

Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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; and to repeal the Green Housing Transition Extension Temporary Amendment Act of 2024.

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)(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 2020 Enterprise Green Communities Criteria element 5.4, “Achieving Zero Energy,” or an equivalent standard as determined by the Department.

“(2) Notwithstanding paragraph (1) of this subsection, the Department may accept proposals that satisfy 2020 Enterprise Green Communities Criteria element 5.2b, “Moving to

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35 Zero Energy: Near Zero Certification,” or an equivalent standard as determined by the  
36 Department, if the Director of the Department issues a written finding that this lesser standard is  
37 necessary to ensure affordable housing development in the immediate term and includes the  
38 basis for this finding.

39 “(b) Beginning no later than October 1, 2025, any request for housing proposals  
40 involving the Fund shall include a requirement that proposals for new construction of 50,000  
41 square feet or more receiving Fund support must satisfy 2020 Enterprise Green Communities  
42 Criteria element 5.5b, “Moving to Zero Carbon: All Electric,” or an equivalent standard as  
43 determined by the Department.

44 “(c) Nothing in this section shall be construed to limit the applicability of any other  
45 environmental standards, including the Green Building Act of 2006.

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

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), 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 of this act. Each report must include a discussion of major questions that the  
56 Department needs to resolve before it can issue the regulations, plans to resolve those questions,  
57 and comments on any existing laws that pose significant challenges to successful development

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58 and implementation of the regulations. The Department may also include recommended changes  
59 to existing laws that would allow substantial affordable housing development and preservation to  
60 continue while still securing meaningful, immediate reductions in energy waste, greenhouse gas  
61 emissions, and 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 of this act.

68 “(d) This section shall expire upon the effective date of regulations that satisfy section 2  
69 of this act.”.

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. The Green Housing Transition Extension Temporary Amendment Act of 2024,

81 effective March 1, 2024 (D.C. Law 25-128), is repealed.

82 Sec. 6. 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. 7. Effective date.

87 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
88 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
89 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
90 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
91 Columbia Register.

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

**Commented [A3]:** I know we've gone into this before but I forget the outcome - if we repeal something on emergency, do we need to then do a temp to keep it repealed? Or do emergency repealers last forever somehow despite the general short-term nature of emergencies?