



OFFICE OF THE  
SECRETARY  
2021 JAN 13 PM 3:02

**MURIEL BOWSER**  
**MAYOR**

JAN 13 2020

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Ave. NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia are an emergency declaration, emergency bill, and temporary bill titled the “CleanEnergy DC Omnibus Emergency Declaration Resolution of 2020”; the “CleanEnergy DC Omnibus Emergency Amendment Act of 2020”; and the “CleanEnergy DC Omnibus Temporary Amendment Act of 2020.”

The legislation amends the CleanEnergy DC Omnibus Amendment Act of 2018 (“the Act”) to extend the timeline for smaller buildings to comply with the building energy performance standards program established in the Act, to allow DOEE to issue building energy performance standards every 6 years instead of every 5 years, and to clarify language requiring buildings to comply with the building energy performance standards. The legislation would also extend the deadline for DGS to develop the Strategic Energy Management Plan for District buildings from January 1, 2020, to January 1, 2021, and extend the deadline for DMV to issue rules revising the vehicle excise tax from January 1, 2020 to January 1, 2021.

As described in the emergency declaration, passage of this legislation will allow the District of Energy and Environment to move forward with implementation of the building energy performance standards program in an efficient manner, and will provide DGS and DMV needed flexibility in completing their obligations under the Act.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures





Chairman Phil Mendelson  
at the request of the Mayor

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, Title III of the CleanEnergy DC Omnibus Amendment Act of 2018, and the amendments that Act made to the District of Columbia Traffic Act, 1925, in order to revise the timeline for DOEE to implement the Building Energy Performance Standards Program, and to allow additional time for DMV to issue rules revising the vehicle excise tax calculation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “CleanEnergy DC Omnibus Temporary Amendment Act of 2020”.

Sec. 2. Title III of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; 66 DCR 3973), 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.

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

(2) Subsection (b)(1)(A) is amended by striking the phrase “every 5 years” and inserting the phrase “every 6 years” in its place.

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

35           “(c) All buildings below the energy performance standard for their property type,  
36 established pursuant to paragraphs (b)(1) and (2), shall have 5 years from the date the  
37 performance standards are established to meet the building energy performance requirements  
38 established by DOEE.”

39           (b) The lead-in language in section 303 (D.C. Official Code § 8-1772.22) is amended to  
40 read as follows:

41           “By January 1, 2020, the Department of General Services (“DGS”) shall develop a draft  
42 strategic energy management plan for reducing energy and water use across the DGS portfolio of  
43 buildings. A final version of the plan shall be delivered no later than September 30, 2020. The  
44 plan shall include timelines and cost estimates for implementing:”

45           Sec. 3. Section 6(j)(1A) of the District of Columbia Traffic Act, 1925, approved March ,  
46 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)) is amended as follows:

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

49           (b) Subparagraph (E) is revised to read as follows:

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

52           Sec. 4. Fiscal impact statement.

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

56           Sec. 5. Effective date.

57           (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
58 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
59 as provided in section 602(c)(1) of the district of Columbia Home Rule Act, approved December  
60 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication of the District of  
61 Columbia Register.

62           (b) This act shall expire after 225 days of its having taken effect.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



ATTORNEY GENERAL  
KARL A. RACINE

Legal Counsel Division

**MEMORANDUM**

**TO:** Gianelle Rivera  
Acting Executive Director  
Office of Policy and Legislative Affairs

**FROM:** Brian K. Flowers  
Deputy Attorney General  
Legal Counsel Division

**DATE:** December 11, 2019

**SUBJECT:** Legal Sufficiency Review – Updated Draft CleanEnergy DC Technical  
Amendment Emergency and Temporary Legislation  
(AE-19-756 B)

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**This is to Certify that** this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

  
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Brian K. Flowers