

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 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, to provide that the strategic energy management plan for District buildings shall be delivered by January 1, 2022, and to require that vehicle-for-hire companies submit greenhouse gas emission reduction plans to the Department of Energy and Environment; and to amend the District of Columbia Traffic Act, 1925 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 2021”.

Sec. 2. (a) On October 20, 2020, the Council passed the CleanEnergy DC Omnibus Technical Amendment Emergency Amendment Act of 2020, effective November 17, 2020 (D.C. Act 23-482; 67 DCR 13858) (“emergency act”), which expired on February 14, 2021.

(b) On November 10, 2020, the Council passed the CleanEnergy DC Omnibus Technical Amendment Temporary Amendment Act of 2020, effective March 16, 2021 (D.C. Law 23-258; 67 DCR 14383) (“temporary act”), which will expire on October 27, 2021.

37 (c) This emergency legislation is substantively identical to the emergency act and
38 temporary act, but for 3 changes:

39 (1) First, the legislation moves the date by which the Department of General
40 Services must develop a final strategic energy management plan from January 1, 2021, to
41 January 1, 2022, to reflect the additional time the Executive needs to complete the plan due to
42 unanticipated delays;

43 (2) Second, the legislation strikes language amending the date by which the
44 Department of Motor Vehicles shall issue rules revising the calculation of the vehicle excise tax
45 as those regulations have since been issued; and

46 (3) Third, the legislation amends language that requires private vehicle-for-hire
47 companies to submit biennial greenhouse gas emission reduction plans to clarify that these plans
48 are to be submitted to the Department of Energy and Environment (“DOEE”) rather than the
49 Public Service Commission (“PSC”). The PSC’s authority does not extend to regulation or
50 oversight of vehicle-for-hire companies, and the PSC is unable to substantively review or take
51 other action on these plans. DOEE is the District agency best prepared to collect, review, and
52 provide guidance to vehicle-for-hire companies on these plans, both in terms of the agency’s
53 general mandate and given that the Mayor granted DOEE responsibility for the transportation
54 electrification program established by the CleanEnergy DC legislation.

55 (d) Immediate legislative action is necessary to prevent a gap in the law following the
56 expiration of the temporary act, and to make additional necessary amendments.

57 Sec. 3. The Council of the District of Columbia determines that the circumstances
58 enumerated in section 2 constitute emergency circumstances making it necessary that the

59 CleanEnergy DC Omnibus Technical Amendment Emergency Amendment Act of 2021 be
60 adopted after a single reading.

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