


Councilmember Charles Allen

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 the Green Building Act of 2006 to delay the submission of benchmark and Energy Star statements of energy performance by privately-owned buildings to the Department of Energy and Environment from April 1, 2024, to July 1, 2024.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Building Energy Performance Standard Program Delay Emergency Declaration Resolution of 2024”.

Sec. 2. (a) In the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; 66 DCR 1344) (“CleanEnergy DC Omnibus”), the Council established a Building Energy Performance Standard Program (“BEPS Program”) at the Department of Energy and Environment (“DOEE”).

(b) The BEPS Program requires privately- and District-owned buildings in the District to reduce their energy use and emissions over time based on the property type and DOEE-established building energy performance standards. The first tier of properties to which these standards are applicable, as of January 1, 2021, was privately-owned buildings with at least 50,000 square feet of gross floor area and all District-owned or District instrumentality-owned buildings with at least 10,000 square feet of gross floor area. The second tier will apply as of January 1, 2027, to all privately-owned buildings with at least 25,000 square feet of gross floor area. The third tier will

34 apply as of January 1, 2033, to all privately-owned buildings with at least 10,000 square feet of
35 gross floor area. Building owners must also measure their energy usage and perform third-party
36 verifications of their energy benchmarking by April 1 of each year.

37 (c) Also in the CleanEnergy DC Omnibus, the Council created a Building Energy
38 Performance Standards Task Force (“Task Force”) to advise DOEE on the creation of an
39 implementation plan for the BEPS Program, recommend amendments to proposed regulations
40 issued by DOEE, and recommend complementary programs or policies. The Task Force members
41 include DOEE, the Department of General Services, the Department of Housing and Community
42 Development, affordable housing developers, representatives from rent-controlled and market-rate
43 apartment and commercial buildings, and a representative from the Apartment and Office
44 Buildings Association.

45 (d) The Task Force has been meeting twice per month since late 2019 to advise on the
46 implementation of BEPS, engage with stakeholders, and advise DOEE on the design of the
47 program and development of technical support documents. The Task Force has recently
48 recommended legislative and regulatory amendments to the BEPS Program, developed by a
49 consensus process and approved by the Task Force via majority vote.

50 (e) The Committee intends to consider permanent legislation reflecting the entirety of the
51 Task Force’s recommendations, and given that intent, it is reasonable to provide time before
52 penalties are assessed or civil actions can be commenced for violations of the April 1 energy usage
53 and third-party verification deadline. This emergency legislation delays this deadline by 90 days
54 to July 1, 2024.

55 Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute
56 emergency circumstances making it necessary that the Building Energy Performance Standard
57 Program Delay Emergency Amendment Act of 2024 be adopted after a single reading.

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

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