

A RESOLUTION

23-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 20, 2020

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 provide that 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.

(c) This emergency legislation is substantively identical to the prior emergency act and the temporary act, except for 2 changes:

(1) The legislation clarifies that the Department of Energy and Environment (“DOEE”) may issue standards under section 301(b)(1)(A) 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(b)(1)(A)), by rulemaking or publication on the DOEE website, allowing the agency to most efficiently promulgate these new standards.

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

(d) Immediate legislative action is necessary to prevent a gap in the law following the expiration of the temporary act, and to make the changes described in subsection (c) of this section.

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

Sec. 4. This resolution shall take effect immediately.