



**COUNCIL OF THE DISTRICT OF COLUMBIA  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, NW  
WASHINGTON, DC 20004**

**Charles Allen**  
Councilmember, Ward 6  
Chairperson  
Committee on Transportation and the Environment

**Committee Member**  
Business and Economic Development  
Health  
The Judiciary & Public Safety

April 22, 2024

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Secretary Smith:

Today, along with Councilmembers Matthew Frumin, Zachary Parker, and Robert C. White, Jr., I am introducing the **“Resilient and Energy Efficient Historic Properties Amendment Act of 2024.”** Please find enclosed a signed copy of the legislation.

Critical to all of our work to address the outsized role buildings play in the District’s greenhouse gas emissions is reducing barriers or burdens that prevent homeowners, developers, and business owners from including energy resiliency and energy- and water-efficiency upgrades at their properties. One barrier that some homeowners face when seeking to implement these upgrades, including to install solar, are restrictions stemming from their property’s location in a historic district.

There are currently 70 historic districts in the District, the vast majority of which encompass large swaths of residential property. Homeowners living in a historic district – rightfully – face a number of limitations on how they may upgrade or otherwise change historic elements of their property, including exterior elements that are visible from the roadway. Application of these standards is at the discretion of the Historic Preservation Review Board (“HPRB”), which has a legislative mandate focused on the preservation of the character of historic properties and communities. But its mandate does not include consideration of other compelling factors, such as how a proposal might promote a property’s resiliency or energy-efficiency.

Unfortunately, this means that the District’s historic preservation efforts may be placed at odds with property owners’ efforts to make critical climate-focused upgrades to their property—or, where upgrades have been permitted, those proposals have often been restricted in their scope or siting, where those changes may result in a diminished benefit to the District in terms of meeting our RPS and climate goals. It is also worth noting that it is unclear how many property owners within historic districts decide to not even pursue these upgrades due to the impression

that their requests will be denied. Taken together, this approach to historic preservation results in neighborhood aesthetics and historic character being given absolute precedence over strategies to mitigate climate change - and the environmental and public health impacts that come with it.

With this in mind, in December 2019, HPRB updated its sustainability guidelines. These new guidelines were issued just two months after a widely reported HPRB hearing in which the HPRB denied a resident's application for a solar panel installation on their property, located in a historic district with a front-facing sloped roof. HPRB's determination was in line with its practice of denying applications for visible solar installations in historic districts. While the 2019 sustainability guidelines were a step in the right direction, those standards still permit HPRB to scale back upgrades based on the size, location, and visibility of the installation, and HPRB also still retains authority to deny applications for critical sustainability upgrades based on these considerations. The urgency of our work to address climate change demands that we take action to ensure these upgrades can move forward—but, as much as possible, in a manner that preserves the historic character of these properties.

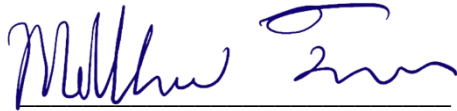
This legislation would address this balance by making several small but meaningful changes to how HPRB reviews applications for resiliency or efficiency upgrades at properties within historic districts, including solar panels, electric vehicle charging or make-ready infrastructure, heat pumps, and energy- and water-efficiency upgrades, such as appliances, fixtures, insulation, ventilation systems, windows and door upgrades, and other similar design elements. Specifically, the legislation clarifies that such upgrades are to be considered by HRPB as within the character of a historic district; however, under the bill, HPRB would retain the authority to propose alternatives to a proposed upgrade, where the alternative would provide the same energy resiliency or energy- and water-efficiency benefits as the upgrade proposed in the property owner's application. Of note, this new policy would apply only to properties within historic districts, not to those properties designated as historic landmarks. The changes in the bill will help ensure that these critical investments in energy resiliency and energy- and water-efficiency can move forward at these properties, while retaining the authority of HPRB to provide guidance on how those upgrades can be implemented such that they do not alter the property's historic character.

Please feel free to reach out to me or my Legislative Director, Antonio Nunes, with any questions or for additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen", written in a cursive style.

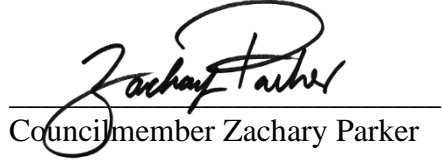
Charles Allen, Ward 6 Councilmember  
Chair, Committee on Transportation & the Environment

1 

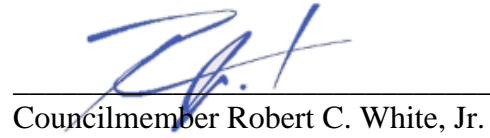
2 Councilmember Matthew Frumin



Councilmember Charles Allen

3  
4 

5  
6 Councilmember Zachary Parker



Councilmember Robert C. White, Jr.

7  
8  
9  
10 A BILL

11  
12 \_\_\_\_\_  
13  
14  
15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

16  
17 \_\_\_\_\_  
18  
19  
20 To amend the Historic Landmark and Historic District Protection Act of 1978 to require that the  
21 Historic Preservation Review Board consider, for a building or structure in a historic  
22 district, proposed alterations that include the installation or construction of design elements  
23 promoting energy resiliency and water and energy efficiency as within the character of the  
24 historic district, provided that the Board may propose reasonable alternatives that produce  
25 energy resiliency or water and energy efficiency benefits that are substantially similar to  
26 the proposed design element.

27  
28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
29 act may be cited as the “Resilient and Energy Efficient Historic Properties Amendment Act of  
30 2024”.

31 Sec. 2. The Historic Landmark and Historic District Protection Act of 1978, effective  
32 March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1101 *et seq.*), is amended as follows:

33 (a) Section 2(b)(1) (D.C. Official Code § 6-1101(b)(1)) is amended as follows:

34 (1) Subparagraph (B) is amended by striking the phrase “district; and” and inserting  
35 the phrase “district while promoting energy resiliency and water and energy efficiency at these  
36 properties; and” in its place.

37 (2) Subparagraph (C) is amended by striking the phrase “district;” and inserting the  
38 phrase “district while promoting energy resiliency and water and energy efficiency at these  
39 properties;” in its place.

40 (b) Section 3 (D.C. Official Code § 6-1102) is amended as follows:

41 (1) New paragraphs (4B) and (4C) are amended to read as follows:

42 “(4B) “Electric vehicle charging infrastructure” means the equipment used to  
43 charge the battery or other energy storage device of an electric vehicle.

44 “(4C) “Electric vehicle make-ready infrastructure” means the electrical  
45 infrastructure, structural upgrades, and other equipment necessary for the installation and operation  
46 of electric vehicle charging infrastructure.”.

47 (2) A new paragraph (10B) is added to read as follows:

48 “(10B) “Solar panels” shall include:

49 “(A) Solar panels mounted on the exterior of a building or structure; or

50 “(B) Ground-mount solar panels, where there is a building or structure  
51 elsewhere on the property.”.

52 (c) Section 6(f) (D.C. Official Code § 6-1105(f)) is amended to read as follows:

53 “(f)(1) No permit shall be issued unless the Mayor finds that:

54 “(A) Such issuance is necessary in the public interest;

55 “(B) Failure to issue a permit will result in unreasonable economic hardship  
56 to the owner; or

57 “(C) For a building or structure in a historic district, the alteration includes  
58 the installation or construction of design elements promoting energy resiliency and water and  
59 energy efficiency, including solar panels, electric vehicle charging or make-ready infrastructure,

60 heat pumps, or energy or water efficiency upgrades, or weatherization of the building or structure;  
61 provided, that:

62                   “(i) The Historic Preservation Review Board may propose  
63 reasonable alternatives that produce energy resiliency or water and energy efficiency benefits  
64 substantially similar to the proposed design element; and

65                   “(ii) The Mayor may limit the scope of work allowed under the  
66 permit to the design elements listed in this subparagraph where the Mayor determines that other  
67 alterations included in the application are not necessary in the public interest.

68                   “(2) For permits issued under paragraph (1)(C) of this subsection, the applicant  
69 shall make best efforts to protect and preserve historic elements.”.

70                   (d) Section 8(f) (D.C. Official Code § 6-1107(f)) is amended to read as follows:

71                   “(f)(1) The permit shall be issued unless the Mayor, after due consideration of the zoning  
72 laws and regulations of the District, finds that the design of the building and the character of the  
73 historic district or historic landmark are incompatible; provided, that:

74                   “(A) In any case in which an application is made for the construction of an  
75 additional building or structure on a lot upon which there is presently a building or structure, the  
76 Mayor may deny a construction permit entirely where the Mayor finds that any additional  
77 construction will be incompatible with the character of the historic district or historic landmark;  
78 and

79                   “(B) The Mayor shall find the following design elements compatible with  
80 the character of all historic districts; provided, the Historic Preservation Review Board may  
81 propose reasonable alternatives that produce energy resiliency or water and energy efficiency  
82 benefits that are substantially similar to the proposed design element:

83                   “(i) Solar panels;  
84                   “(ii) Electric vehicle charging or make-ready infrastructure;  
85                   “(iii) Heat pumps;  
86                   “(iv) Design elements designed to increase the energy or water  
87 efficiency of the building or structure, including appliances, fixtures, insulation, ventilation  
88 systems, windows and door upgrades, and other design elements.

89                   “(2) Notwithstanding a finding of incompatibility, the Mayor may find that the  
90 issuance of the permit is necessary to allow the construction of a project of special merit.”.

91                   (e) Section 9a(f) (D.C. Official Code § 6-1108.01(f)) is amended to read as follows:

92                   “(f)(1) No permit shall be issued unless:

93                                 “(A) The Mayor finds that such issuance of a permit is necessary in the  
94 public interest. Upon making such a finding, the Mayor shall issue an order defining the nature of  
95 the approved conceptual design and specifying any further consultation the Mayor considers  
96 appropriate prior to the submission of the application required in sections 5(b), 6(b), 7(b), or 8(b)  
97 of this act, or;

98                                 “(B) For public safety facilities within a historic district, the renovation or  
99 new construction would include the installation of design elements that produce energy resiliency  
100 or water and energy efficiency benefits, including solar panels, electric vehicle charging or make-  
101 ready infrastructure, heat pumps, energy or water efficiency upgrades, or weatherization of the  
102 building or structure; provided, that:

103                                 “(i) The Historic Preservation Review Board may propose  
104 reasonable alternatives that produce energy resiliency or water and energy efficiency benefits  
105 substantially similar to the proposed design element; and

106                                   “(ii) The Mayor may limit the scope of work allowed under the  
107 permit to the design elements listed in paragraph (1)(B) of this subsection where the Mayor  
108 determines that other alterations included in the application are not necessary in the public interest.

109                                   “(2) For permits issued under paragraph (1)(C) of this subsection, the applicant  
110 shall make best efforts to protect and preserve historic elements.”.

111                                   Sec. 3. Fiscal impact statement.

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

115                                   Sec. 4. Effective date.

116                                   This act shall take effect following approval by the Mayor (or in the event of veto by the  
117 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
118 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,  
119 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
120 Columbia Register.