

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, 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; 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 provide that changes to the vehicle excise tax shall be revenue neutral or revenue positive; and to make this act apply as of February 14, 2021.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CleanEnergy DC Omnibus Retroactive Emergency Amendment Act of 2021”.

Sec. 2. Title III of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 8-1772.21) is amended as follows:

(1) Subsection (a) is amended as follow:

(A) Paragraph (2) is amended by striking the phrase “January 1, 2023” and inserting the phrase “January 1, 2027” in its place.

38 (B) Paragraph (3) is amended by striking the phrase “January 1, 2026” and
39 inserting the phrase “January 1, 2033” in its place.

40 (2) Subsection (b)(1)(A) is amended to read as follows:

41 “(b)(1)(A) No later than January 1, 2021, and every 6 years thereafter, DOEE shall, by
42 rulemaking or publication on the DOEE website, establish property types and building energy
43 performance standards for each property type, or an equivalent metric for buildings that do not
44 receive an ENERGY STAR score.”.

45 (3) Subsection (c) is amended to read as follows:

46 “(c) All buildings below the energy performance standard for their property type,
47 established pursuant to subsection (b)(1) and (2) of this section, shall have 5 years from the date
48 the performance standards are established to meet the building energy performance requirements
49 established by DOEE.”.

50 (b) The lead-in language in section 303 (D.C. Official Code § 8-1772.22) is amended by
51 striking the phrase “January 1, 2020” and inserting the phrase “January 1, 2021” in its place.

52 Sec. 3. Section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March 3,
53 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(1A)), is amended as follows:

54 (a) Subparagraph (A) is amended by striking the phrase “January 1, 2020” and inserting
55 the phrase “January 1, 2021” in its place.

56 (b) Subparagraph (E) is amended to read as follows:

57 “(E) Changes to the vehicle excise tax made pursuant to this paragraph
58 shall be revenue neutral or revenue positive.”.

59 Sec. 4. Applicability.

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61 Sections 2 and 3 shall apply as of February 14, 2021.

62 Sec. 5. Fiscal impact statement.

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

66 Sec. 6. Effective date.

67 This act shall take effect following approval by the Mayor (or in the event of veto by the
68 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
69 90 days, as provided for emergency acts of the Council of the District of Columbia in section
70 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
71 D.C. Official Code § 1-204.12(a)).