

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Housing Production Trust Fund Act of 1988 to insert net zero energy requirements for large residential and mixed-use construction projects receiving Fund assistance; the Clean Energy DC Building Code Amendment Act of 2022 to require periodic reporting on the development of universal net zero energy building code regulations that will apply to residential and mixed-use construction; and the Green Building Act of 2006 to remove those net zero energy compliance provisions inserted by the Greener Government Buildings Amendment Act of 2022 that apply to residential and mixed-use projects.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Green Housing Coordination Emergency Amendment Act of 2024”.

Sec. 2. The Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code §§ 42-2801 *et seq.*), is amended by adding a new section 6 to read as follows:

“Sec. 6. Net zero energy requirements for subsidized projects.

“(a) For purposes of this section, “EGCC” means the 2020 Enterprise Green Communities Criteria issued by Enterprise Community Partners.

“(b)(1) Beginning no later than October 1, 2025, any request for housing proposals involving the Fund shall include a requirement that proposals for new construction of 50,000 square feet or more receiving Fund support must satisfy EGCC element 5.4, “Achieving Zero Energy,” or an equivalent standard as determined by the Department in consultation with the Department of Buildings.

34                   “(2) Notwithstanding paragraph (1) of this subsection, the Department may accept  
35 proposals that satisfy EGCC element 5.2b, “Moving to Zero Energy: Near Zero Certification,” or  
36 an equivalent standard as determined by the Department in consultation with the Department of  
37 Buildings, if the Director of the Department issues a written finding that this lesser standard is  
38 necessary to ensure affordable housing development in the immediate term and includes the  
39 basis for this finding.

40                   “(c) Beginning no later than October 1, 2025, any request for housing proposals  
41 involving the Fund shall include a requirement that proposals for new construction of 50,000  
42 square feet or more receiving Fund support must satisfy EGCC element 5.5b, “Moving to Zero  
43 Carbon: All Electric,” or an equivalent standard as determined by the Department in consultation  
44 with the Department of Buildings.

45                   “(d) Nothing in this section shall be construed to limit the applicability of any other  
46 environmental standards, including the Green Building Act of 2006, effective March 8, 2007  
47 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*).

48                   “(e) This section shall expire upon the effective date of final regulations promulgated  
49 pursuant to section 2(b)(1) of the Clean Energy DC Building Code Amendment Act of 2022,  
50 effective September 21, 2022 (D.C. Law 24-177; D.C. Official Code § 6-1453.01(b)(1)).”.

51                   Sec. 3. The Clean Energy DC Building Code Amendment Act of 2022, effective  
52 September 21, 2022 (D.C. Law 24-177; D.C. Official Code § 6-1453.01 *et seq.*), is amended by  
53 inserting a new section 2a to read as follows:

54                   “Sec. 2a. Report on barriers to net zero energy ready affordable housing development.

55                   “(a) No later than April 1, 2025, and every six months thereafter, the Department shall  
56 submit to the Council a report detailing its progress toward developing the regulations required

57 by section 2. Each report must include a discussion of major questions that the Department needs  
58 to resolve before it can issue the regulations, plans to resolve those questions, and comments on  
59 any existing laws that pose significant challenges to successful development and implementation  
60 of the regulations. The Department may also include recommended changes to existing laws that  
61 would allow substantial affordable housing development and preservation to continue while still  
62 securing meaningful, immediate reductions in energy waste, greenhouse gas emissions, and  
63 onsite fossil fuel combustion.

64 “(b) In preparing each report required under this section, the Department shall hold at  
65 least 1 public meeting with the Department of Energy and Environment, local climate advocacy  
66 organizations, and housing development and preservation professionals with substantial  
67 experience delivering high-efficiency projects in the District.

68 “(c) Nothing in this section shall be construed to establish a new cause of action to  
69 challenge the validity of any regulations issued pursuant to section 2.

70 “(d) This section shall expire upon the effective date of final regulations promulgated  
71 pursuant to section 2(b)(1).”.

72 Sec. 4. Section 3(a) of the Green Building Act of 2006, effective March 8, 2007 (D.C.  
73 Law 16-234; D.C. Official Code § 6-1451.02(a)), is amended as follows:

74 (a) Paragraph (3) is amended as follows:

75 (1) Subparagraph (A) amended by striking the semicolon and inserting the phrase  
76 “; and” in its place.

77 (2) Subparagraph (B) is amended by striking the phrase “; and” and inserting a  
78 period in its place.

79 (3) Subparagraph (C) is repealed.

80 (b) Paragraph (6) is amended by striking the phrase “shall maintain net zero energy  
81 compliance and fulfill” and inserting the phrase “shall fulfill” in its place.

82 Sec. 5. Fiscal impact statement.

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

86 Sec. 6. Effective date.

87 This act shall take effect following approval by the Mayor (or in the event of veto by the  
88 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
89 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
90 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
91 D.C. Official Code § 1-204.12(a)).