

A BILL 1

16-515 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 3

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To establish high-performance building standards that require the planning, design, construction, operation and maintenance of building projects which help to mitigate the environmental, economic, and social impacts of built structures in the District; to establish a Green Building Incentives Program that includes an Expedited Construction Documents Review Program; to establish a Green Building Fund; to establish the Green Building Advisory Council; to amend the Construction Codes Approval and Amendments Act of 1986 to update the Construction Code to include green building practices; and to amend the Office of Property Management Establishment Act of 1998 to require priority leasing of buildings that meet certain green building standards. 5  
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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Green Building Act of 2006”. 14  
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Sec. 2. Definitions. 16

For the purposes of this act, the term: 17

(1) “Addition” has the same definition as found in DC Official Code § 6-1410. 18

(2) “Applicant” means any individual, firm, limited liability company, association, partnership, government agency, public or private corporation, or other entity that submits construction documents for a building construction permit or green building verification. 19  
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(3) “Building” and “Building construction permit” have the same definitions as those found in the D.C. Construction Code as adopted in 12A DCMR § 101.2. 22  
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(4) “Building systems monitoring method” means the specifications for a methodology of collecting information and providing feedback about installed equipment that provide data for the comparison, management, and optimization of actual, as compared to estimated energy performance. 24  
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- (5) “Construction documents” has the same definition as found in DC Official Code § 6-1405.02. 1
- (6) “Construction permit application” has the same definition as found in DC Code § 6-1410. 2
- (7) “Department” means the Department of Consumer and Regulatory Affairs. 3
- (8) “Director” means the Director of the Department of Consumer and Regulatory Affairs. 4
- (9) “Educational facility” means any building that has the provision of education as its primary use. 5
- (10) “ENERGY STAR Portfolio Manager” means the tool developed by EPA ENERGY STAR that rates the performance of a qualifying building, relative to similar buildings nationwide, accounting for the impacts of year-to-year weather variations, as well as building size, location, and several operating characteristics, using the Environmental Protection Agency’s national energy performance rating system. 6
- (11) “ENERGY STAR Target Finder” means the tool developed by EPA ENERGY STAR that helps set performance goals and energy ratings for building projects during their design phase. 7
- (12) “Existing building” has the same definition as found in DC Official Code § 6-1410. 8
- (13) “Full-building commissioning” means the process of verification that a building’s energy related systems are installed, calibrated and perform according to project requirements, design basis and construction documents. The systems that require commissioning include, but are not limited to, mechanical and passive heating, ventilation, air conditioning, and refrigeration (HVAC & R) systems, and associated controls such as lighting, domestic hot water 9

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- systems, and renewable energy systems. 1
- (14) “Green building” means an integrated, whole-building approach to the 2  
planning, design, construction, operation and maintenance of buildings and their surrounding 3  
landscapes that help mitigate the environmental, economic, and social impacts of buildings, so 4  
they are energy efficient, sustainable, safe, cost-effective, accessible, healthy and productive. 5
- (15) “Green building checklist” means a scorecard developed by the USGBC for 6  
the purpose of calculating a score on the appropriate LEED rating system. 7
- (16) “Green Building Expedited Construction Documents Review Program” 8  
means the processing procedure for qualified building construction permit applications and 9  
construction documents established by section 7 of this act. 10
- (17) “Green Communities” means the national green building program designed 11  
by Enterprise Community Partners that provides criteria for the design, development, and 12  
operation of affordable housing. 13
- (18) “Gross floor area” has the same definition as found in section 199.1 of Title 14  
11 of the District of Columbia Municipal Regulations. 15
- (19) “ICC” means the International Code Council, a nonprofit organization 16  
dedicated to the development of a single set of comprehensive and coordinated national model 17  
construction codes affecting residential, commercial, and educational buildings. 18
- (20) “IECC” means the International Energy Conservation Code developed by the 19  
ICC that encourages energy conservation through efficiency in envelope design, mechanical 20  
systems, lighting systems, and the use of new materials and techniques. 21
- (21) “LEED” means the series of Leadership in Energy and Environmental 22  
Design green building rating systems designed by the USGBC. 23
- (22) “LEED-CI” means the LEED for Commercial Interiors (LEED-CI) green 24

building rating system designed by the USGBC to promote green design, construction, operations, and practices specific to the needs of the tenant improvement market.

(23) “LEED-CS” means the LEED for Core and Shell (LEED-CS) green building rating system designed by the USGBC that is aimed at designers, builders, developers and new building owners who address sustainable design for new core and shell construction.

(24) “LEED-H” means the LEED for New Homes (LEED-H) green building rating system being designed by the USGBC to serve as tool for homebuilders, homeowners, and local governments for building environmentally sound, healthy, and resource-efficient homes.

(25) “LEED-NC” means the LEED for New Construction and Major Renovations (LEED-NC) green building rating system designed by the USGBC to guide and distinguish high-performance commercial and institutional projects, with a focus on office buildings.

(26) “LEED for Schools” means the LEED green building rating system being designed by the USGBC that supplements LEED-NC with technical requirements that are specific to children’s health, school site issues, and educational facilities.

(27) “Maintenance accountability method” means a system for maintaining building performance standards. It includes, but is not limited to annual building performance reporting that publicly compares actual energy consumption to benchmarks using the ENERGY STAR Portfolio Manager tool for all building types for which it is available; the description of changes to operations and maintenance arrangements and procedures for major energy consuming equipment; the maintenance of manuals, manufacturer’s literature, model numbers, methods of operation, and maintenance practices for installed building systems; the records of metering systems and mechanisms for the monitoring and control of energy consumption; and the collection of complete “as-built” drawing sets and information on best practices for building maintenance, housekeeping, pest management and mold prevention.

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(28) “New construction” means the construction of any building whether as a stand-alone building or an addition to an existing building. New construction includes new buildings and additions or enlargements of existing buildings, exclusive of any alterations or repairs to any existing portion of a building.

(29) “Performance bond” means a bond to secure performance and fulfillment of an obligation under this act.

(30) “Project” means the construction of single or multiple buildings that are part of one development scheme, built at one time, or in phases.

(31) “Property disposition by lease” means a lease, inclusive of options, of real property, as defined in DC Official Code § 10-801.01, for a period of greater than 20 years.

(32) “Property disposition by sale” means a sale of real property, as defined in DC Official Code § 10-801.01, in whole or in part, to the highest bidder for real property 10,000 square feet, or greater.

(33) “Public financing” means proceeds of any revenue bonds or tax increment financing that results in a financial benefit from an agency, commission, instrumentality, or other entity of the District government; or financing, the stated purpose of which is to provide for the new construction or substantial rehabilitation of affordable housing.

(34) “Public school” means schools owned, operated, or maintained by the District of Columbia Public Schools (DCPS), or a public charter school chartered by DCPS, and those schools’ educational facilities

(35) “Substantial improvement” has the same definition as found in DCMR 12J-202.

(36) “Total project cost” means the total of the hard construction costs, the site acquisition costs, provided that a site was acquired within 2 years of first building permit

application; and soft costs, provided further that the soft costs will be capped at 25 percent of the hard construction costs.

(37) "USGBC" means the United States Green Building Council, a nationally recognized organization with a documented utilization record at the federal, state and local level that has developed sustainable building rating systems through transparent, collaborative, and consensus based processes that require independent certification.

(38) "Verification" means confirmation by an entity described in section 5 that the green building requirements of this act have been fulfilled.

Sec. 3. Publicly owned, private leasing of public property, publicly financed buildings, and tenant improvements.

(a) This section shall apply to all new construction and substantial improvements of District owned or District instrumentality owned projects, which were initially funded in the Fiscal Year 2008 District budget, or later; or which were constructed or substantially improved either as a result of a property disposition by lease where District owned or District instrumentality owned property is leased by private entities; or where 15% or greater of a project's total project cost were publicly financed in Fiscal Year 2009, or later.

(1) All non-residential projects shall:

(A) Be designed to achieve 75 points on the EPA national energy performance rating system as determined by the ENERGY STAR Target Finder Tool, and shall be benchmarked annually using the ENERGY STAR Portfolio Manager benchmarking tool, provided that the building has 10,000 square feet of gross floor area or greater, and is of a building types for which ENERGY STAR tools are available. Renovated buildings shall be exempt from the Target Finder requirement. Benchmark and Target Finder scores and ENERGY STAR statements of energy performance for each building shall be made available to the general

public within 60 days after they are generated; and 1

(B) Upon receipt of a Certificate of Occupancy, institute building systems 2  
monitoring and maintenance accountability methods. 3

(C) Within 2 years after the receipt of a Certificate of Occupancy, be 4  
verified by an entity described in section 5 having met or exceeded: 5

(i) Commercial projects shall be verified as having fulfilled or 6  
exceeded the LEED-NC 2.2 or the LEED-CS 2.0 standard, at the silver level. 7

(ii) Within 90 days of the release by USGBC of the LEED for 8  
Schools rating system or the effective date of this act, whichever comes later, the Mayor shall 9  
review LEED for Schools and shall promulgate rules to require DCPS and public charter schools 10  
to be verified as having fulfilled or exceeded either LEED for Schools at the certification level, 11  
or a substantially equivalent rating system that requires full-building commissioning. 12

(2) Residential projects 10,000 square feet of gross floor area or greater, shall 13  
fulfill or exceed the Green Communities 2006 standard, or a substantially equivalent standard. 14  
All such projects shall submit a copy of the Green Communities Self Certification Check List 15  
and verification of meeting Green Communities requirements for energy efficiency to DCRA, as 16  
a required part of the Certificate of Occupancy application. 17

(b) As of October 1, 2008, each tenant of a building that has a certificate of occupancy 18  
for a commercial use and that improves District owned or District instrumentality owned 19  
building space of at least 30,000 square feet gross floor area or greater, with an improvement that 20  
requires comprehensive construction or alteration of partitions, electrical systems, HVAC & R 21  
systems and finishes, shall be responsible for having the improved building space verified by an 22  
entity described in section 5 as having met or exceeded the LEED-CI 2.0 standard, at the 23  
certification level. 24

Sec. 4. Privately owned buildings. 1

This section shall apply to all new construction or substantial improvements of non- 2  
residential privately owned projects 50,000 square feet of gross floor area, or greater. All such 3  
projects shall henceforth: 4

(a) As of January 1, 2009, submit to DCRA as part of any building permit application, a 5  
green building checklist documenting that green building elements to be pursued in the 6  
respective building’s construction permit. 7

(b) Be verified by an entity described in section 5 as having fulfilled or exceeded the 8  
following green building requirements within 2 years, upon the receipt of a Certificate of 9  
Occupancy. 10

(1) Any project that has submitted the first building permit after January 1, 2010, 11  
for new construction or substantial improvements which are a result of a real property disposition 12  
by sale to a private entity undertaken by the District or an instrumentality of the District, shall be 13  
verified as having fulfilled or exceeded the LEED-NC 2.2 or LEED-CS 2.0 standard, at the 14  
certification level. 15

(2) The following shall apply to any project that has submitted the first building 16  
permit after January 1, 2012, for new construction or substantial improvements: 17

(A) Non-residential projects and post-secondary educational facility 18  
projects, shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or LEED-CS 2.0 19  
standard at the certification level. 20

(B) Educational facilities, except post-secondary educational facility 21  
projects, shall be verified as having fulfilled or exceeded the standard described in section 22  
3(a)(1)(C)(ii). 23

Sec. 5. Compliance review. 1

(1) The Mayor shall verify compliance with the requirements of this act as 2  
specified in sections 3 and 4, through an agency of the District government or through third-party 3  
entities, which meet criteria to be established by the Mayor by rulemaking within 180 days of the 4  
effective date of this act. 5

(2) The Mayor shall review the qualifications of each third-party entity approved 6  
in this section at least every 2 years, to determine if the entity shall remain eligible to conduct the 7  
verifications required in sections 3 and 4. 8

(3) Notwithstanding the Administrative Procedures Act, approved October 21, 9  
1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), for the purposes of establishing 10  
compliance with standards in sections 3 and 4, verification of a project shall be based upon the 11  
standards in effect 6 months prior to the submission of the first construction permit application. 12

(4) Verification that a project has complied with the requirements of this act 13  
under this section shall not relieve an applicant of any obligations or liabilities, otherwise 14  
existing under law, and shall not relieve the District of its obligation to review all construction 15  
documents in the manner otherwise prescribed by law. 16

(5) An applicant may apply for verification of a project by the Mayor at any time. 17

(6) Verification decisions by the Mayor shall be considered official 18  
interpretations of green building verification requirements and may be appealed by an applicant 19  
pursuant to 12 DCMR 112.1. 20

Sec. 6. Performance bond. 21

(a) Any commercial applicant who applies for an incentive described in section 7 of this 22  
act shall be obligated to provide a performance bond which shall be due and payable upon 23

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approval of the first building construction permit application. 1

(b) As of January 1, 2012, all applicants for construction governed by section 4 of this act 2  
shall provide a performance bond, which shall be due and payable prior to receipt of a Certificate 3  
of Occupancy. 4

(c) For the purpose of compliance with subsections (a) and (b) of this section, the Mayor 5  
may accept an irrevocable letter of credit from a financial institution authorized to do business in 6  
the District, or evidence of cash deposited in an escrow account in a financial institution in the 7  
District in the name of the licensee and the District in lieu of the bond required by this section. 8  
The letter of credit or escrow account shall be in the amounts required by subsection (d) of this 9  
section. 10

(d) The amount of the required performance bond under subsection (a) above shall be 1  
percent of the incentive provided. 12

(e) The amount of the required performance bond under subsection (b) above shall be: 13

(1) For a project with up to 150,000 square feet of gross floor area, 2 percent of 14  
the total cost of the building. 15

(2) For a project with 150,001-250,000 square feet of gross floor area, 3 percent 16  
of the total cost of the building. 17

(3) For a project with 250,001 square feet building of gross floor area and greater, 18  
4 percent of the total cost of the building. 19

(f) The maximum amount a performance bond shall be \$3 million. 20

(g) All or part of the Performance Bond shall be forfeited to the District, to be deposited 21  
according to section 8, in the event that the building fails to meet the verification requirements 22  
described in sections 3 and 4. 23

(h) The District shall draw down on the bond funds if the required green building verification is not provided by an entity described in section 5, within 2 years of receiving the first Certificate of Occupancy.

(i) The Mayor shall promulgate rules to establish additional requirements for the drawing down or return of the performance bond.

Sec. 7. Incentives

Within 180 days of the effective date of this act, the Mayor shall establish an incentive program to promote early adoption of green building practices by applicants for construction permits for private residential and commercial buildings. The incentive program shall be funded by monies deposited in the fund established in section 8, subject to the availability of funds. As part of the incentive program, the Mayor shall establish a Green Building Expedited Construction Documents Review Program, and may also provide grants to help defray costs associated with the early adoption of green building practices as follows:

(a)(1) The Mayor shall establish within the District agency that administers the building permit function in the District of Columbia Department of Consumer and Regulatory Affairs a Green Building Expedited Construction Documents Review Program.

(2) The Department shall employ one green building development ambassador and one green building construction permit application reviewer by October 1, 2008; and shall employ one green building inspector by October 1, 2009.

(3) The green building development ambassador, the green building construction permit application reviewer and the green building inspector shall work primarily to expedite green building construction permit applications.

(4) If the Director is satisfied that the construction documents or the components of the construction documents conform with the requirements of the Construction Codes and all

applicable laws, rules, and regulations under the authority of the Department, and all outside agencies have performed required reviews and approvals, the Director shall approve the construction documents or components of the construction documents within 30 days of submission, provided all information necessary for approval is provided by the applicant at the time of application.

(5) If additional information is needed by the Department to process a construction permit application, the 30-day count will suspend until such time as the applicant supplies the requested information.

(6) Within 180 days of the effective date of this act, the Mayor will submit to the Council proposed rules for the establishment of 30-day expedited document review programs within all other District agencies that must approve building permits.

(b) Grant incentives shall be available from:

(1) October 1, 2009 until December 31, 2011, to any applicant for a construction permit for a commercial private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CI 2.0, or LEED-CS 2.0 standard, at the certification level.

(2) January 1, 2012 until December 31, 2015, to any applicant for a construction permit for a commercial private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CI 2.0 or LEED-CS 2.0 standard, at the silver level.

(3) October 1, 2009 until December 31, 2015, to any applicant for a construction permit for a residential private building that will fulfill or exceed the verification requirements of the LEED-NC 2.2, LEED-CS 2.0 or Green Communities 2006 standard. Within 90 days of the release by USGBC of the LEED for Homes rating system or the effective date of this act, whichever comes later, the Mayor shall review LEED for Homes. If the Mayor deems LEED for Homes an appropriate incentive under this subparagraph, the Mayor shall promulgate rules to

effectuate that decision. 1

(c) The Mayor shall promulgate rules governing residential applicants who fail to fulfill  
the requirements of an incentive received under this section. 2  
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Sec. 8. Green building fund. 4

(a) There is established a fund designated as the Green Building Fund (“Fund”), which  
shall be separate from the General Fund of the District of Columbia. All additional monies  
obtained pursuant to sections 6 and 9, and all interest earned on those funds shall be deposited  
into the Fund without regard to fiscal year limitation pursuant to an act of Congress, and used  
solely to pay the costs of operating and maintaining the Fund. All funds, interest, and other  
amounts deposited into the Fund shall not be transferred or revert to the General Fund of the  
District of Columbia at the end of any fiscal year or at any other time, but shall continually be  
available for the uses and purposes set forth in this section, subject to authorization by Congress  
in an appropriations act. 5  
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(b) The Mayor shall administer the monies deposited in the Fund. 14

(c) The Fund shall be used as follows: 15

(1) Staffing and operating costs to provide technical assistance, plan review, and  
inspections and monitoring of green buildings; 16  
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(2) Education, training and outreach to the public and private sectors on green  
building practices; and 18  
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(3) Incentive funding for private buildings as provided for in section 7. 20

Sec. 9. Green Building Fee. 21

(a) A Green Building Fee is established to fund the implementation of the Green  
Building Act and the Green Building Fund. 22  
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(b) Upon the effective date of this act, the Green Building Fee shall be established by 24

increasing the building construction permit fees in effect at the time in accordance with the following schedule of additional fees:

(1) New construction – an additional \$0.0020/sq. ft.

(2) Alterations and repairs from \$1,001 to \$1,000,000 - an additional 0.13% of construction value.

(3) Alterations and repairs from \$1,000,001 and greater - an additional 0.065% of construction value.

Sec. 10. Establishment of the Green Building Advisory Council.

(a) The Department of the Environment shall provide the central coordination and technical assistance to District agencies and instrumentalities in the implementation of the provisions of this act.

(b) Within 90 days of the effective date of this act, the Mayor shall establish a Green Building Advisory Council (“GBAC”) with a general mandate of monitoring the District’s compliance with the requirements of this act, and of making policy recommendations designed to continually improve and update the Act.

(1) The GBAC shall consist of the following 13 members:

(A) The Director of the Department of the Environment or the Director’s designee;

(B) The Director of the Office of Planning or the Director’s designee;

(C) The Director of the Office of Property Management or the Director’s designee;

(D) The Director of the Department of Consumer and Regulatory Affairs or the Director’s designee;

(E) The Director of the Department of Housing and Community

Development, or the Director’s designee; 1

(F) Six members appointed by the Mayor comprised in equal number of 2  
representatives from the private and nonprofit sectors; 3

(G) One member appointed by the Chairperson of the DC Council 4  
Committee that oversees the building permit function in the District of Columbia; and 5

(H) One member appointed by the Chairperson of the DC Council 6  
Committee that oversees the DC Department of the Environment. 7

(2) Members of the GBAC who are not ex officio members shall have expertise 8  
in building construction, development, engineering, natural resources conservation, energy 9  
conservation, green building practices, environmental protection, environmental law, or other 10  
similar green building expertise. 11

(3) The Chairperson of the GBAC shall be the Director of the Department of the 12  
Environment. 13

(4) All members of the GBAC shall either work in, or be residents of the District, 14  
and shall serve without compensation. 15

(5) The members shall serve a 2-year term. 16

(6) A member appointed to fill a vacancy or after a term has begun, shall serve 17  
only for the remainder of the term, and until a successor is appointed. 18

(7) The GBAC shall advise the Mayor on: 19

(A) The development, adoption, and revisions of the District’s green 20  
building legislation, including suggestions for additional incentives to promote green building 21  
practices; 22

(B) The evaluation of the effectiveness of the District’s green building 23  
policies and their impact on the District’s environmental health, including the development of the 24

District’s green building policies to the specific environmental challenges facing the District; 1

(C) Which green building practices should be included in the triennial 2  
revisions of the Construction Code; and 3

(D) The promotion of green building education, including educating 4  
relevant District employees, the building community, and the public regarding the benefits and 5  
techniques of high-performance building standards. 6

(8) The GBAC shall meet at least 6 times each year. 7

(9) GBAC shall issue an annual report of its recommendations. The report shall 8  
include recommended updates of green building standards, building systems monitoring and data 9  
compiled from government owned or government instrumentality owned and operated buildings, 10  
and an analysis of the building projects exempted by the Mayor under section 11 of this act. The 11  
report shall be distributed to all members of the DC Council and the Mayor and made available 12  
to the general public within 30 days after its issuance. 13

Sec. 11. Exemptions and extensions 14

(a) The Mayor may in unusual circumstances and only upon a showing of good cause, 15  
grant an exemption from any of the requirements of this act based on: 16

(1) Substantial evidence of a practical infeasibility or hardship of meeting a 17  
required green building standard. 18

(2) A determination that the public interest would not be served by complying 19  
with such requirements. 20

(3) Other compelling circumstances as determined by the Mayor by rulemaking. 21

(4) The Mayor shall promulgate rules to establish requirements for the exemption 22  
process within 180 days of the effective date of this act. 23

(5) The burden shall be on the applicant to show circumstances to establish 24

hardship or infeasibility under this section. 1

(b) If the Mayor determines that the required green building verification requirement is 2  
not practicable for a building project, then the Mayor shall determine if another green building 3  
standard is practicable before exempting the project from all green building requirements. 4

(c) Notwithstanding any other provision of this title, construction encompassed by 5  
building construction permits applied for within 6 months of the effective date of this legislation 6  
shall be exempt from green building verification requirements. 7

(d) Notwithstanding any other provision of this title, construction encompassed by a 8  
contract for a disposition agreement with the District or an instrumentality of the District for a 9  
property disposition for which the RFP was released prior to the effective date of this legislation, 10  
shall be exempt from the relevant LEED-NC 2.2, LEED-CI 2.0 or LEED-CS 2.0 verification 11  
requirements, unless the disposition agreement is executed more than 12 months after the 12  
effective date of this legislation. 13

(e) Notwithstanding any other provision of this title the Mayor, upon a finding of 14  
reasonable grounds, may extend the period for green building verifications required in sections 3 15  
and 4 of this act, for up to 3 successive 4-month periods. 16

Sec. 12. Rulemaking. 17

(a) Within 180 days of the effective date of this act, the Mayor shall promulgate rules to 18  
implement this act. The proposed rules shall be submitted to the Council in accordance with Title 19  
1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 20  
1204; D.C. Official Code § 2-501 et seq.), for a 45-day period of review, excluding Saturdays, 21  
Sundays, legal holidays, and days of Council recess. If the Council does not approve or 22  
disapprove the proposed rules, in whole or in part, by resolution within this 45-day review 23  
period, the proposed rules shall be deemed approved. The rules shall not take effect until 24

approved or deemed approved by the Council. 1

(b) The Mayor may issue proposed rules to adopt future amendments, supplements, and 2  
editions of the LEED rating system, or any other rating system, in whole or in part, pursuant to 3  
subchapter I of Chapter 5 of Title 2. The proposed rules shall be submitted to the Council for a 4  
45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council 5  
recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by 6  
resolution within this 45-day review period, the proposed rules shall be deemed approved. The 7  
rules shall not take effect until approved or deemed approved by the Council. 8

Sec. 13. Construction code revision. 9

The Construction Codes Approval and Amendments Act of 1986, effective March 21, 10  
1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 et seq.), is amended by adding a new 11  
section 10c to read as follows: 12

“(10c)(1) By January 1, 2008, the Mayor, in consultation with the Green Building 13  
Advisory Council, shall submit to the Council for approval construction code revisions that shall 14  
incorporate as many green building practices as practicable for the Washington, D.C. urban 15  
environment. If conflicts arise between the existing construction code and green building 16  
practices, green building practices shall have priority; existing construction code requirements 17  
may remain, provided they are more stringent than a relevant green building practice, or when the 18  
Director determines that giving priority to a green building practice would not serve the public 19  
interest. The construction code revisions shall also update the District’s building energy code 20  
requirements in effect at the time to those required by IECC 2006. 21

“(2) Every 6 months from the effective date of the Green Building Act of 2006, 22  
the Mayor shall provide a written report on the progress of the current round of building code 23  
revisions to the Chairperson of the Council committee that oversees the District agency charged 24

with the building permit function. The report accompanying the final construction code revisions shall include a listing and description of each green building practice considered, and why each practice was, or was not included in the respective construction code revision. By January 1, 2010, and then after at least every three years by January 1 of the relevant year, the Mayor shall submit to the Council for approval construction code revisions that are consistent with the requirements of this section, and that incorporate green building practices developed since the previous round of construction code revisions.”.

Sec. 14. Public leasing of private property.

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:

Section 1804(a) (D.C. Official Code § 10-1003) is amended by adding a new subsection (1A) to read as follows:

“(1A) As of October 1, 2008, priority consideration for the District government’s facility needs shall be given to buildings fulfilling or exceeding the LEED-NC 2.2 standard or the LEED-CS 2.0 standard, at the silver level. The Mayor shall promulgate rules for the evaluation of the factors the Office of Property Management shall take into consideration when applying this paragraph.”.

Sec. 15. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. ~~15~~ 16. 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. ~~16~~ 17. Effective date 1

This act shall take effect following approval by the Mayor (or in the event of veto by the 2  
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 3  
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 4  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 5  
Columbia Register. 6