key to de-carbonization…" The Electric Vehicle Association of Greater Washington submitted a statement noting that the standard 120-volt outlets are sufficient to recharge vehicles for the typical commutes. "The cost of simply running the extra conduit for extra standard outlets is entirely negligible."

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee did not receive comments from any Advisory Neighborhood Commissions (ANC) regarding this bill.

V. IMPACT ON EXISTING LAW

Bill 23-193 amends the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 et seq.), to require new construction or substantial improvement of commercial buildings or multi-unit buildings with at least three off-street parking spaces to include electric vehicle make-ready infrastructure in at last 20% of parking spaces. Bill 23-193 also requires the Department of Energy and Environment to establish incentives for owners to install electric vehicle make-ready infrastructure in more than 20% of spaces, and the Mayor to issue regulations implementing the bill that contain standards for a waiver of requirements for owners who demonstrate financial hardship, and technical specifications of electric vehicle make-ready infrastructure by September 1, 2021.

VI. FISCAL IMPACT

VII. SECTION-BY-SECTION ANALYSIS

Section 1 — States the short title of Bill 23-193.

Section 2 — (a) Defines the terms "electric vehicle," "electric vehicle charging site," and "multi-unit building."

(b) Requires new construction or substantial renovations of commercial buildings or multi-unit buildings with at least three off-street parking spaces to include the installation of make-ready electric vehicle charging infrastructure in 20% of parking spaces within 360 days after the effective

date of the bill. This section also requires DOEE to issue regulations establishing an incentive for owners to exceed the requirements of this bill and the Mayor to issue regulations implementing the law.

Section 3 — Fiscal impact statement.

Section 4 — This provides the standard language for 30-day Congressional Review before Bill 23-193 is law.

VIII. COMMITTEE ACTION

IX. ATTACHMENTS

1. Bill 23-193 as introduced.
2. Committee on Transportation and Environment report on Bill 23-193 without attachments.
3. Fiscal Impact Statement for Bill 23-193.
4. Legal Sufficiency Determination for Bill 23-193.
5. Comparative Print for Bill 23-193.
6. Committee Print for Bill 23-193.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : Nyasha Smith, Secretary to the Council

Date : March 20, 2019

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, March 19, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Electric Vehicle Readiness Amendment Act of 2019", B23-0193

INTRODUCED BY: Councilmember Cheh

CO-SPONSORED BY: Councilmembers Evans, Bonds, Todd, Allen, Grosso, R. White, and Chairman Mendelson

The Chairman is referring this legislation sequentially to the Committee on Transportation and the Environment and the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services

Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Green Building Act of 2006 to require that new construction or substantial improvement of a commercial building or a multi-unit building that includes off-street parking include electrical vehicle make-ready infrastructure for at least 20% of the parking spaces, and to authorize the Department of Energy and Environment to issue rules for this purpose.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electric Vehicle Readiness Amendment Act of 2019".

Sec. 2. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(1) New paragraphs (11A), (11B), (11C), and (11D) are added to read as follows:

"(11A) "Electric vehicle" shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 126l; 15 U.S.C. § 2502(4)).

"(11B) "Electric vehicle charging site" means any location, including any public space in the District, that has installed electric vehicle supply equipment.

"(11C) "Electric vehicle make-ready infrastructure" means the equipment provided to support electric vehicle charging, including conduit, sufficient electrical panel

service capacity, sufficient distribution transformer capacity, overcurrent protection devices, wire, and suitable termination points such as a junction box, but not the electric vehicle supply equipment.

"(11D) Electric vehicle supply equipment" means all the charging equipment necessary to deliver electrical energy from an electricity source to charge an electric vehicle's battery, including cable, conductors, and electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.".

(2) A new paragraph (32B) is added to read as follows:

"(32B) "Multi-unit building" means a residential building with 5 or more dwelling units.".

(3) A new paragraph (34A) is added to read as follows:

"(34A) "Plug-in hybrid electric vehicle" means an automotive-type vehicle for on-road use, including passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, electric motorcycles, powered by an electric motor that draws current from a rechargeable storage battery or other source of electric current that may be charged by being plugged into an electrical source, and having a second source of motive power such as gasoline or diesel.".

(4) Paragraph (40) is amended to read as follows:

"(40) "Substantial improvement" means:

"(A) Any repair, alteration, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started; or

"(B) For the purposes of section 4a, any repair, alteration, addition or improvement to a building or structure's electrical system that increases electric power to the building or structure.

(b) A new section 4a is added to read as follows:

"Sec. 4a. Electric vehicle make-ready parking spaces in new multi-unit residential and commercial buildings.

"(a) Beginning January 1, 2021, all new construction or substantial improvement of commercial buildings and multi-unit buildings that include off-road automobile parking spaces shall include electric vehicle make-ready infrastructure to accommodate the future installation and use of electric vehicle supply equipment at at least 20% of the parking spaces. The electric vehicle make-ready infrastructure shall:

"(1) Be installed per the requirements of the current edition of the National Electrical Code (NFPA 70) as adopted and amended by the District;

"(2) Be supported by at least a 32-ampere continuous current draw and connected to a 40-ampere breaker, with a voltage of 208 or 240, per space;

"(3) Include a conduit of at least one inch in size that:

"(A) Is continuous from the branch circuit/feeder panel location to each future PHEV/EV parking space; and

"(B) Terminates at each future PHEV/EV parking space; and

"(4) Include dedicated space for the future installation of meters and/or breaker panel capacity in the electrical equipment room, which shall be legibly labeled on the wall as space dedicated for future EV charging equipment and panels, and shall be identified on all construction documents submitted for review.

"(b) Subsection (a) of this section shall not apply to new construction or substantial improvement of a multi-unit building with 2 or fewer off-road parking spaces.

"(c) The Department of Energy and the Environment, 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 section.".

Sec. 3. Fiscal impact statement

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

Council of the District of Columbia
Committee on Transportation and the Environment

Committee Report

1350 Pennsylvania Avenue, N.W., Suite 108, Washington, DC 20004

To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson
Committee on Transportation and the Environment

Date: September 21, 2020

Subject: Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020"

The Committee on Transportation and the Environment, to which Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020" was referred, reports favorably on the legislation and recommends its approval by the Council of the District of Columbia.

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STATEMENT OF PURPOSE AND EFFECT

Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020," was introduced on March 19, 2019, by Councilmember Cheh, and referred to the Committee on Transportation and the Environment and the Committee of the Whole. The bill was co-sponsored by Councilmembers Evans, Bonds, Todd, Allen, Grosso, R. White, and Chairman Mendelson. The legislation would establish a requirement that 20% of parking spaces constructed in newly constructed or substantially renovated commercial or multi-unit buildings with three or more off-street parking spots include electrical vehicle make-ready infrastructure.

I. Background

The percentage of consumers adopting electric vehicles is growing steadily each year. A recent report[1] found that sales of electric vehicles grew by 59% in 2019, compared to 2018. In addition, analysis by Bloomberg New Energy Finance[2] estimates that, by the year 2040, upwards of 57% of all passenger vehicles will be electric vehicles. Jurisdictions must prepare for the growing number of residents purchasing these vehicles, including ensuring that the infrastructure to charge these vehicles is accessible.

In fact, access to charging equipment is cited as one of consumers' biggest concerns when choosing whether to purchase an electric vehicle. B23-193 would directly address that concern by working to increase the availability of parking spots able to accommodate the installation of electric charger, also called EV make-ready parking spots, across the District. Specifically, the legislation would require that 20% of parking spaces in newly constructed or substantially renovated commercial or multi-unit buildings include electrical infrastructure sufficient to support the future installation of an electric vehicle charging station. Under the bill, these spots wouldn't need to include charger stations, but the infrastructure to support them, making them ready to be converted when there is sufficient demand.

Making electric vehicles more accessible to District residents and workers is critical to reducing the District's carbon footprint. The District has already taken steps toward capture the environmental benefits of widespread adoption of electric vehicles in the Clean Energy DC Omnibus Amendment Act of 2018, including mandates for the electrification of all District-owned vehicles, and the creation of incentives for residents to purchase electric vehicles. Mandating that commercial and multi-unit property owners include EV make-ready infrastructure as part of new construction or large-scale building retrofits complements those goals by helping ensure that these buildings are prepared to meet demand for electric vehicle charger, as more consumers purchase these vehicles for personal use.

The benefits of requiring a property owner to fit out their building to support make-ready EV parking spaces at the time of substantial renovation or construction isn't limited to the reduced impact on the environment; these benefits also include significantly reducing the overall, lifetime costs of installing EV capacity for individual property owners. Municipalities across the United States, such as Seattle, Atlanta, and Chicago, have adopted similar requirements to those in B23-193; those cities found that the cost of installing EV make-ready infrastructure in a parking spot is meaningfully more expensive than installing that same infrastructure during large-scale renovations or initial construction. Specifically, a

[1] Hertzke, Patrick, Nicolai Muller, Patrick Shaufuss, Stephanie Schenk, and Ting Wu, McKinsey & Company, "Expanding electric-vehicle adoption despite early growing pains." August 26, 2019 (available at: https://www.mckinsey.com/industries/automotive-and-assembly/our-insights/expanding-electric-vehicle-adoption-despite-early-growing-pains).

[2] Valdes-Dapena, Peter, CNN Business, "By 2040, more than half of new cars will be electric." September 6, 2019 (available at: https://www.cnn.com/2019/05/15/business/electric-car-outlook-bloomberg/index.html)

study[3] conducted in San Francisco found that the cost of retrofitting existing parking spots to be EV make-ready is, depending on the size of the lot and number of parking spots converted, two to four times greater than if that same infrastructure was installed during initial construction. Similar to the requirements in the committee print, San Francisco's study look at properties where 20% of spots had been made EV make-ready. The study found:

Size of Parking Area	Number of spots made EV Make-Ready (20%)	Cost per spot, during new construction	Cost per spot, if later-in-time retrofit	Savings per parking spot	Property-wide Savings
10 parking spots	2 parking spots	$920	$3,710	$2,790	$5,580
60 parking spots	12 parking spots	$860	$2,370	$1,510	$18,120

The San Francisco study illustrates that property owners can realize significant savings – around $1,500 to $2,800 per parking spot – by installing EV make-ready infrastructure during new construction than as a retrofit. In fact, the savings by installing EV make-ready infrastructure during new construction far exceeds the actual cost to install the infrastructure. It is clear that requiring property owners to install the necessary infrastructure to allow for these parking spaces to be EV make-ready as part of new construction or a substantial renovation will greatly reduce the overall cost of increasing EV charging capacity city-wide, and result in long-term, meaningful savings for property owners.

The San Francisco study also underscores how inexpensive this infrastructure is. At approximately $850 to $950 per parking spot, a 100-spot building would spend less than $20,000 to comply with this act. Given that large commercial or multi-unit residential construction projects can hundreds of millions of dollars, the additional cost to install EV make-ready infrastructure is negligible. These minimal costs are further mitigated by the savings property owners will realize by completing this work during new construction, and the competitive advantage property owners who can offer parking that accommodates electric vehicle charging will have over other offerings.

II. Committee Action

B23-193 would establish a requirement for all new commercial and multi-unit residential construction with off-street parking greater than two parking spots to, at the time of construction or when performing a substantial improvement project to the facility, have 20% of parking spaces be constructed with the necessary electrical support to supply an electric vehicle charging station. This includes conduit wiring and electrical current capacity sufficient to charge an electric vehicle.

By requiring that 20% of all parking spaces at covered buildings be EV make-ready, the legislation will meaningfully increase the accessibility of charging capacity. This change will help reduce consumer concerns regarding their ability to recharge electric vehicles. The legislation defines "substantial improvement," triggering the requirement to include EV make-ready infrastructure under the act, as any repair, alteration, addition, or improvement of the facility that has a cost of equal to or greater than 50% of the structure's market value before the project is added. The Committee believes that this percentage is appropriate, as any lower threshold would have the potential to disincentivize developers from updating facilities due to the additional costs.

[3] Energy Solutions. "Plug-In Electric Vehicle Infrastructure Cost-Effectiveness Report for San Francisco." 2016. (available at: http://evchargingpros.com/wp-content/uploads/2017/04/City-of-SF-PEV-Infrastructure-Cost-Effectiveness-Report-2016.pdf).

At the hearing on the legislation, DOEE Director Tommy Wells provided testimony to the Committee that recommended that the committee print remove specific technical requirements for property owners; instead, the Director suggested that the print require the Mayor promulgate regulations on those requirements. By incorporating this language through regulation rather than the Code, these specifications can be updated more quickly and in concert with developing technology. The Committee agrees with this recommend, and, as such, the print amends the bill as introduced to require that the Mayor promulgate rules by September 1, 2021, to implement the bill, including regulations that detail the technical specifications required for the electric vehicle make-ready infrastructure

The committee print also requires that the Mayor promulgate regulations to establish a standard for a waiver of the requirements of the Act, where a property owner demonstrates that compliance would result in severe financial burden. The Committee received testimony regarding the impact that costs to install EV make-ready infrastructure may have on property owner's ability to complete new construction or meaningfully renovate a property. According the testimony received, the District has a lower-than-average EV market share when compared to the other 24 most populous cities in the United States, suggesting that the requirement that 20% of parking spots be made EV make-ready was too high, and that this number of spots was unlikely to be utilized for electric vehicles in the near future. The Committee is not particularly persuaded by this testimony; as noted earlier in this report, the cost to install EV make-ready infrastructure is quite inexpensive, at around $900 per spot; even the largest properties could expect to spend at most tens of thousands of dollars to comply with the act. That cost is a fraction of a percent of the total cost—often many millions of dollars—to construct or substantially renovate these properties. It seems unlikely that these costs would factor into a property owner's decision to begin a construction or large-scale renovation property.

Conversely, the Committee believes this argument underscores the importance of maintaining a floor of 20%. As noted above, access to charging infrastructure is one of the most cited concerns raised by consumers when deciding whether to buy an electric vehicle. Where the District has a lower rate of electric vehicle adoption compared to market basket cities, a lack of available charging station could the cause. Requiring property owners to make a small portion of the parking spots EV make-ready will help spur electric vehicle adoption among District residents, by increasing the availability of charging capacity. In turn, making it so that these spots are EV make-ready, but not requiring that they are equipped with chargers, means property owners can continue to use these spots for other vehicles until demand is such that the property owner decides to install a charging station.

That said, the Committee recognizes that there may be some rare instances where, due to severe financial hardship, it makes sense to provide an exemption to the requirements of the act—specifically, by authorizing DOEE or DCRA to issue a waiver to particular property owners. To that end, the print includes new language requiring that the Mayor promulgate rules establishing such a waiver. The Committee notes, however, that it envisions that this waiver would be available only in rare instances of severe hardship, such as where a property owner can illustrate that they could not afford to renovate or complete construction of the property, or would face substantial financial harm, if complying with the requirements of the legislation. The waiver should not be available where a property owner illustrates that compliance results in a greater overall cost for the project, or evidence to suggest the amount of EV make-ready infrastructure required does not reflect current demand.

The legislation also calls on DOEE to establish incentives for owners of covered buildings to exceed the requirements under the Act. This change, also recommended by Director Wells, will provide DOEE with another set of tools to increase EV-readiness across the District, and encourage property owners to go above and beyond the floor set by the legislation. The Committee looks forward to working

with the agency on what these incentives will ultimately look like, and future measures to further incentivize expansion of EV make-ready infrastructure in the District.

CHRONOLOGY OF ACTION

March 19, 2019	Introduction of Bill 23-193 by Councilmember Cheh
March 19, 2019	Referral of Bill 23-193 to the Committee on Transportation and the Environment
March 29, 2019	Notice of Intent to Act on B23-193 is published in the *District of Columbia Register*
November 22, 2019	Notice of Public Hearing on Bill 23-193 is published in the *District of Columbia Register*
December 9, 2019	Public Hearing on Bill 23-193 is held by the Committee on Transportation and the Environment
September 21, 2020	Consideration and vote on Bill 23-359 by Committee on Transportation and the Environment

POSITION OF THE EXECUTIVE

On December 9, 2019, Tommy Wells, Director of the Department of Energy and Environment testified on behalf of the Executive for B23-193. Director Wells described the goals of the bill as being in line with the efforts DOEE has undertaken to achieve the goals laid out in the Clean Energy DC Omnibus Amendment Act of 2018. The Director expressed that, although the construction requirements included in the bill are necessary to reducing carbon emissions, the technical definitions for EV charging stations and other requirements under the bill could more effectively be implemented through the rulemaking process as amendments to the construction code. The Director also made several recommendations to strengthen the bill, including authorizing DOEE to issue incentives for property owners to exceed the requirements of the act.

RECOMMENDATIONS BY THE ADVISORY NEIGHBORHOOD COMISSIONS

No Advisory Neighborhood Commission adopted a resolution concerning Bill 23-193 prior to the close of the hearing record.

SUMMARY OF TESTIMONY

Aykut Yilmaz, *Sierra Club of Washington D.C.*, testified in support of the legislation. He stated that the Sierra Club supports a strong mandate on minimum EV infrastructure requirements to reduce carbon emissions.

Ari Eisenstadt, *Audobon Naturalist Society*, testified in support of the legislation. He expressed that, in addition to their environmental benefits, electronic vehicles are more-cost effective over their lifespan than combustion engine vehicles.

Patrick Bean, *Tesla Inc.*, testified in favor of the legislation. On behalf of Tesla, Inc., he supports the measure, and notes that requiring less than 20% of parking spaces be EV-outfitted introduces inefficiencies in charging times when charging multiple vehicles.

Kirsten Williams, *Apartment and Office Building Association of Metropolitan Washington*, testified in opposition of the legislation. She stated that existing EV infrastructure is currently underutilized in DC, so requiring proactive installation of EV capacity is an unnecessary cost for developers.

ANALYSIS OF IMPACT ON EXISTING LAW

B23-193 would amend the Green Building Act of 2006 to require that new construction or substantial improvement of a commercial building or a multi-unit building that includes off-street parking include electrical vehicle make-ready infrastructure for at least 20% of the parking spaces, and to authorize the Department of Energy and Environment to issues rules for this purpose.

SUMMARY OF FISCAL IMPACT

Due to Bill 23-193 being sequentially referred to the Committee of the Whole, the Office of the Chief Financial Officer did not complete a Fiscal Impact Statement for this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1 provides a short title.

Section 2 amends the Green Building Act of 2006 to require that new construction or substantial improvement of a commercial building or a multi-unit building with off-street parking include the installation of make-ready electric vehicle charging infrastructure in 20% of parking spaces, to require the Department of Energy and Environment to establish incentives for owners who install infrastructure at a greater percentage of parking spaces than required, and to require the Mayor to promulgate rules implementing the section, including standards for a waiver of the act's requirements where a property owner demonstrates severe financial hardship.

Section 3 contains the fiscal impact statement.

Section 4 contains the effective date.

COMMITTEE ACTION

On September 21, 2020, the Committee on Transportation the Environment convened a mark-up at 3:00p.m. on Bill 23-193, the "Electric Vehicle Readiness Amendment Act of 2020". Present and voting were Chairperson Cheh and Councilmembers Allen, Pinto, and Todd.

Chairperson Cheh gave a brief description of the legislation before opening the floor for comments from the members. Councilmembers Allen expressed his support for the bill and emphasized the importance of expanding EV infrastructure to support the District's broader climate goals. Councilmember Pinto echoed these sentiments, noting the importance of including a waiver for severe financial hardship, and highlighting how the bill will support expansion of green vehicles in the District.

Chairperson Cheh then moved for block approval of the Committee print of B23-193 and the Committee report on B23-2193. The Committee voted 4-0 to approve the Committee print and the Committee report with the members voting as follows:

YES: Cheh, Allen, Pinto, Todd

NO: 0

The meeting was adjourned.

ATTACHMENTS

(A) Bill 23-193, as introduced
(B) Legal Sufficiency Determination
(C) Comparative Print of Bill 23-193
(D) Committee Print of Bill 23-193

COMPARATIVE PRINT, Bill 23-193
Committee of the Whole
November 17, 2020

D.C. OFFICIAL CODE § 6-1451.01 *ET SEQ.* THE GREEN BUILDINGS ACT OF 2006.

(11A) "Electric vehicle" shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 126l; 15 U.S.C. § 2502(4)).

(11B) "Electric vehicle charging site" means any location, including any public space in the District, that has installed electric vehicle supply equipment.

(32B) "Multi-unit building" means a residential building with 5 or more dwelling units.

Sec. 4a. Electric vehicle make-ready parking spaces in new multi-unit residential and commercial buildings.

(a) For building permits issued after January 1, 2022, all new construction or substantial improvement of commercial buildings and multi-unit buildings that have 3 or more automobile off road parking spaces shall include electric vehicle make-ready infrastructure to accommodate the future installation of an electric vehicle charging site at at least 20% of the parking spaces.

(b) By September 30, 2021, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this section, including rules that would:

(1) Detail the technical specifications required for the electric vehicle make-ready infrastructure required by subsection (a) of this section.

(2) Establish standards for a waiver of the requirements of subsection (a) of this section where a property owner demonstrates severe financial hardship; and

(c) By September 30, 2021, the Department of Energy and Environment shall establish incentives for owners of commercial buildings and multi-unit buildings to install electric vehicle make-ready infrastructure at a greater percentage of parking spaces than the 20% minimum required by subsection (a) of this section. The Department may establish additional initiatives at any time.

DRAFT COMMITTEE PRINT
Committee of the Whole
November 17, 2020

A BILL

_____

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Green Building Act of 2006 to require that new construction or substantial improvement of a commercial building or a multi-unit building that includes 3 or more off-street parking spots include electrical vehicle make-ready infrastructure for at least 20% of the parking spaces, to require the Mayor to issue rules to implement the provisions of this act, including rules to establish a waiver process where a property owner demonstrates severe financial hardship, and to require the Department of Energy and Environment to establish incentives for property owners to install electric vehicle make-ready infrastructure in a greater percentage than required under the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electric Vehicle Readiness Amendment Act of 2020".

Sec. 2. 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 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(1) New paragraphs (11A) and (11B) are added to read as follows:

"(11A) "Electric vehicle" shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 126l; 15 U.S.C. § 2502(4)).

"(11B) "Electric vehicle charging site" means any location, including any public space in the District, that has installed electric vehicle supply equipment.".

(2) A new paragraph (32B) is added to read as follows:

"(32B) "Multi-unit building" means a residential building with 5 or more dwelling units.".

(b) A new section 4a is added to read as follows:

"Sec. 4a. Electric vehicle make-ready parking spaces in new multi-unit residential and commercial buildings.

"(a) For building permits issued after January 1, 2022, all new construction or substantial improvement of commercial buildings and multi-unit buildings that have 3 or more automobile off road parking spaces shall include electric vehicle make-ready infrastructure to accommodate the future installation of an electric vehicle charging site at at least 20% of the parking spaces.

"(b) By September 30, 2021, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section, including rules that would:

"(1) Detail the technical specifications required for the electric vehicle make-ready infrastructure required by subsection (a) of this section.

"(2) Establish standards for a waiver of the requirements of subsection (a) of this section where a property owner demonstrates severe financial hardship; and

"(c) By September 30, 2021, the Department of Energy and Environment shall establish incentives for owners of commercial buildings and multi-unit buildings to install electric vehicle make-ready infrastructure at a greater percentage of parking spaces than the 20% minimum required by subsection (a) of this section. The Department may establish additional initiatives at any time.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval of the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.