

Climate Assessment

Office of Legislative Oversight

Bill 18-23: Structure of County Government – Community Zoning and Land Use Resource Office

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 18-23 will have little to no impact on the County's contribution to addressing climate change as it is proposing a change to the structure of an existing office. While the proposed change could increase access to public information, which is an important component of community resilience, it is likely to be a minimal increase at most and will be limited to information regarding planning and zoning.

BACKGROUND AND PURPOSE OF BILL 18-23

The purpose of Bill 18-23 is to replace the Office of the People's Counsel with a Community Zoning and Land Use Resource Office. The County Council created the Office of the People's Counsel in 1990 but it was not funded until 1999. The Office of People's Counsel was last funded in Fiscal Year 2010 and thus has been inactive for the past 12 years.¹

Under current law, the People's Counsel is empowered to:

- Participate in administrative proceedings and court appeals;
- Obtain experts to provide technical assistance and testimony;
- Represent residents in administrative proceedings as an advocate and as an expert witness;
- File complaints alleging failure to comply with a special exception grant; and
- Seek modification or revocation of special exceptions when such actions are necessary.

Generally, the People's Counsel is designed to act as an independent lawyer that advocates for the collective interest of County residents in local zoning matters such as map amendments, conditional uses, site plans and preliminary plans.²

Bill 18-23, however, replaces the Office of the People's Counsel with a Community Zoning and Land Use Office to serve as a community resource and to facilitate community participation in the land use process without directly participating as an advocate for the public's interest in that process. The Bill removes the requirement that an attorney staff the Office and prohibits the Office from participating in administrative proceedings with the County Council, Board of Appeals, Planning Board, Hearing Examiner, and Court of Appeals.³

Bill 18-23 was introduced on March 28, 2023.

ANTICIPATED IMPACTS

The proposed change to the People's Counsel would limit its responsibilities to technical assistance and public information regarding planning and zoning changes. A prior OLO report found that the People's Counsel spent about 70% of its time in this avenue.⁴ As the People's Counsel has not been funded since 2010, this proposed change would allow the Counsel to resume its technical assistance and public information role. This could minimally increase access to public information regarding planning and zoning.

OLO anticipates Bill 18-23 will likely have little to no impact on the County's contribution to addressing climate change as it is proposing a change to the structure of an existing office. While the proposed change could increase access to public information, which is an important component of community resilience⁵, it is likely to be a minimal increase at most and will be limited to information regarding planning and zoning.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.⁶ OLO does not offer recommendations or amendments as Bill 18-23 is anticipated to have little to no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions, community resilience, and adaptative capacity.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions

suggested by legislation could help improve the County's adaptative capacity to climate change, and therefore, increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

¹ [Introduction Staff Report for Bill 18-23, Montgomery County Council, March 28, 2023.](#)

² Ibid.

³ Ibid.

⁴ ["Review of The Office of the People's Counsel", Howard, C., Rubin L., Renkema, J. and Downie, S., Office of Legislative Oversight, June 24, 2008.](#)

⁵ ["Information Sharing and Community Resilience: Toward a Whole Community Approach to Surveillance and Combatting the 'Infodemic'", Myers, N., World Med Health Policy, September 13, 2021.](#) ; ["Building Community Resilience to Disasters: A Way Forward to Enhance National Health Security", Chandra, A., et. al., RAND Health, 2011.](#)

⁶ Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022