

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
Department of Energy and Environment

**Green Building Act Exemption Application Guidelines**

**Overview**

The [Green Building Act of 2006](#) (the “Act”) establishes high-performance building standards that require the planning, design, construction, and operation of buildings that advance the District’s climate and environmental goals.

The [Greener Government Buildings Amendment Act of 2022](#) (the “GGBA”) amends the Act to require District-owned and -financed new construction and substantial improvement projects to adhere to net-zero energy (NZE) standard defined in [Appendix Z](#) of the 2017 District of Columbia Energy Conservation Code. All covered building projects must comply with the NZE standard for any permit application submitted to the Department of Buildings on or after October 1, 2023. Any projects that do not anticipate being able to fully comply NZE standard and are compelled to seek an exemption are encouraged to read the guidance below.

**Net-Zero-Energy Standard Definition**

Under [DC Code § 6-1453.01\(a\)\(3\)\(A\)](#) “Net-zero-energy standard” means a standard under which “A building conserves an amount of energy attributable to building operations that is equal to or greater than the amount that would be required by the most recent version of Appendix Z.” Additionally, “net-zero-energy standard” under DC Code § 6-1453.01(a)(3)(B) means a standard under which

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

- (i) Renewable energy shall be generated at the building site wherever feasible;
- (ii) To the extent a building owner procures renewable energy through offsite sources, the building owner may not rely on unbundled renewable energy credits to satisfy the renewable energy requirement; and
- (iii) On-site fuel combustion shall not be permitted for the provision of thermal energy to the building.

**Exemption Authority**

The Act provides that the “Mayor may, in unusual circumstances and only upon a showing of good cause grant an exemption from any of the requirements of the Act” and required the Mayor to promulgate rules to establish the exemption process ([D.C. Official Code § 6-1451.10\(a\)\(1\), \(a\)\(4\)](#)). [Mayor’s Order 2007-206](#) delegates the authority to grant exemptions to the Director of the Department of Energy and Environment (DOEE). 20 [DCMR §3511](#) establishes the procedure for submitting an exemption application and stipulates that exemption applications shall be submitted to the Green Building Advisory Council (“GBAC”) for comments and recommendations to inform the Director’s decision.

DOEE may grant an exemption from specific requirements of the Act, in whole or in part, upon a showing of good cause by the applicant. The burden shall be on the applicant to show circumstances to establish the hardship or infeasibility of complying with a requirement of the Act. Under 20 DCMR § 3511.2, good cause for granting an exemption means one of the following:

- a) Substantial evidence of practical infeasibility or hardship in meeting a required green building standard;
- b) A determination that the public interest would not be served if the applicant had to comply with the requirement;
- c) LEED certification is not available for the building type that is subject to the Act's requirements; or
- d) The building subject to the Act's requirements is unoccupied.

Additionally, an applicant may also seek an exemption from the Act if the applicant is building a temporary building under 20 DCMR § 3511.3. Each applicant requesting an exemption under 20 DCMR §§ 3511.2 or 3511.3 shall submit to the Director: “a description of public benefits proposed that are not otherwise required by any applicable law or regulation” and “any other information required by the Director.”

### **GBAC Exemption Request Guidance**

Upon receipt of an exemption application, the GBAC will evaluate the project's efforts to meet the Act's requirements. The GBAC may recommend a partial exemption for projects that demonstrate a good faith effort to comply in entirety. Such projects must demonstrate compliance with feasible elements of the Act and propose alternative compliance methods. The GBAC review will require evidence of a good faith effort to comply with each of the requirements. Examples of evidence may include some or all of the following:

- Feasibility assessment evaluating the project's partial compliance;
- Energy model outputs;
- Equipment specifications demonstrating fuel choice;
- On-site renewable energy generation specifications;
- Off-site renewable energy procurement contracts;
- LEED scorecard;
- Enterprise Green Communities scorecard; and
- Substantially equivalent green building standard scorecard.

The GBAC will not recommend an exemption request based on financial hardship alone.

## Previous Exemption Requests

The GBAC maintains a public record of previous exemption requests. Each project is unique, and the GBAC considers the merits of each exemption request individually. Past approval is no guarantee of future outcome.

For a list of previous exemption requests, please see the Green Building Act Exemption Requests Tracker on the [GBAC webpage](#).

## Application and Review Process

1. Projects seeking relief from the Act shall review requirements of the Act and exemption request guidance.
2. Project teams shall complete the Green Building Act Exemption Request Form available on the [GBAC webpage](#) (additional supporting documentation may be submitted later) and send it to [DOEEGreenBuilding@dc.gov](mailto:DOEEGreenBuilding@dc.gov). The GBAC meets every other month and project teams are encouraged to request inclusion on an upcoming agenda as far in advance as possible, but no later than 20 days before a scheduled meeting. DOEE staff, which provides support assistance to the GBAC, will review the application and determine if the project is ready to present to the GBAC. DOEE may request additional information. Upon determination that the project is ready to present, DOEE staff will send confirmation that the project has been added to the GBAC agenda.
3. Any required supporting documentation that was not submitted with the Exemption Request Form in step 2 of this process must be submitted no later than 14 days prior to the meeting.
4. DOEE shall transmit the exemption application and supporting documentation to members of the GBAC.
5. Exemption applications shall be heard in an open meeting of the GBAC. Applicants shall have up to 10 minutes to present their case to the GBAC, followed by questions from GBAC members. Members of the public will be given the opportunity to comment prior to any vote or decision by the GBAC.
6. GBAC members in attendance will vote on whether to recommend approval or disapproval of exemption applications. The vote will be decided by a simple majority of the members present.
7. Results of the vote will be transmitted as a recommendation to the Director of DOEE.
8. The DOEE Director will provide the applicant a written letter of the final decision.

At any point in this process, projects may request a consultation with DOEE staff by emailing [DOEEGreenBuilding@dc.gov](mailto:DOEEGreenBuilding@dc.gov).