

COMMITTEE ON HOUSING

ROBERT C. WHITE, JR., CHAIR
COUNCIL OF THE DISTRICT OF COLUMBIA

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White, Jr.
Chair, Committee on Housing
DATE: June 14, 2023
RE: Requests for June 20, 2023



I request that the following legislation be placed on the agenda for the legislative meeting of the Council on June 20, 2023:

Emergency Legislation

- **Association Meeting Flexibility Emergency Declaration Resolution of 2023**
- **Association Meeting Flexibility Emergency Amendment Act of 2023**
- **Association Meeting Flexibility Temporary Amendment Act of 2023**

In 2020, the Council granted all condominium and cooperative associations in the District the authority to conduct their business via electronic communications, without the need for formal updates to their bylaws. This authorization was originally tied to the official public health emergency that the Mayor declared in response to the coronavirus pandemic. The Council has since extended this authority and decoupled it from the public health emergency, most recently as part of the Post-Public Health Emergency Protections Extension Temporary Amendment Act of 2022, which is scheduled to expire on August 3, 2023. Condominium and cooperative association advocates have indicated that associations continue to benefit from this flexibility. Emergency legislation is needed to prevent a lapse during the Council's summer recess.

- **Green Housing Transition Emergency Declaration Resolution of 2023**
- **Green Housing Transition Emergency Amendment Act of 2023**
- **Green Housing Transition Temporary Amendment Act of 2023**

Late last year, the Council passed the Greener Government Buildings Amendment Act of 2022 (GGBA). One effect of the bill is to mandate that when various District-owned or -financed buildings are built or substantially improved, they must comply with a "net zero energy" standard—that is, each building's annual energy production through onsite or dedicated offsite renewable sources must match or exceed its annual energy consumption. Net zero energy building operation is a critical component of any meaningful climate change mitigation strategy. A separate bill, the Clean Energy DC Building Code Amendment Act of 2021, will apply this standard to all new construction and substantial improvements (both public and private) beginning no later than December 31, 2026.

In the fiscal year 2024 budget, Councilmember Lewis George and the Committee on Facilities and Family Services led the Council in funding the GGBA. This will effectively move the net zero energy compliance deadline for our government buildings from late 2026 up to the effective date of the Fiscal Year 2024 Budget Support Emergency Act of 2023.

The Department of Housing and Community Development has raised concerns that GGBA's applicability to government-financed housing projects would render unlawful multiple housing development projects that the Department is in the process of supporting using Housing Production Trust Fund and other dollars. The Department initially requested that the Council modify the Budget Support Act to indicate that the portion of GGBA that applies to residential projects is unfunded and therefore inapplicable. Doing so would be inappropriate for multiple reasons:

- Procedurally, the Council received a formal fiscal impact assessment regarding GGBA and allocated the funds called for in that assessment. Longstanding legislative practice in the District makes clear that this means the law is considered fully funded, and it would not be appropriate to tinker with a subject-to-appropriations repealer to effectuate a policy change.
- Substantively, a blanket exemption for residential projects would be an overbroad response to the Department's assertion regarding specific planned projects based on solicitations, budgets, and designs that incorporated older green building standards.

The attached legislation is intended to maintain aggressive reductions in energy use and greenhouse gas emissions without disrupting current plans for urgently needed housing development and preservation already in process.