

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Green Building Act of 2006 and the Office of Property Management Establishment Act of 1998, 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 2009".

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) The long title is amended by striking the phrase "building projects" and inserting the phrase "building projects that help to mitigate the environmental, economic, and social impacts of built structures in the District" in its place.

(b) 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, which shall be forfeited 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 of this act."

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

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

2 "(8A) "Current edition" means the most recent and currently operative edition of a  
3 green building standard approved under section 12(b) of this act."

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

5 "(9) "DCRA" means the Department of Consumer and Regulatory Affairs."

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

7 "(9A) "DDOE" means the District Department of the Environment."

8 (6) Paragraph (27) is amended to read as follows:

9 "(27) "LEED-H" means the LEED for Homes (LEED-H) green building rating  
10 system designed by the USGBC."

11 (7) Paragraph (28) is amended to read as follows:

12 "(28) "LEED standard for commercial and institutional buildings" means the  
13 green building rating system designed by the USGBC for commercial interiors, core and shell,  
14 existing buildings, new construction, operations and maintenance, and schools."

15 (8) Paragraphs (29)-(31), and paragraph (34) are repealed.

16 (c) Section 3 (D.C. Code § 6-1451.02) is amended as follows:

17 (1) The title of section 3 is amended to read as follows:

18 "Sec. 3. Publicly owned, leased, and financed buildings and projects."

19 (2) Section 3 is amended to read as follows:

20 "(a) This subsection shall apply to all new construction and substantial improvement of  
21 District, and District instrumentality, owned or financed projects, including projects where 15%  
22 or more of a project's total project cost was financed by the District or a District instrumentality.

23 "(1) The requirements for a nonresidential project are as follows:

1                   "(A) A project shall be verified as having fulfilled or exceeded the green  
2 building standard set forth in sub-subparagraph (i) or (ii) of this subparagraph, as applicable,  
3 within 2 years after the receipt of a certificate of occupancy.

4                   "(i) A project, except a public school, shall be verified as having  
5 fulfilled or exceeded the current edition of the LEED standard for commercial and institutional  
6 buildings, at the silver level.

7                   "(ii) A public school shall be verified as having fulfilled or  
8 exceeded the current edition of the LEED standard for commercial and institutional buildings, at  
9 the certification level.

10                  "(B) For a project that is new construction, has 10,000 square feet or more  
11 of gross floor area, and is a building type for which Energy Star® tools are available:

12                  "(i) The project shall be designed to achieve 75 points on the  
13 EPA national energy performance rating system, as determined by the Energy Star® Target  
14 Finder Tool;

15                  "(ii) The project shall be annually benchmarked using the Energy  
16 Star® Portfolio Manager benchmarking tool;

17                  "(iii) Benchmark and Energy Star® statements of energy  
18 performance for each building shall be made available to DDOE within 60 days of being  
19 generated; and

20                  "(iv) "Upon receipt, DDOE shall make the Benchmark and Energy  
21 Star® statements available to the public via an online database accessible through the DDOE  
22 website."

1                   "(C) A project shall institute building systems monitoring and  
2 maintenance accountability methods upon receipt of a certificate of occupancy.

3                   "(2) The requirements for a residential project, provided the project includes  
4 10,000 square feet of gross floor area or more, are as follows:

5                   "(A) A project shall fulfill or exceed the current edition of the Green  
6 Communities standard, or a substantially equivalent standard.

7                   "(B) A project shall submit to DCRA a copy of the standard's self-  
8 certification check list and a verification of meeting the standard's requirements for energy  
9 efficiency, as part of the application for a certificate of occupancy.

10                  "(3) The requirements of this subsection shall apply:

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

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

17                  "(C) On or after October 1, 2008, for a privately owned project where  
18 15% or more of a project's total project cost was financed by the District or a District  
19 instrumentality in Fiscal Year 2009, or later.

20                  "(b) This subsection shall apply to all tenant improvements of District owned or District  
21 instrumentality owned buildings. On or after October 1, 2008, all tenants of District owned or  
22 District instrumentality owned building space shall obtain verification that the improved building

1 space fulfills or exceeds the current edition of the LEED standard for commercial and  
2 institutional buildings at the certification level, provided:

3           "(1) The tenant improves at least 30,000 square feet gross floor area or more;

4           "(2) The improvements involve a comprehensive construction or alteration of  
5 partitions, electrical systems, HVAC & R, and finishes; and

6           "(3) The building space has a certificate of occupancy for a commercial use.

7           "(c) This subsection shall apply to all District, and District instrumentality, owned or  
8 operated buildings.

9           "(1) Beginning ninety (90) days after October 22, 2008, the District shall  
10 benchmark 10 buildings owned or operated by the District using the Energy Star<sup>®</sup> Portfolio  
11 Manager benchmarking tool.

12           "(2) Beginning one (1) year after October 22, 2008, the District shall annually  
13 benchmark all District, and District instrumentality, owned or operated buildings, using the  
14 Energy Star<sup>®</sup> Portfolio Manager benchmarking tool, provided that the building:

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

16                   "(B) Is a building type for which Energy Star<sup>®</sup> benchmarking tools are  
17 available.

18           "(3) Benchmark and Energy Star<sup>®</sup> statements of energy performance for each  
19 building shall be made available to DDOE within 60 days of being generated.

20           "(4) Upon receipt, DDOE shall make the Benchmark and Energy Star<sup>®</sup> statements  
21 available to the public via an online database accessible through the DDOE website."

22           (d) Section 4 (D.C. Code § 6-1451.03) is amended as follows:

23           (1) The title of section 4 is amended to read as follows:

1 "Sec. 4. Privately owned buildings and projects."

2 (2) Section 4 is amended to read as follows:

3 "This section shall apply to all privately owned buildings and projects with 50,000 square  
4 feet of gross floor area or more.

5 "(a) "This subsection shall apply to all new construction and substantial  
6 improvement of non-residential projects, including projects involving real property acquired by a  
7 real property disposition by sale from the District or a District instrumentality to a private entity,  
8 and projects where less than 15% the project's total project cost was financed by the District or a  
9 District instrumentality. Projects covered by this subsection shall:

10 "(1) As part of any building construction permit application, submit to  
11 DCRA a green building checklist documenting the green building elements to be pursued in the  
12 respective building's construction permit, beginning on January 1, 2009, and thereafter; and

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

16 "(3) The requirements of this subsection shall apply:

17 "(A) On or after January 1, 2010, for a project involving real  
18 property acquired by a real property disposition by sale, from the District or a District  
19 instrumentality to a private entity, that has submitted an application for the first building  
20 construction permit on or after January 1, 2010, or later; and

21 "(B) On or after January 1, 2012, for a project that has submitted  
22 an application for the first building construction permit on or after January 1, 2012, or later."

1                   "(b) This subsection shall apply to all buildings and projects that are of a building  
2 type for which Energy Star<sup>®</sup> tools are available.

3                   "(1) The requirements for existing privately owned buildings are as  
4 follows:

5                                 "(A) The owner or a designee of the owner, shall annually  
6 benchmark the building using the Energy Star<sup>®</sup> Portfolio Manager benchmarking tool.

7                                 "(B) Benchmark and Energy Star<sup>®</sup> statements of energy  
8 performance for each building shall be made available to DDOE by January 1 of the respective  
9 following year.

10                                "(C) Upon receipt, DDOE shall make the Benchmark and Energy  
11 Star<sup>®</sup> statements available to the public via an online database accessible through the DDOE  
12 website, beginning with the second annual benchmarking data for each building, and thereafter.

13                                "(D) The requirements of this paragraph shall apply:

14   "(i) On or after January 1, 2010, for a building over  
15 200,000 square feet of gross floor area;

16   "(ii) On or after January 1, 2011, for a building over  
17 150,000 square feet of gross floor area;

18   "(iii) On or after January 1, 2012, for a building over  
19 100,000 square feet of gross floor area; and

20   "(iv) On or after January 1, 2013, for a building with  
21 50,000 square feet of gross floor area, or more."

22                   "(2) An applicant for new construction or substantial improvement of a  
23 project who submits the first building construction permit for after January 1, 2012, shall prior to

1 construction, estimate the project's energy performance using the Energy Star<sup>®</sup> Target Finder  
2 Tool."

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

4 (1) The title of section 6 is amended to read as follows:

5 "Sec. 6. Bond requirements."

6 (2) Section 6 is amended by striking the phrase "performance bond" wherever it appears  
7 and inserting the word "bond" in its place.

8 (3) Subsection (b) (D.C. Code § 6-1451.05(b)) is amended to read as follows:

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

11 "(1) On or after January 1, 2010, for an applicant governed by subparagraph  
12 4(a)(3)(A) of this act; and

13 "(2) On or after January 1, 2012, for an applicant governed by subparagraph  
14 4(a)(3)(B) of this act."

15 (4) Subsection (g) (D.C. Code § 6-1451.05(g)) is amended by striking the phrase  
16 "verification requirements described in sections 3 and 4" and inserting the phrase "standards  
17 required by sections 4 and 7" in its place.

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

19 (1) By striking the phrase "the Department" wherever it appears, and inserting the  
20 acronym "DCRA" in its place.

21 (2) Subparagraph 7(c)(1)(A) is amended by striking the phrase "LEED-NC 2.2,  
22 LEED-CI 2.0 or LEED-CS 2.0 standard" and inserting the phrase "current edition of the LEED  
23 standard for commercial and institutional buildings," in its place.

1           (3) Subparagraph 7(c)(1)(B) is amended by striking the phrase "LEED-NC 2.2,  
2 LEED-CI 2.0 or LEED-CS 2.0 standard" and inserting the phrase "current edition of the LEED  
3 standard for commercial and institutional buildings," in its place.

4           (4) Subparagraph 7(c)(1)(C) is amended by striking the phrase "LEED-NC 2.2,  
5 LEED-CS 2.0 or Green Communities 2006 standard" and inserting the phrase "current edition of  
6 the LEED standard for commercial and institutional buildings, or the current edition of Green  
7 Communities" in its place.

8           (g) Section 10 (D.C. Code § 6-1451.09) is amended by striking the phrase "the  
9 Department of the Environment" everywhere it appears, and inserting the acronym "DDOE" in  
10 its place.

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

14           Sec. 3. The Office of Property Management Establishment Act of 1998, effective March  
15 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended as follows:

16           (a) Section 1801a is amended by adding a new paragraph (1A) to read as follows:

17                   "(1A) "Current edition" means the most recent and currently operative edition of a  
18 green building standard approved under section 12(b) of the Green Building Act of 2006 (D.C.  
19 Law 16-234, D.C. Official Code § 6-1451.01 *et seq.*)."

20           (b) Section 1806j is amended as follows:

21                   (1) By striking the phrase "As of" and inserting the phrase "On or after" in its  
22 place.

23                   (2) By striking the phrase "LEED-NC 2.2 standard or the LEED-CS 2.0 standard"

1 and inserting the phrase "current edition of the LEED standard for commercial and institutional  
2 buildings," in its place.

3 Sec. 4. Fiscal impact statement

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

7 Sec. 5. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the  
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
12 Columbia Register.