



Committee: T&E
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #ClimateImpactStudy

AGENDA ITEM #9
February 1, 2022
Introduction

SUBJECT

Bill 3-22, Legislative Branch – Climate Assessments – Required

Lead Sponsors: Councilmember Hucker and Council President Alborno

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Council Bill 3-22 would

- (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment;
- (2) specify the required contents of a climate assessment;
- (3) require an annual report; and
- (4) generally amend the law governing the enactment of legislation.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 3-22
LRR

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MEMORANDUM

January 27, 2022

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 3-22, Legislative Branch – Climate Assessments – Required

PURPOSE: Introduction – no Council votes required

Bill 3-22, Legislative Branch – Climate Assessments - Required, sponsored by Lead Sponsors Councilmember Huckler and Council President Albornoz, is scheduled to be introduced on February 1, 2022. A public hearing is tentatively scheduled for March 1, 2022.

The bill would:

- (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment;
- (2) specify the required contents of a climate assessment;
- (3) require an annual report; and
- (4) generally amend the law governing the enactment of legislation.

BACKGROUND

In 2017, the Council approved Resolution 18-974 to:

1. declare a climate emergency; and
2. support the goals of reducing greenhouse gas emissions by 80% by 2027 and reaching 100% elimination by 2035, and initiating large-scale efforts to remove excess carbon from the atmosphere.

The purpose of Bill 3-22 is to facilitate the County’s climate goals by requiring climate assessments for each bill, zoning text amendment, master plan, and master plan amendment pending before the Council.

BILL SPECIFICS

Bill 3-22 would require the Office of Legislative Oversight (OLO) to provide the Council with a “climate assessment” for each bill, zoning text amendment, master plan, and master plan amendment under consideration by the Council.

The climate assessment would consist of:

- the potential positive or negative effects, if any, of the bill, zoning text amendment, master plan, or master plan amendment upon climate change, including greenhouse gas emissions, sequestration, and carbon drawdown;
- quantitative or qualitative evaluations of the of the identified effects upon community resilience and adaptative capacity; and
- recommendations regarding amendments or other measures to mitigate any negative climate impacts.

This packet contains:

Bill 3-22

LRR

Circle #

1

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Bill No. 3-22
Concerning: Legislative Branch – Climate Assessments - Required
Revised: 1/27/2022 Draft No. 3
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Huckler and Council President Alborno

AN ACT to:

- (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill, zoning text amendment, master plan, and master plan amendment;
- (2) specify the required contents of a climate assessment;
- (3) require an annual report regarding climate assessments; and
- (4) generally amend the law governing the enactment of legislation.

By adding

Montgomery County Code
Chapter 2, Administration
Section 2-81D

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 2-81D is added as follows:**

2 **Sec. 2-81D. Climate Assessments.**

3 (a) Definitions. In this Section, Director means the Director of the Office of
4 Legislative Oversight or the Director's designee.

5 (b) Climate assessments required. The Director must submit an assessment
6 to the Council describing the climate impact, if any, of each bill, zoning
7 text amendment, master plan, and master plan amendment under
8 consideration by the Council.

9 (c) Time for submission.

10 (1) A climate assessment should be submitted to the Council no more
11 than 21 days after a bill, zoning text amendment, master plan, or
12 master plan amendment is introduced.

13 (2) If the Director is unable to submit the assessment within the time
14 required by paragraph (1), the Director must notify the Council
15 President in writing of the delay, the reason for the delay, and the
16 revised delivery date.

17 (3) If the Council President finds that the revised delivery date is
18 unreasonable, the Council President may set a different delivery
19 date.

20 (d) Contents of climate assessment.

21 (1) Each climate assessment must include:

22 (A) the sources of information, assumptions, and methodologies
23 used;

24 (B) a description of variables that could affect the assessment;
25 and

26 (C) if a bill, zoning text amendment, master plan, or master plan
 27 amendment is likely to have no climate impact, why that is
 28 the case.

29 (2) Each climate assessment must include:

30 (A) the potential positive or negative effects, if any, of the bill,
 31 zoning text amendment, master plan, or master plan
 32 amendment upon climate change, including greenhouse gas
 33 emissions, sequestration, and carbon drawdown; and

34 (B) quantitative or qualitative evaluations of the of the identified
 35 effects upon community resilience and adaptative capacity.

36 (3) Each climate assessment must identify amendments or other
 37 recommendations, if any, that would reduce or eliminate any
 38 anticipated negative effects of the bill, zoning text amendment,
 39 master plan, or master plan amendment upon carbon dioxide
 40 removal, sequestration, drawdown, community climate resilience,
 41 and adaptive capacity.

42 (e) Compliance. Council action on a bill, zoning text amendment, master
 43 plan, or master plan amendment that is otherwise valid is not invalid
 44 because of any failure to follow the requirements of this Section.

45 (f) Annual report.

46 (1) The Director annually must submit to the Council a report that
 47 compiles and analyzes the climate assessments provided during the
 48 preceding year.

49 (2) The annual report must include findings and recommendations of
 50 the Director regarding the climate impacts of enacted or pending

51 bills, zoning texts amendments, master plans, and master plan
52 amendments.

LEGISLATIVE REQUEST REPORT

Bill 3-22

Legislative Branch – Climate Assessments - Required

DESCRIPTION:	Bill -21 would require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill and zoning text amendment.
PROBLEM:	The Council needs more complete analysis of the potential climate impacts of proposed legislation.
GOALS AND OBJECTIVES:	The goal is to increase the Council’s understanding of the likely climate impacts of proposed legislation.
COORDINATION:	Office of Legislative Oversight (OLO)
FISCAL IMPACT:	To be provided
ECONOMIC IMPACT:	To be provided
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To be provided
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be provided
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A

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