

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 Title III of the CleanEnergy DC Omnibus Amendment Act of 2018 to revise the timeline for phase-in of smaller buildings into the Building Energy Performance Standards Program implemented by the Department of Energy and Environment, to require the Department of Energy and Environment to establish new building energy performance standards every 6 years instead of every 5 years, to clarify language requiring buildings to comply with the building energy performance standards, and to provide that the strategic energy management plan for District buildings shall be delivered by January 1, 2021; and to amend the District of Columbia Traffic Act, 1925 to provide that the rules revising the calculation of the vehicle excise tax shall be issued by January 1, 2021, and to providethat changes to the vehicle excise tax shall be revenue neutral or revenue positive.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “CleanEnergy DC Omnibus Technical Amendment Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On February 4, 2020, the Council passed the CleanEnergy DC Omnibus Emergency Amendment Act of 2020, effective February 27, 2020 (D.C. Act 23-230; 67 DCR 2508) (“emergency act”), which expired on May 27, 2020.

(b) On March 3, 2020, the Council passed the CleanEnergy DC Omnibus Temporary Amendment Act of 2020, effective May 6, 2020 (D.C. Law 23-94; 67 DCR 3527) (“temporary act”), which will expire on December 17, 2020.

36 (c) This emergency legislation is substantively identical to the prior emergency act and
37 the temporary act, but for two changes:

38 (1) First, the legislation clarifies that DOEE may issue standards under D.C.
39 Official Code § 8-1772.21(b)(1)(A) by rulemaking or publication on the Department of Energy
40 and Environment (“DOEE”) website, allowing the agency to most efficiently promulgate these
41 new standards; and

42 (2) Second, the legislation moves the date by which the Department of General
43 Services must develop a final strategic energy management plan from January 1, 2020, to
44 January 2, 2021, in response to a request from the Executive for additional time to complete the
45 plan to account for unanticipated delays.

46 (d) Immediate legislative action is necessary to prevent a gap in the law following the
47 expiration of the temporary act, and to make additional amendments to clarify how DOEE may
48 make publication of certain standards under the Building Energy Performance Standards
49 Program, and to allow for additional time for DGS to develop a strategic energy management
50 plan.

51 Sec. 3. The Council of the District of Columbia determines that the circumstances
52 enumerated in section 2 constitute emergency circumstances making it necessary that the
53 CleanEnergy DC Omnibus Technical Amendment Emergency Amendment Act of 2020 be
54 adopted after a single reading.

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