

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend the Green Building Act of 2006, the Office of Property Management Establishment Act of 1998, and the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008 to correct enrollment errors, and to provide certain technical corrections, clarifications and revisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Green Building Technical Corrections, Clarification, and Revision Amendment Act of 2010”.

Sec. 2. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 6-1451.01) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) “Bond” means a financial instrument posted by an applicant, the proceeds of which shall be paid to the District in its entirety or in part, and deposited in the Green Building Fund, if the project fails to meet the standards required by sections 4 and 7.

(2) Paragraph (4) is amended by striking the phrase “the Department” and inserting the acronym “DCRA” in its place.

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

“(8A) “Current edition” means the most recent and currently operative edition of a green building standard approved under section 12(b).”

(4) Paragraph (9) is amended to read as follows:

“(9) “DCRA” means the Department of Consumer and Regulatory Affairs.”.

(5) A new paragraph (9A) is added to read as follows:

“(9A) “DDOE” means the District Department of the Environment.”.

(6) Paragraphs (27) and (28) are repealed.

(7) Paragraphs (30) and (31) are repealed.

(8) A new paragraph (31A) is added to read as follows:

Amend
§ 6-1451.01

“(31A) “LEED standard for commercial and institutional buildings” means the green building rating system designed by the USGBC for commercial interiors, core and shell, existing buildings, new construction, operations and maintenance, and schools.”

(9) Paragraph (34) is repealed.

(b) Section 3 (D.C. Official Code § 6-1451.02) is amended to read as follows:

Amend
§ 6-1451.02

“Sec. 3. Publicly-owned, leased, and financed buildings and projects.

“(a)(1) This subsection shall apply to all new construction and substantial improvement of District-owned or financed, and District instrumentality-owned and financed, projects if 15% or more of a project’s total project cost was financed by the District or a District instrumentality.

“(2) A nonresidential project shall:

“(A) Within 2 years after the receipt of a certificate of occupancy, be verified as having fulfilled or exceeded the current edition of the LEED standard for commercial and institutional buildings, at the silver level; provided, that a public school shall be verified as having fulfilled or exceeded the current edition of the LEED standard for commercial and institutional buildings, at the certification level;

“(B) If the project is new construction of 10,000 square feet or more of gross floor area, and is a building type for which Energy Star® tools are available:

“(i) Be designed to achieve 75 points on the EPA national energy performance rating system, as determined by the Energy Star® Target Finder Tool;

“(ii) Be annually benchmarked using the Energy Star® Portfolio Manager benchmarking tool; and

“(iii)(I) Make benchmark and Energy Star® statements of energy performance available to DDOE within 60 days of being generated.

“(II) Upon receipt, DDOE shall make the benchmark and Energy Star® statements available to the public via an online database accessible through the DDOE website; and

“(C) Institute building systems monitoring and maintenance accountability methods upon receipt of a certificate of occupancy.

“(3) If a residential project includes 10,000 square feet of gross floor area or more, the residential project shall:

“(A) Fulfill or exceed the current edition of the Green Communities standard, or a substantially similar standard; and

“(B) Submit to DCRA a copy of the standard’s self-certification checklist and a verification of meeting the standard’s requirements for energy efficiency, as part of the application for a certificate of occupancy.

“(4) The requirements of this subsection shall apply:

“(A) On or after October 1, 2007, for a District-owned or District instrumentality-owned project that was initially funded in the Fiscal Year 2008 District budget or later;

“(B) On or after October 1, 2008, for a project on District-owned or District instrumentality-owned property, leased by a private entity as a result of a property disposition by lease, in Fiscal Year 2009 or later; and

“(C) On or after October 1, 2008, for a privately-owned project if 15% or more of a project’s total project cost was financed by the District or a District instrumentality in Fiscal Year 2009 or later.

“(b)(1) This subsection shall apply to all tenant improvements of District-owned or District instrumentality-owned buildings.

“(2) On or after October 1, 2008, all tenants of District-owned or District instrumentality-owned building space shall obtain verification that the improved building space fulfills or exceeds the current edition of the LEED standard for commercial and institutional buildings, at the certification level, if:

“(A) The tenant improves at least 30,000 square feet gross floor area or more;

“(B) The improvements involve a comprehensive construction or alteration of partitions, electrical systems, HVAC & R, and finishes; and

“(C) The building space has a certificate of occupancy for a commercial use.

“(c)(1) This subsection shall apply to all District, and District instrumentality, owned or operated buildings.

“(2) Beginning January 20, 2009, the District shall benchmark 10 buildings owned or operated by the District using the Energy Star® Portfolio Manager benchmarking tool.

“(3) Beginning October 22, 2009, the District shall annually benchmark all District, and District instrumentality, owned or operated buildings, using the Energy Star® Portfolio Manager benchmarking tool, if the building:

“(A) Has at least 10,000 square feet of gross floor area; and

“(B) Is a building type for which Energy Star® benchmarking tools are available.

“(4) Benchmark and Energy Star® statements of energy performance for each building shall be made available to DDOE within 60 days of being generated. Upon receipt, DDOE shall make the benchmark and Energy Star® statements available to the public via an online database accessible through the DDOE website.”.

(c) Section 4 (D.C. Official Code § 6-1451.03) is amended to read as follows:

“Sec. 4. Privately-owned buildings and projects.

“(a) This section shall apply to all privately-owned buildings and projects with at least 50,000 square feet of gross floor area.

“(b)(1) All new construction and substantial improvement of nonresidential projects, including projects involving real property acquired by a real property disposition by sale from the District or a District instrumentality to a private entity, and projects if less than 15% the

**Amend
§ 6-1451.03**

project's total project cost was financed by the District or a District instrumentality, shall:

“(A) Beginning January 1, 2009, as part of any building construction permit application, submit to DCRA a green building checklist documenting the green building elements to be pursued in the respective building's construction permit; and

“(B) Be verified by an entity described in section 5 as having fulfilled or exceeded the current edition of the LEED standard for commercial and institutional buildings at the certification level within 2 years of the receipt of a certificate of occupancy.

“(2) This subsection shall apply as of:

“(A) January 1, 2010, for a project involving real property acquired by a real property disposition by sale, from the District or a District instrumentality to a private entity, that has submitted an application for the 1st building construction permit on or after January 1, 2010; and

“(B) January 1, 2012, for a project that has submitted an application for the 1st building construction permit on or after January 1, 2012.

“(c)(1) This subsection shall apply to all buildings and projects that are of a building type for which Energy Star® tools are available.

“(2)(A) The requirements for existing privately-owned buildings shall be as follows:

“(i) The owner or a designee of the owner shall annually benchmark the building using the Energy Star® Portfolio Manager benchmarking tool; and

“(ii)(I) benchmark and Energy Star® statements of energy performance for each building shall be made available to DDOE by January 1 of the respective following year.

“(II) Upon receipt, DDOE shall make the benchmark and Energy Star® statements available to the public via an online database accessible through the DDOE website, beginning with the 2nd annual benchmarking data for each building.

“(B) This paragraph shall apply as of:

“(i) January 1, 2010, for a building with over 200,000 square feet of gross floor area;

“(ii) January 1, 2011, for a building with over 150,000 square feet of gross floor area;

“(iii) January 1, 2012, for a building with over 100,000 square feet of gross floor area; and

“(iv) January 1, 2013, for a building with over 50,000 square feet of gross floor area, or more.

“(3) An applicant for new construction or substantial improvement of a project who submits the 1st building construction permit after January 1, 2012, shall, prior to construction, estimate the project's energy performance using the Energy Star® Target Finder Tool.”.

ENROLLED ORIGINAL

(d) Section 6 (D.C. Official Code § 6-1451.05) is amended as follows:

**Amend
§ 6-1451.05**

(1) The section designation is amended to read as follows:

“Sec 6. Bond requirements.”

(2) Strike the phrase “performance bond” wherever it appears and insert the word “bond” in its place.

(3) Subsection (b) is amended to read as follows:

“(b) All applicants governed by section 4 shall provide a bond, which shall be due and payable prior to receipt of a certificate of occupancy, according to the following schedule:

“(1) On or after January 1, 2010, for an applicant governed by section 4(b)(2)(A);
and

“(2) On or after January 1, 2012, for an applicant governed by section 4(b)(2)(B).”

(4) Subsection (g) is amended by striking the phrase “verification requirements described in sections 3 and 4” and inserting the phrase “standards required by sections 4 and 7” in its place.

(e) Section 7 (D.C. Official Code § 6-1451.06) is amended as follows:

**Amend
§ 6-1451.06**

(1) Strike the phrase “the Department” wherever it appears and insert the acronym “DCRA” in its place.

(2) Subsection (c)(1) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 standard" and inserting the phrase "current edition of the LEED standard for commercial and institutional buildings" in its place.

(B) Subparagraph (B) is amended by striking the phrase "LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 standard" and inserting the phrase "current edition of the LEED standard for commercial and institutional buildings" in its place.

(C) Subparagraph (C) is amended by striking the phrase "LEED-NC 2.2, LEED-CS 2.0, or Green Communities 2006 standard" and inserting the phrase "current edition of the LEED standard for commercial and institutional buildings or the current edition of Green Communities" in its place.

(f) Section 10 (D.C. Official Code § 6-1451.09) is amended as follows:

**Amend
§ 6-1451.09**

(1) Strike the phrase “The Department of the Environment” wherever it appears and insert the acronym “DDOE” in its place.

(2) Strike the phrase “the Department of the Environment” wherever it appears and insert the acronym “DDOE” in its place.

(g) Section 11(c) (D.C. Official Code § 6-1451.10(c)) is amended by striking the phrase "LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0" and inserting the phrase "current edition of the LEED standard for commercial and institutional buildings" in its place.

**Amend
§ 6-1451.10**

ENROLLED ORIGINAL

Sec. 3. The Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

(a) Section 1801a (D.C. Official Code § 10-1001.01) is amended by adding a new paragraph (1A) to read as follows:

**Amend
§ 10-1001.01**

“(1A) “Current edition” means the most recent and currently operative edition of a green building standard approved under section 12(b) of the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11(b)).”

(b) Section 1806j (D.C. Official Code § 10-1015) is amended by striking the phrase “LEED-NC 2.2 standard or the LEED-CS 2.0 standard” and inserting the phrase “current edition of the LEED standard for commercial and institutional buildings” in its place.

**Amend
§ 10-1015**

Sec. 4. The National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.01 *et seq.*), is amended as follows:

(a) Section 452(a) (D.C. Official Code § 2-1226.32(a)) is amended as follows:

**Amend
§ 2-1226.32**

(1) A new paragraph (1A) is added to read as follows:

“(1A) “Current edition” shall have the same meaning as provided in section 2(8A) of the Green Building Act.”

(2) Paragraph (3) is amended to read as follows:

“(3) “LEED” shall have the same meaning as provided in section 2(26) of the Green Building Act.”

(3) A new paragraph (3A) is added to read as follows:

“(3A) “LEED standard for commercial and institutional buildings” shall have the same meaning as provided in section 2(31A) of the Green Building Act.”

(b) Section 455(a) (D.C. Official Code § 2-1226.35(a)) is amended as follows:

**Amend
§ 2-1226.35**

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “LEED-NC 2.2 or LEED-CS 2.0 standard” and inserting the phrase “current edition of the LEED standard for commercial and institutional buildings” in its place.

(B) Subparagraph (B) is amended by striking the phrase “LEED-CI standard” and inserting the phrase “current edition of the LEED standard for commercial and institutional buildings” in its place.

(2) Paragraph (2)(A)(i) is amended by striking the phrase “LEED-NC 2.2 standard or LEED-CS 2.0 standard” and inserting the phrase “current edition of the LEED standard for commercial and institutional buildings” in its place.

Sec. 5. Fiscal impact statement

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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