

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

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To establish high-performance building standards that require the planning, design, construction, operation and maintenance of building projects, to establish a green building incentives program that includes an expedited construction documents review program, to establish a Green Building Fund, and to establish the Green Building Advisory Council; to amend the Construction Codes Approval and Amendments Act of 1986 to provide for the revision of the Construction Codes and 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Green Building Act of 2006”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Addition” has the same meaning as in section 10a(a)(1) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(1)).

(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 verification.

(3) “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

(4) “Building construction permit” means an official document or certificate issued by the Department authorizing the construction or alteration of a building.

(5) “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.

(6) “Construction Codes” means the standards and requirements adopted pursuant to the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*).

(7) “Construction documents” has the same meaning as in section 6b(a)(1) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1405.02(a)(1)).

(8) “Construction permit application” has the same meaning as in section 10a(a)(4) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(4)).

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

(10) “Director” means the Director of the Department of Consumer and Regulatory Affairs.

(11) “Educational facility” means any building that has the provision of education as its primary use.

(12) “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, building size, location, and several operating characteristics, using the Environmental Protection Agency’s national energy performance rating system.

(13) “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.

(14) “Existing building” has the same meaning as in section 10a(a)(8) of the Construction Codes Approval and Amendments Act of 1986, effective June 25, 2002 (D.C. Law 6-216; D.C. Official Code § 6-1410(a)(8)).

(15) “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 mechanical and passive heating, ventilation, air conditioning, and refrigeration systems, and associated controls such as lighting, domestic hot water systems, and renewable energy systems.

(16) “GBAC” means the Green Building Advisory Council established by section 10.

(17) “Green building” means an integrated, whole-building approach to the planning, design, construction, operation, and maintenance of buildings and their surrounding landscapes that help mitigate the environmental, economic, and social impacts of buildings, so that they are energy efficient, sustainable, safe, cost-effective, accessible, healthy, and productive.

(18) “Green building checklist” means a scorecard developed by the USGBC for the purpose of calculating a score on the appropriate LEED rating system.

(19) “Green Building Expedited Construction Documents Review Program” means the processing procedure for qualified building construction permit applications and construction documents established by section 7.

(20) “Green Building Fund” or “Fund” means the Green Building Fund established by section 8.

(21) “Green Communities” means the national green building program designed by Enterprise Community Partners that provides criteria for the design, development, and operation of affordable housing.

(22) “Gross floor area” has the same definition as found in section 199.1 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 199.1).

(23) “HVAC&R” means mechanical and passive heating, ventilation, air conditioning, and refrigeration systems.

(24) “ICC” means the International Code Council, a nonprofit organization.

(25) “IECC” means the International Energy Conservation Code developed by the ICC.

(26) “LEED” means the series of Leadership in Energy and Environmental

Design green building rating systems designed by the USGBC.

(27) "LEED-CI" means the LEED for Commercial Interiors (LEED-CI) green building rating system designed by the USGBC.

(28) "LEED-CS" means the LEED for Core and Shell (LEED-CS) green building rating system designed by the USGBC.

(29) "LEED-H" means the LEED for New Homes (LEED-H) green building rating system being designed by the USGBC.

(30) "LEED-NC" means the LEED for New Construction and Major Renovations (LEED-NC) green building rating system designed by the USGBC.

(31) "LEED for Schools" means the LEED green building rating system being designed by the USGBC.

(32) "Maintenance accountability method" means a system for maintaining building performance standards, including 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.

(33) "New construction" means the construction of any building whether as a stand-alone building or an addition to an existing building. The term "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.

(34) "Performance bond" means a bond to secure performance and fulfillment of an obligation under this act.

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

(36) "Property disposition by lease" means a lease, inclusive of options, of real property, as defined in section 1a of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, effective March 15, 1990 (D.C. Law 8-96; D.C. Official Code § 10-801.01), for a period of greater than 20 years.

(37) "Property disposition by sale" means a sale of real property, as defined in section 1a of An Act Authorizing the sale of certain real estate in the District of Columbia no longer needed for public purposes, effective March 15, 1990 (D.C. Law 8-96; D.C. Official Code § 10-801.01), in whole or in part, to the highest bidder for real property 10,000 square feet or more.

(38) "Public financing" means:

(A) Proceeds of any revenue bonds or tax increment financing that result in a financial benefit from an agency, commission, instrumentality, or other entity of the District government; or

(B) Financing whose stated purpose is to provide for the new construction or substantial rehabilitation of affordable housing.

(39) "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.

(40) “Substantial improvement” has the same meaning as in section 202 of Title 12J of the District of Columbia Municipal Regulations (12J DCMR § 202).

(41) “Total project cost” means the total of:

- (A) Hard construction costs;
- (B) Site acquisition costs; provided, that a site was acquired within 2 years of first building permit application; and
- (C) Soft costs; provided, that the soft costs shall not exceed 25% of the hard construction costs.

(42) “USGBC” means the United States Green Building Council.

(43) “Verification” or “verified” 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 are:

- (A) Initially funded in the Fiscal Year 2008 budget or later;
- (B) Constructed or substantially improved:
  - (i) As a result of a property disposition by lease where District-owned or District instrumentality-owned property is leased to private entities; or
  - (ii) If 15% or more of a project’s total project cost is publicly financed in Fiscal Year 2009 or later.

(b)(1) A nonresidential project shall:

(A)(i) Be designed to achieve 75 points on the EPA national energy performance rating system as determined by the ENERGY STAR Target Finder Tool and 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 more and is of a building type for which ENERGY STAR tools are available.

(ii) 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;

(B) Upon receipt of a certificate of occupancy, institute building systems monitoring and maintenance accountability methods; and

(C)(i) Within 2 years after the receipt of a certificate of occupancy, be verified as having fulfilled or exceeded the standard set forth in sub-subparagraph (ii) or (iii) of this subparagraph.

(ii) Nonresidential projects other than public schools shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or the LEED-CS 2.0 standard at the silver level.

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

(c) A residential project with 10,000 square feet of gross floor area or more shall fulfill or exceed the Green Communities 2006 standard or a substantially equivalent standard. All such

projects shall submit a copy of the Green Communities Self Certification Check List and verification of meeting Green Communities requirements for energy efficiency to the Department as part of the application for a certificate of occupancy.

(d) On or before October 1, 2008, each tenant of a building that has a certificate of occupancy for a commercial use and that improves District-owned or District instrumentality-owned building space of at least 30,000 square feet gross floor area or more, with an improvement that requires comprehensive construction or alteration of partitions, electrical systems, HVAC & R, and finishes, shall obtain a verification that the improved building space fulfills or exceeds the LEED-CI 2.0 standard at the certification level.

Sec. 4. Privately-owned buildings.

(a) A new construction or substantial improvement of a nonresidential privately-owned project with 50,000 square feet of gross floor area or more shall:

(1) On or before January 1, 2009, submit to the Department, as part of any building construction permit application, a green building checklist documenting the green building elements to be pursued in the building construction permit.

(2) Within 2 years of the receipt of a certificate of occupancy, be verified in subsection (b) of this section as having fulfilled or exceeded the green building requirements.

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

(2) A project that has submitted the first construction building construction permit after January 1, 2012, for new construction or substantial improvements shall fulfill the following requirements as applicable:

(A) A nonresidential project and a post-secondary educational facility projects shall be verified as having fulfilled or exceeded the LEED-NC 2.2 or LEED-CS 2.0 standard at the certification level.

(B) An educational facility project, except a post-secondary educational facility project, shall be verified as having fulfilled or exceeded the LEED for Schools standard at the certification level or a substantially equivalent rating system that requires full-building commissioning.

Sec. 5. Compliance review.

(a) The Mayor shall verify compliance with the requirements of this act as specified in sections 3 and 4 through:

(1) An agency of the District government; or

(2) Third-party entities which meet criteria to be established by the Mayor by rulemaking within 180 days of the effective date of this act.

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

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

permit application.

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

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

(f) Verification decisions by the Mayor shall be considered official interpretations of the requirements of this act and may be appealed by an applicant pursuant to subsection 112.1 of Title 12 of the District of Columbia Municipal Regulations (12 DCMR § 112.1).

Sec. 6. Performance bond.

(a) A commercial applicant who applies for an incentive described in section 7 shall provide a performance bond which shall be due and payable upon approval of the first building construction permit application.

(b) On or before January 1, 2012, all applicants for construction governed by section 4 shall provide a performance bond, which shall be due and payable prior to receipt of a certificate of occupancy.

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

(d) The amount of the required performance bond under subsection (a) of this section shall be 1% of the incentive provided.

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

(1) For a project not exceeding 150,000 square feet of gross floor area, 2% of the total cost of the building;

(2) For a project from 150,001 to 250,000 square feet of gross floor area, 3% of the total cost of the building; and.

(3) For a project exceeding 250,000 square feet building of gross floor area, 4% of the total cost of the building.

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

(g) All or part of the performance bond shall be forfeited to the District and deposited in the Green Building Fund if the building fails to meet the verification requirements described in sections 3 and 4.

(h) The District shall draw down on the bond funds if the required green building verification is not provided within 2 years after 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.

(a) 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 building construction permits for private residential and commercial buildings. The incentive

program shall be funded by funds deposited in the Green Building Fund, 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 provide grants to help defray costs associated with the early adoption of green building practices.

(b)(1) The Mayor shall establish within the Department a Green Building Expedited Construction Documents Review Program.

(2)(A) The Department shall employ:

(i) One green building development ambassador and one green building construction permit application reviewer by October 1, 2008; and

(ii) One green building inspector by October 1, 2009.

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

(3) 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 that 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, that all information necessary for approval is provided by the applicant at the time of application. If additional information is needed by the Department to process a construction permit application, the 30-day period shall be suspended until the applicant supplies the requested information.

(4) Within 180 days of the effective date of this act, the Mayor shall 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 construction permits.

(c)(1) Incentives in the form of grants shall be available from:

(A) October 1, 2009 until December 31, 2011, to any applicant for a building 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.

(B) January 1, 2012 until December 31, 2015, to any applicant for a building 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.

(C) October 1, 2009 until December 31, 2015, to any applicant for a building 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.

(2) Within the later of 90 days after the release by USGBC of the LEED for Homes rating system or the effective date of this act, the Mayor shall review LEED for Homes. If the Mayor considers LEED for Homes an appropriate incentive under this subsection, the Mayor shall promulgate rules to implement the incentive.

(d) The Mayor shall promulgate rules governing residential applicants who fail to fulfill the requirements of an incentive received under this section.

#### Sec. 8. Green Building Fund.

(a) There is established a fund designated as the Green Building 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 and for the purposes stated in subsection (c) of this section. 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.

(b) The Mayor shall administer the monies deposited in the Fund.

(c) The Fund shall be used as follows:

(1) Staffing and operating costs to provide technical assistance, plan review, and inspections and monitoring of green buildings;

(2) Education, training and outreach to the public and private sectors on green building practices; and

(3) Incentive funding for private buildings as provided for in section 7.

#### Sec. 9. Green building fee.

(a) A green building fee is established to fund the implementation this act and the Green Building Fund.

(b) Upon the effective date of this act, the green building fee shall be established by 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 per square foot.

(2) Alterations and repairs exceeding \$1,000 but not exceeding \$1 million - an additional 0.13% of construction value; and

(3) Alterations and repairs exceeding \$1 million - 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 after the effective date of this act, the Mayor shall establish a Green Building Advisory Council to monitor the District's compliance with the requirements of this act and to make policy recommendations designed to continually improve and update the act.

(c)(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;

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

(G) One member appointed by the chairperson of the committee of the Council that oversees the building construction permit function in the District of Columbia; and

(H) One member appointed by the chairperson of the Committee of the Council that oversees the Department of the Environment.

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

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

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

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

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

(d) The GBAC shall advise the Mayor on:

(1) The development, adoption, and revisions of this act, including suggestions for additional incentives to promote green building practices;

(2) The evaluation of the effectiveness of the District's green building policies and their impact on the District's environmental health, including the relation of the development of the District's green building policies to the specific environmental challenges facing the District;

(3) The green building practices to be included in the triennial revisions of the Construction Codes; and

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

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

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

#### Sec. 11. Exemptions and extensions.

(a)(1) The Mayor may, in unusual circumstances and only upon a showing of good cause, grant an exemption from any of the requirements of this act based on:

(A) Substantial evidence of a practical infeasibility or hardship of meeting a required green building standard;

(B) A determination that the public interest would not be served by complying with such requirements; or

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

(2) The burden shall be on the applicant to show circumstances to establish hardship or infeasibility under this section.

(3) If the Mayor determines that the required verification requirement is not

practicable for a project, the Mayor shall determine if another green building standard is practicable before exempting the project from all green building requirements.

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

(b) Notwithstanding any other provision of this act, construction encompassed by building construction permits applied for within 6 months of the effective date of this act shall be exempt from the verification requirements of this act.

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

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

#### Sec. 12. Rulemaking.

(a) Within 180 days of the effective date of this act, the Mayor shall promulgate rules to implement this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

(b) The Mayor may issue proposed rules to adopt future amendments, supplements, and editions of the LEED rating system, or any other rating system, in whole or in part. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 13. The Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), is amended by adding a new section 10c to read as follows:

“Sec. 10c. Construction Codes revisions for green building practices.

“(a) On or before January 1, 2008, the Mayor, in consultation with the Green Building Advisory Council, shall submit to the Council for approval Construction Codes revisions that shall incorporate as many green building practices as practicable for the Washington, D.C. urban environment. If conflicts arise between the existing Construction Codes and green building practices, green building practices shall have priority; existing Construction Codes requirements may remain, if they are more stringent than a relevant green building practice or when the Director determines that giving priority to a green building practice would not serve the public interest. The Construction Codes revisions shall also update the District’s building energy code requirements in effect at the time to those required by the International Energy Conservation Code 2006.

“(b) Every 6 months after the effective date of the Green Building Act of 2006, passed by the Council on December 5, 2006 (Enrolled version of Bill 16-515), the Mayor shall provide a written report on the progress of the current round of Construction Codes revisions to the

chairperson of the committee of the Council that oversees the District agency charged with the building permit function. The report accompanying the final Construction Codes 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 Codes revision. On or before January 1, 2010, and after at least every 3 years by January 1 of the relevant year, the Mayor shall submit to the Council for approval Construction Codes revisions that are consistent with the requirements of this section, and that incorporate green building practices developed since the previous Construction Codes revisions.”.

Sec. 14. 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 by adding a new section 1806j to read as follows:

“Sec. 1806j. Green building priority.

“(a) 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. For purposes of this subsection, the terms “LEED-NC” and “LEED-CS” shall have the same meaning as in section 2 of the Green Building Act of 2006, passed on 2<sup>nd</sup> reading on December 5, 2006 (Enrolled version of Bill 16-515).

“(b) The Mayor shall promulgate rules for the evaluation of the factors to be considered under subsection (a) of this section.”.

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. 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. 17. 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

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia