HOUSE BILL 108

C5, M5 2lr0985 (PRE–FILED) CF 2lr1276

By: **Delegate Charkoudian** Requested: October 27, 2021

Introduced and read first time: January 12, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

Public Utilities – Energy Efficiency and Conservation Programs – Energy Performance Targets and Low-Income Housing

4 FOR the purpose of requiring the Public Service Commission to include certain information 5 on the low-income EmPOWER programs in a certain annual report to the General 6 Assembly; requiring the Department of Housing and Community Development to 7 procure or provide for electricity customers energy efficiency and conservation 8 programs and services designed to achieve a certain target annual incremental gross 9 energy savings starting in a certain year; requiring certain contractors used for the 10 programs under this Act to meet certain job requirements; requiring the Commission 11 to update the weather-normalized gross retail sales against which savings are 12 measured for certain plans; requiring the target annual incremental gross energy 13 savings to be achieved based on an average of certain Department plans; requiring 14 the Department, on or before a certain date, to submit a plan to the Commission for achieving the electricity savings and demand reduction target; requiring the 15 16 Department to develop a plan to coordinate and leverage funding sources to support 17 certain energy efficiency and other home upgrades and a plan to provide energy 18 efficiency retrofits to all low-income households by a certain date; establishing the 19 Green and Healthy Task Force to analyze and advance the coordination of resources 20 to address the housing needs of low-income communities; and generally relating to 21 energy performance targets and low-income housing.

22 BY repealing and reenacting, with amendments,

Article – Public Utilities

24 Section 7–211(k)

25 Annotated Code of Maryland

26 (2020 Replacement Volume and 2021 Supplement)

27 BY adding to

23

28 Article – Public Utilities

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 2 **HOUSE BILL 108** 1 Section 7–211.1 and 7–211.2 2 Annotated Code of Maryland 3 (2020 Replacement Volume and 2021 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 4 That the Laws of Maryland read as follows: 5 6 Article - Public Utilities 7 7–211. 8 On or before May 1 of each year, the Commission, in consultation with the 9 Maryland Energy Administration, shall report, subject to § 2–1257 of the State Government Article, to the General Assembly on: 10 the status of programs and services to encourage and promote the 11 (1) 12 efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low-income communities, low- to 13 moderate-income communities to the extent possible, and other particular classes of 14 15 ratepayers; 16 these programs and services; [and]
- a recommendation for the appropriate funding level to adequately fund 17
- 18 FOR THE LOW-INCOME PROGRAMS UNDER § 7-211.1 OF THIS **(3)** SUBTITLE, INFORMATION THE DEPARTMENT OF HOUSING AND COMMUNITY 19 20 **DEVELOPMENT PROVIDES** TO THE COMMISSION UNDER § 217-211.1(H) OF THIS SUBTITLE; AND
- 22 in accordance with subsection (c) of this section, the per capita 23 electricity consumption and the peak demand for the previous calendar year.
- 247–211.1.
- 25 In this section the following words have the meanings (A) **(1)** 26 INDICATED.
- 27 **(2)** "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND 28COMMUNITY DEVELOPMENT.
- "LOW-INCOME PROGRAM" MEANS A PROGRAM THAT DELIVERS 29 30 ENERGY EFFICIENCY AND CONSERVATION MEASURES TO REDUCE UTILITY 31 EXPENSES FOR BUILDING OWNERS, MANAGERS, AND TENANTS IN HOUSING WITH
- RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S LOW-INCOME ASSISTANCE 32
- 33 PROGRAMS, INCLUDING:

1	(I) THE EMPOWER MARYLAND PROGRAM;			
2	(II) THE MULTIFAMILY ENERGY EFFICIENCY AND HOUSING AFFORDABILITY PROGRAM; AND			
4	(III) THE WEATHERIZATION ASSISTANCE PROGRAM.			
5	(4) "LOW-INCOME RESIDENTIAL" MEANS A COMMUNITY, BUILDING,			
6	OR HOUSEHOLD WITH RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S			
7	LOW-INCOME PROGRAMS.			
8	(5) "TASK FORCE" MEANS THE GREEN AND HEALTHY TASK FORCE			
9	ESTABLISHED UNDER § 7–211.2 OF THIS SUBTITLE.			
10	(B) (1) FOR THE 2022–2024 PROGRAM CYCLE, THE DEPARTMENT SHALL			
11	PROCURE OR PROVIDE FOR ELECTRICITY CUSTOMERS ENERGY EFFICIENCY AND			
12	CONSERVATION PROGRAMS AND SERVICES.			
13	(2) (I) THE PROGRAMS AND SERVICES REQUIRED UNDER			
14	PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DESIGNED TO ACHIEVE TARGET			
15	ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT LEAST 0.4% PER YEAR			
16	STARTING IN 2023.			
17	(II) THE DEPARTMENT MAY USE THE SAVINGS ACHIEVED			
18	THROUGH ALL FUNDING SOURCES TOWARD CALCULATING THE TARGET ANNUAL			
19	INCREMENTAL GROSS ENERGY SAVINGS, IF THE FUNDING SOURCES MEET THE			
20	STANDARDS OF PROGRAMS FUNDED THROUGH:			
21	1. THE EMPOWER SURCHARGE; OR			
22	2. THE U.S. DEPARTMENT OF ENERGY.			
23	(3) (I) THE ENERGY SAVINGS DESCRIBED IN PARAGRAPH (2) OF			
24	THIS SUBSECTION SHALL BE CALCULATED AS A PERCENTAGE OF THE 2019			
25	WEATHER-NORMALIZED GROSS LOW-INCOME RESIDENTIAL RETAIL SALES FOR ALL			
26	ELECTRIC COMPANIES.			
27	(II) THE 2019 WEATHER-NORMALIZED GROSS LOW-INCOME			
28	RESIDENTIAL RETAIL SALES FOR ALL ELECTRIC COMPANIES SHALL BE			
29	DETERMINED BY MULTIPLYING THE AVERAGE 2019 RESIDENTIAL HOUSEHOLD			
30	ELECTRICITY USAGE FOR ALL ELECTRIC COMPANIES BY THE NUMBER OF			

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HOUSEHOLDS:

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CONTRACTORS

THAT

RELATED TO EMPOWER PROGRAMS.

ARE

MINORITY-OWNED,

VETERAN-OWNED BUSINESSES IN THE STATE FOR PROCUREMENT PROCESSES

WOMEN-OWNED,

OR

1	1. WITH INCOMES BELOW 250% OF THE FEDERAL		
2	POVERTY LEVEL AS DETERMINED BY THE FEDERAL CENSUS; OR		
3	2. THAT MEET THE ELIGIBILITY CRITERIA APPROVED BY		
4	THE COMMISSION FOR LOW-INCOME PROGRAMS.		
5	(4) FOR WEATHERIZATION OF LEASED OR RENTED RESIDENCES, THE		
6	DEPARTMENT SHALL ADOPT REGULATIONS TO ENSURE THAT:		
7	(I) THE BENEFITS OF WEATHERIZATION ASSISTANCE,		
8	INCLUDING UTILITY BILL REDUCTION AND PRESERVATION OF AFFORDABLE		
9	HOUSING STOCK, ACCRUE PRIMARILY TO LOW-INCOME TENANTS OCCUPYING A		
10	LEASED OR RENTED RESIDENCE; AND		
11	(II) THE RENT ON THE RESIDENCE IS NOT INCREASED AND THE		
12	TENANT IS NOT EVICTED AS A RESULT OF WEATHERIZATION PROVIDED UNDER THIS		
13	SECTION.		
14	(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE		
15	PROGRAMS AND SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION		
16	MAY NOT USE THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS,		
17	INCLUDING WALLS, FLOORS, CEILINGS, ATTICS, AND ROOF INSULATION, THAT		
18	CONTAIN:		
19	1. FORMALDEHYDE; OR		
20	2. ANY SUBSTANCE THAT IS A CATEGORY 1		
21	RESPIRATORY SENSITIZER AS DEFINED IN 29 C.F.R. PART 1910 (APPENDIX A).		
22	(II) THERMAL INSULATING MATERIALS FOR BUILDING		
23			
24	• •		
25	1. WAS INTENTIONALLY ADDED; OR		
26	2. IS PRESENT IN THE PRODUCT AT GREATER THAN 0.1%		
27	BY WEIGHT.		
28	(6) (I) THE DEPARTMENT SHALL GIVE PREFERENCE TO		

1	(II) THE DEPARTMENT'S APPROVED CONTRACTORS USED FOR
$\frac{2}{3}$	THE PROGRAMS UNDER THIS SECTION SHALL MEET THE FOLLOWING JOB REQUIREMENTS:
4	1. PAY AT LEAST 150% OF THE STATE MINIMUM WAGE;
5	2. PROVIDE CAREER ADVANCEMENT TRAINING;
6 7	3. AFFORD EMPLOYEES THE RIGHT TO BARGAIN COLLECTIVELY FOR WAGES AND BENEFITS;
8	4. PROVIDE PAID LEAVE;
9 10 11	5. BE CONSIDERED COVERED EMPLOYMENT FOR PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS IN ACCORDANCE WITH TITLE 8 OF THE LABOR AND EMPLOYMENT ARTICLE;
12 13 14	6. ENTITLE THE EMPLOYEE TO WORKERS' COMPENSATION BENEFITS IN ACCORDANCE WITH TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE;
15 16	7. BE COMPLIANT WITH FEDERAL AND STATE WAGE AND HOUR LAWS FOR THE PREVIOUS 3 YEARS;
17 18 19	8. OFFER EMPLOYER-PROVIDED HEALTH INSURANCE BENEFITS WITH MONTHLY PREMIUMS THAT DO NOT EXCEED 8.5% OF THE EMPLOYEE'S NET MONTHLY EARNINGS; AND
20	9. OFFER RETIREMENT BENEFITS.
21 22	(C) THE WEATHER-NORMALIZED GROSS RETAIL SALES AGAINST WHICH THE SAVINGS ARE MEASURED SHALL:
23 24 25	(1) REFLECT SALES ASSOCIATED WITH THE LOW-INCOME RESIDENTIAL CUSTOMER CLASS SERVED BY PROGRAMS ADMINISTERED BY THE DEPARTMENT; AND
26	(2) BE UPDATED BY THE COMMISSION FOR EACH PLAN SUBMITTED

28 (D) THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS SHALL BE 29 ACHIEVED BASED ON THE 3-YEAR AVERAGE OF DEPARTMENT PLANS SUBMITTED IN

UNDER SUBSECTION (E) OF THIS SECTION.

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- 1 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.
- 2 (E) (1) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL
- 3 SUBMIT A PLAN TO THE COMMISSION THAT DETAILS PROPOSALS FOR ACHIEVING
- 4 THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION
- 5 (B) OF THIS SECTION FOR THE 2 SUBSEQUENT CALENDAR YEARS.
- 6 (2) THE PLAN SHALL INCLUDE:
- 7 (I) A DESCRIPTION OF THE PROPOSED ENERGY EFFICIENCY
- 8 AND CONSERVATION PROGRAMS AND SERVICES;
- 9 (II) A DESCRIPTION OF THE STEPS PROPOSED TO ENSURE
- 10 INSULATION MATERIALS MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF
- 11 THIS SECTION;
- 12 (III) ANTICIPATED COSTS;
- 13 (IV) PROJECTED ELECTRICITY SAVINGS;
- 14 (V) A PROPOSED AVERAGE LIFETIME MEASURE THRESHOLD
- 15 THAT ENCOURAGES THE DELIVERY OF INSULATION AND WEATHERIZATION
- 16 MEASURES, DEVELOPED THROUGH A STAKEHOLDER ENGAGEMENT PROCESS; AND
- 17 (VI) ANY OTHER INFORMATION THAT THE COMMISSION
- 18 REQUESTS.
- 19 (3) THE DEPARTMENT SHALL PROVIDE THE COMMISSION WITH AN
- 20 UPDATE EVERY 6 MONTHS ON PLAN IMPLEMENTATION AND PROGRESS TOWARD
- 21 ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER
- 22 SUBSECTION (B) OF THIS SECTION.
- 23 (4) THE COMMISSION SHALL REVIEW A PLAN TO DETERMINE
- 24 WHETHER THE PLAN IS ADEQUATE FOR ACHIEVING THE TARGET.
- 25 (F) THE COMMISSION SHALL WORK WITH THE DEPARTMENT TO ESTABLISH
- 26 ANY PROCEDURES NECESSARY TO DEVELOP AND IMPLEMENT A PLAN FOR
- 27 ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER
- 28 SUBSECTION (B) OF THIS SECTION, INCLUDING SECURING COOPERATION FROM
- 29 ELECTRIC COMPANIES RELATED TO:
- 30 **(1) FUNDING**;

1	(2) COMM	UNICATIONS;
2	2 (3) REFER	RALS;
3	3 (4) DATA S	SHARING; AND
4 5 6	IS NECESSARY TO ACHIE	THER COOPERATION THAT THE COMMISSION DETERMINES EVE THE ELECTRICITY SAVINGS UNDER SUBSECTION (B) OF
7 8 9	FUNDING SOURCES AN	DEPARTMENT SHALL DEVELOP A PLAN TO COORDINATE ID LEVERAGE THE GREATEST FUNDING POSSIBLE TO
10	(I)	HEALTH AND SAFETY UPGRADES;
11	(II) V	WEATHERIZATION;
12	(III) 1	ENERGY EFFICIENCY; AND
13 14	` '	OTHER GENERAL MAINTENANCE FOR LOW-INCOME
15	(2) THE P	LAN SHALL COORDINATE FUNDING AMONG:
16	(I) T	THE STRATEGIC ENERGY INVESTMENT FUND;
17	7 (II) 1	FEDERAL WEATHERIZATION ASSISTANCE PROGRAMS;
18	(III) 1	RATEPAYER CONTRIBUTIONS TO:
19 20		1. THE EMPOWER MARYLAND LIMITED INCOME ROGRAM; AND
21 22		2. THE MULTIFAMILY ENERGY EFFICIENCY AND TY PROGRAM;
23	(IV)	THE MARYLAND AFFORDABLE HOUSING TRUST FUND;
24 25	` '	U.S. DEPARTMENT OF HOUSING AND URBAN MS, INCLUDING:

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COMMUNITY DEVELOPMENT BLOCK GRANTS;

1 2	2. THE HOME INVESTMENT PARTNERSHIP GRANTS PROGRAM; AND
3 4	3. LEAD HAZARD CONTROL AND HEALTHY HOMES GRANTS;
5 6	(VI) U.S. DEPARTMENT OF AGRICULTURE PROGRAMS, INCLUDING THE HOME REPAIR PROGRAM;
7	(VII) THE HEALTHY HOMES FOR HEALTHY KIDS PROGRAM;
8	(VIII) THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM;
0	(IX) STATE APPROPRIATIONS; AND
11	(X) ANY OTHER SOURCE OF FUNDING THAT THE DEPARTMENT OR THE TASK FORCE IDENTIFIES.
13 14 15	(3) THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF THE TASK FORCE AND IDENTIFY OTHER INTERESTED STAKEHOLDERS TO DEVELOP THE PLAN.
16 17 18	(4) On or before December 31, 2022, the Department shall submit the plan to the Governor and, in accordance with \S 2–1257 of the State Government Article, the General Assembly.
19 20	(H) (1) THE DEPARTMENT SHALL REPORT TO THE COMMISSION EACH YEAR ON:
21 22 23	(I) FOR THE PROGRAMS THAT CONTRIBUTE TO ENERGY EFFICIENCY AND WEATHERIZATION, DISAGGREGATED BY FUEL SOURCE AND FUNDING SOURCE OR DEVELOPMENT FINANCE EFFORTS:
24	1. THE NUMBER OF PARTICIPANTS SERVED; AND
25	2. THE AMOUNT OF ENERGY SAVINGS; AND
26 27 28	(II) THE AMOUNT OF FUNDING THAT THE DEPARTMENT RECEIVES, AND IS PROJECTED TO RECEIVE, FOR ENERGY EFFICIENCY AND WEATHERIZATION FROM THE FUNDING SOURCES UNDER THIS SECTION.

- 1 (2) THE DEPARTMENT MAY SATISFY THE REPORTING REQUIREMENT
 2 UNDER THIS SUBSECTION BY INCLUDING THE REQUIRED INFORMATION IN THE
 3 6-MONTH STATUS REPORTS TO THE COMMISSION.
- 4 (I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT IF THE 5 EMPOWER MARYLAND PROGRAM IS EXTENDED BEYOND 2023, THE TARGET 6 ANNUAL INCREMENTAL GROSS ENERGY SAVINGS UNDER SUBSECTION (B) OF THIS 7 SECTION SHALL INCREASE TO:
- 8 **(1)** 0.53% IN 2024;
- 9 **(2)** 0.72% IN 2025; AND
- 10 **(3)** 1% IN 2026.
- 11 (J) THE DEPARTMENT, THE MARYLAND ENERGY ADMINISTRATION, AND 12 OTHER STATE AGENCIES SHALL APPLY FOR ALL FEDERAL FUNDING THAT MAY 13 BECOME AVAILABLE TO CARRY OUT THIS SECTION.
- 14 **(K) (1)** THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF
 15 THE TASK FORCE TO DEVELOP A PLAN, INCLUDING A BUDGET, A TIMELINE, AND
 16 POTENTIAL FUNDING SOURCES, TO PROVIDE ENERGY EFFICIENCY RETROFITS TO
 17 ALL LOW-INCOME HOUSEHOLDS BY 2030.
- 18 (2) THE DEPARTMENT, IN COLLABORATION WITH THE TASK FORCE,
 19 SHALL SUBMIT THE PLAN TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §
 20 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 1, 2022.
- 21 **7–211.2.**
- 22 (A) THERE IS A GREEN AND HEALTHY TASK FORCE.
- 23 (B) THE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:
- 24 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY 25 THE PRESIDENT OF THE SENATE;
- 26 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY 27 THE SPEAKER OF THE HOUSE;
- 28 (3) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, 29 OR THE SECRETARY'S DESIGNEE;

- **(4)** THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S 1 2 **DESIGNEE**; 3 THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, **(5)** OR THE DIRECTOR'S DESIGNEE; 4 **(6)** ONE REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL; 5 6 AND AS APPOINTED BY THE CHAIR OF THE TASK FORCE: 7 **(7)** 8 ONE REPRESENTATIVE OF THE MARYLAND AFFORDABLE **(I)** 9 HOUSING TRUST: 10 (II) ONE REPRESENTATIVE OF THE GREEN AND HEALTHY 11 HOMES INITIATIVE; MARYLAND ENERGY 12 (III) ONE REPRESENTATIVE OF **EFFICIENCY ADVOCATES**; 13 14 (IV) ONE MEMBER WHO IS AN EXPERT IN PUBLIC HEALTH; ONE MEMBER FROM A COMMUNITY CONCERNED WITH 15 (V) 16 **ENVIRONMENTAL JUSTICE;** (VI) ONE MEMBER WHO OWNS OR DEVELOPS AFFORDABLE 17 18 HOUSING: 19 (VII) ONE MEMBER WHO HAS RECEIVED ASSISTANCE FROM A 20 LOW-INCOME PROGRAM THAT DELIVERS ENERGY EFFICIENCY MEASURES; AND 21 (VIII) OTHER MEMBERS AS DETERMINED BY THE CHAIR OF THE 22TASK FORCE.
- THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR 23 THE SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE TASK FORCE. 24
- THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT 25 (D) 26 SHALL PROVIDE STAFF FOR THE TASK FORCE.
- 27 **(E)** A MEMBER OF THE TASK FORCE:
- 28 **(1)** MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK

- 1 FORCE; BUT
- 2 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
- 3 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.
- 4 (F) THE TASK FORCE SHALL:
- 5 (1) BEGINNING JULY 1, 2022, MEET QUARTERLY FOR A PERIOD OF 3
- 6 YEARS;
- 7 (2) ADVANCE THE ALIGNMENT, BRANDING, AND COORDINATION OF
- 8 RESOURCES TO MORE EFFECTIVELY DELIVER GREEN AND HEALTHY HOUSING FOR
- 9 LOW-INCOME HOUSEHOLDS IN THE STATE;
- 10 (3) EXAMINE THE PUBLIC AND PRIVATE RESOURCES NEEDED TO
- 11 ADDRESS THE HOUSING NEEDS OF LOW-INCOME COMMUNITIES;
- 12 (4) DEVELOP POLICY AND STATUTORY RECOMMENDATIONS TO
- 13 ELIMINATE BARRIERS TO LOW-INCOME HOUSEHOLDS ACHIEVING HEALTHY,
- 14 ENERGY-EFFICIENT, AND AFFORDABLE HOUSING; AND
- 15 (5) ENGAGE WITH INTERESTED PARTIES AND COLLABORATE WITH
- 16 OTHER ENTITIES THAT CAN HELP ADVANCE THE GOALS OF THE TASK FORCE,
- 17 INCLUDING EXPERTS IN THE FIELD OF HEALTHY AND ENERGY-EFFICIENT HOUSING.
- 18 (G) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE
- 19 TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE
- 20 SECRETARY OF HEALTH, THE SECRETARY OF THE ENVIRONMENT, THE
- 21 COMMISSION, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE
- 22 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.
- 23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
- 24 1, 2022.