

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare an emergency with respect to the need to amend the Green Buildings Act of 2006 to clarify the applicability of net zero energy requirements to housing projects already funded or in progress prior to the applicability of those requirements.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Green Housing Transition Emergency Declaration Resolution of 2023”.

Sec. 2. (a) Human-driven climate change is a global disaster of incomprehensible scope. The Intergovernmental Panel on Climate Change (IPCC), a scientific clearinghouse body of the United Nations, writes that “Hazards and associated risks expected in the near-term include an increase in heat-related human mortality and morbidity (*high confidence*), food-borne, water-borne, and vector-borne diseases (*high confidence*), and mental health challenges (*very high confidence*), flooding in coastal and other low-lying cities and regions (*high confidence*), biodiversity loss in land, freshwater and ocean ecosystems (*medium to very high confidence, depending on ecosystem*), and a decrease in food production in some regions (*high confidence*).” Mitigating the harms caused by human-driven climate change is a moral imperative of the highest order.

(b) In the District of Columbia, the Department of Energy and Environment reports that government operation of buildings was responsible for greenhouse gas emissions equivalent to over 214 billion tons of carbon dioxide in the year 2020 alone.

32 (c) The net zero energy standard requires that a building's energy consumption not
33 exceed the building's onsite or dedicated offsite renewable energy generation and that no fossil
34 fuel combustion take place at the building. Under current statutory provisions enacted in July
35 2022, the Mayor is required to promulgate rules by the end of calendar year 2026 that will
36 impose a version of this standard on all new and substantially improved buildings.

37 (d) On January 12, 2023, Mayor Bowser signed into law the Greener Government
38 Buildings Act of 2022, which among other things compels District government agencies to
39 achieve net zero energy compliance in most new or substantially improved government and
40 government-funded buildings.

41 (e) In light of the earlier legislation described above, the effect of the net zero energy
42 compliance provisions of the Greener Government Buildings Amendment Act of 2022 would be
43 to accelerate the existing net zero mandate specifically for government and government-funded
44 buildings.

45 (f) On June 13, 2023, the Council passed the Fiscal Year 2024 Budget Support Act of
46 2023, which repealed the subject-to-appropriations provision of the Greener Government
47 Buildings Amendment Act of 2022, making the legislation applicable in recognition of the
48 funding made available to implement the legislation.

49 (g) The District of Columbia and its surrounding area are in the grip of an affordable
50 housing crisis. According to the National Low-Income Housing Coalition, our metropolitan area
51 was home to over 54,624 extremely low-income households and 73% of those households were
52 severely cost-burdened (that is, spending more than half their income on housing costs and
53 utilities).

54 (h) The District government attempts to respond to this crisis through a variety of tools
55 including the Housing Production Trust Fund (HPTF).

56 (i) DHCD has raised concern that the applicability of the newly accelerated mandate
57 would render infeasible a number of ongoing housing development projects, because DHCD and
58 its housing finance partner agencies have already approved detailed applications for District
59 government financing that were developed at a time when net zero energy design requirements
60 were not in effect and therefore did not take net zero energy design requirements into account.

61 (j) Abruptly abandoning existing housing development finance plans would mean
62 missing out on important opportunities to increase affordable housing and retain lower-income
63 households in the District.

64 (k) As such, emergency legislation is necessary to advance a limited exemption from net
65 zero energy construction requirements for housing development projects that have already
66 received financing approval. Emergency action is necessary to avoid disruption to these
67 important planning processes.

68 Sec. 3. The Council of the District of Columbia determines that the circumstances
69 enumerated in section 2 constitute an emergency making it necessary that the Green Housing
70 Transition Emergency Amendment Act of 2023 be adopted after a single reading.

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