

A RESOLUTION

25-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2023

To declare an emergency with respect to the need to amend the Green Buildings Act of 2006 to temporarily postpone the applicability of net zero energy requirements to District-financed housing.

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

Sec. 2. (a) Net zero energy building standards require that a building’s energy consumption not exceed the building’s onsite or dedicated offsite renewable energy generation and that no fossil fuel combustion takes place at the building.

(b) Under current law, the Mayor is required to promulgate rules by the end of calendar year 2026 that will impose a version of the net zero energy building standard on most new and substantially improved buildings.

(c) On January 12, 2023, Mayor Bowser signed into law the Greener Government Buildings Act of 2022, which among other things compels District government agencies to achieve net zero energy compliance in most new or substantially improved government and government-funded buildings. The effect of the net zero energy compliance provisions of the Greener Government Buildings Amendment Act of 2022 would be to accelerate existing net zero mandates specifically for government and government-funded buildings.

(d) As part of the Fiscal Year 2024 budget process, the Council funded the Greener Government Buildings Amendment Act of 2022 and repealed its subject-to-appropriations provision, allowing it to become applicable.

(e) Following the conclusion of the budget process, the Department of Housing and Community Development (“DHCD”) raised concerns that the applicability of the newly accelerated net zero energy mandate would render infeasible a number of ongoing housing development projects, because DHCD and its housing finance partner agencies had already approved detailed applications for District government financing that were developed at a time when net zero energy design requirements were not in effect and therefore did not take net zero energy design requirements into account.

(f) In the Green Housing Transition Emergency Declaration Resolution of 2023, the Council noted that abruptly abandoning existing housing development finance plans would mean missing out on important opportunities to increase affordable housing and retain lower-income households in the District. Therefore, on June 20, 2023, the Council passed the Green Housing Transition Emergency Amendment Act of 2023, which exempted from the net zero energy mandate all District-financed affordable housing projects for which funding was committed prior to December 31, 2023.

(g) Despite this grace period, DHCD has raised concern that some projects that were already far along the development pipeline, and for which the District government has already indicated support, still have not received all necessary funding commitments. Most notably, they are concerned that the existing emergency would not allow the DC Housing Finance Agency (“DCHFA”) to award funds to several such projects as part of the upcoming January 2024 round of financing awards.

(h) As a result of ongoing negotiations, further legislation from the Mayor is anticipated. In the meantime, additional emergency legislation is needed to, at minimum, protect the projects currently under contemplation for the January 2024 round of DCHFA funding.

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

Sec. 4. This resolution shall take effect immediately.