

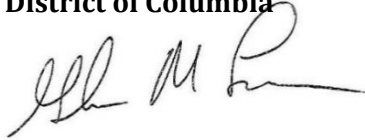
Government of the District of Columbia  
Office of the Chief Financial Officer



Glen Lee  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** December 6, 2022

**SUBJECT:** Fiscal Impact Statement – Migratory Local Wildlife Protection Act of 2022

**REFERENCE:** Bill 24-710, Draft Committee Print as provided to the Office of Revenue Analysis on December 1, 2022

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**Conclusion**

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$245,000 beginning in fiscal year 2025, and \$485,000 over the four year budget and financial plan.

**Background**

Beginning October 1, 2024, the bill requires new construction (or alteration of 75 percent or more of exterior glazing) of commercial, multi-family, institutional, or District government buildings to be constructed with bird friendly<sup>1</sup> materials up to 100 feet above grade. Other materials may be used, provided they do not cover more than ten square feet of any 100 square foot area of an exterior wall. Additionally, any wall or fenestration adjacent to a green roof system or roof terrace must use bird friendly materials up to 24 feet above the surface of the green roof system or walking surface, whichever is higher. Bird hazard installations<sup>2</sup> must be constructed of bird friendly materials regardless of height above grade.

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<sup>1</sup> The bill defines bird friendly material as material or assembly that has been designed or treated to have a maximum material threat factor of 30 per the American Bird Conservancy's Threat Factor Database or with the American Bird Conservancy's Bird-friendly Materials Evaluation Program test protocol.

<sup>2</sup> The bill defines bird hazard installations as monolithic glazing installations that provide a clear line of sight or mirrored surface on the exterior of buildings, including, but not limited to, awnings, handrails and guards,

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FIS: Bill 24-710, "Migratory Local Wildlife Protection Act of 2022," Draft Committee Print as provided to the Office of Revenue Analysis on December 2, 2022

The requirements are waived for property designated as a historic landmark and for properties within a historic district in which the Historic Preservation Review Board or the Old Georgetown Board issues a recommendation to the Department of Buildings that the compliance would meaningfully and substantially impact historic elements of the property.

The bill requires the Department of Buildings and the Department of Energy and the Environment to promulgate regulations to implement the bill, including standards for bird friendly design elements in construction.

The bill also expands the allowable uses for the Green Building Fund<sup>3</sup> to include education on the requirements of the bill and income-based subsidies to assist property owners with retrofits to meet the requirements of the bill. The bill does not require any subsidies to be issued.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$245,000 beginning in fiscal year 2025, and \$485,000 over the four year budget and financial plan.

In addition to the private sector buildings, new construction or substantial renovation of District government buildings will also be required to follow bird friendly requirements. Depending on the final regulations adopted, the requirements could change the design of some projects, but any costs would have to be incorporated into the capital budget for such projects.

The bill authorizes use of the Green Building Fund for education about the bill's requirements and for a potential subsidy program to retrofit buildings but does not require it. Any spending on these initiatives is limited to resources in the fund.

Lastly, the Department of Buildings (DOB) indicates it will require additional time to review permits affected by the bill and to enforce the migratory requirement. Of the approximately 9,142 permits for new construction or alterations citywide in fiscal year 2022, we estimate five percent, or 457 of these permits are related to commercial, multi-family, or institutional buildings. We estimate two full time positions, one in permit review and one in inspections should be sufficient to meet the stated need by DOB.

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wind break panels, bus shelter enclosures, skywalk enclosures, and acoustic barriers made of glass or glass-like materials.

<sup>3</sup> D.C. Official Code § 6-1451.07.

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<b>Migratory Local Wildlife Protection Act of 2022 Fiscal Year 2023 through Fiscal Year 2026 Total Cost (\$ thousands)</b>					
	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025<sup>(a)</sup></b>	<b>FY 2026</b>	<b>Total</b>
Salaries 2 FTEs in the Department of Buildings for Permitting and Inspections <sup>(b)</sup>	\$0	\$0	\$188	\$191	\$379
Fringe Benefits <sup>(c)</sup>	\$0	\$0	\$47	\$48	\$96
Training and equipment	\$0	\$0	\$10	\$0	\$10
<b>TOTAL:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$245</b>	<b>\$240</b>	<b>\$485</b>

**Table Notes:**

(a) The building requirements are not effective until October 1, 2024.

(b) Two Grade 12/5 FTEs, 1.75 percent annual growth rate.

(c) 24.8% fringe benefit rate for Department of Buildings, 2.375 percent annual growth rate.