

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the Mayor to issue final regulations, by December 31, 2026, requiring all new construction or substantial improvements of covered buildings to be constructed to a net-zero-energy standard, to provide that, if the Mayor does not adopt such regulations, no new building permit applications shall be approved unless the building design complies with Appendix Z of the District of Columbia Energy Conservation Code, to provide that on-site combustion of fossil fuels for backup power generation shall not be prohibited for facilities that are essential to protecting public health and safety, and to require the Department of Buildings to arrange for an independent audit every 3 years on compliance with the requirements of this act; and to amend the Green Building Act of 2006 to expand the permissible uses of money in the Green Building Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Clean Energy DC Building Code Amendment Act of 2022”.

Sec. 2. Net-zero-energy building code requirements.

(a) For the purposes of this section, the term:

(1) “Appendix Z” means Appendix Z of the District of Columbia Energy Conservation Code – Commercial Provisions (12-I [CE] DCMR § Z1 *et seq.*).

(2) “Covered buildings” means all buildings that are subject to the District of Columbia Energy Conservation Code – Commercial Provisions (12-I [CE] DCMR § 1 *et seq.*).

(3) “Net-zero-energy standard” means a standard under which:

(A) A building conserves an amount of energy attributable to building operations that is equal to or greater than the amount that would be required by the most recent version of Appendix Z; and

(B) A building obtains energy from renewable energy sources in the amount that would be required by the most recent version of Appendix Z; provided, that the following restrictions shall apply:

(i) Renewable energy shall be generated at the building site wherever feasible;

(ii) To the extent a building owner procures renewable energy through offsite sources, the building owner may not rely on unbundled renewable energy credits to satisfy the renewable energy requirement; and

(iii) On-site fuel combustion shall not be permitted for the provision of thermal energy to the building.

(4) “New construction” shall have the same meaning as provided in section 2(33) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01(33)).

(5) “Substantial improvement” shall have the same meaning as provided in section 2(40) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01(40)).

(b)(1) By December 31, 2026, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue final regulations requiring all new construction or substantial improvements of covered buildings to be constructed to a net-zero-energy standard.

(2) If the Mayor does not comply with paragraph (1) of this subsection, no building permit application submitted after December 31, 2026, shall be approved unless the building design complies with the most recent version of Appendix Z; except, that nothing in this paragraph shall be construed to prohibit the on-site combustion of fossil fuels for backup power generation in buildings that are essential to protecting public health and safety.

(c)(1) Beginning in 2029, and every 3 years thereafter, the Department of Buildings shall arrange for an independent audit that assesses a representative sample of newly constructed or substantially improved covered buildings that received certificates of occupancy in the District in the preceding 3 years and quantifies the percentage of those covered buildings that comply with the requirements of subsection (b) of this section. The audit shall detail the replicable method used to select a representative sample of covered buildings for the audit.

(2) The Department of Buildings shall submit a complete copy of the audit findings to the Council and the Mayor no later than March 31 of the year following the initiation of the audit.

Sec. 3. Section 8(c) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.07(c)), is amended as follows:

(a) Paragraph (6) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (7) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (8) is added to read as follows:

“(8) Costs to obtain the audit required by section 2(c) of the Clean Energy DC Building Code Amendment Act of 2022, passed on 2nd reading on July 12, 2022 (Enrolled version of Bill 24-420).”.

Sec. 4. Applicability.

This act shall apply as of October 1, 2023.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia