

A BILL

25-864

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary 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 Temporary 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

31 Department of Buildings.

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

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

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

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

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

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

53 “(a) No later than April 1, 2025, and every six months thereafter, the Department shall
54 submit to the Council a report detailing its progress toward developing the regulations required
55 by section 2. Each report must include a discussion of major questions that the Department needs
56 to resolve before it can issue the regulations, plans to resolve those questions, and comments on
57 any existing laws that pose significant challenges to successful development and implementation
58 of the regulations. The Department may also include recommended changes to existing laws that
59 would allow substantial affordable housing development and preservation to continue while still
60 securing meaningful, immediate reductions in energy waste, greenhouse gas emissions, and
61 onsite fossil fuel combustion.

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

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

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

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

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

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

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

77 (3) Subparagraph (C) is repealed.

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

80 Sec. 5. Fiscal impact statement.

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

84 Sec. 6. Effective date.

85 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
86 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
87 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
88 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
89 Columbia Register.

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