



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

AGENDA ITEM #7.5
March 1, 2022
Public Hearing

SUBJECT

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

Lead Sponsors: Councilmember Hucker and Council President Alborno

EXPECTED ATTENDEES

Members of the public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To hear public testimony

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:

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LRR	© 5
Economic Impact Statement	© 6
Fiscal Impact Statement	© 8

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MEMORANDUM

February 24, 2022

TO: County Council

FROM: Christine Wellons, Legislative Attorney

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

PURPOSE: Public Hearing – to receive testimony

Bill 3-22, Legislative Branch – Climate Assessments - Required, sponsored by Lead Sponsors Councilmember Huckler and Council President Alborno, was introduced on February 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:	<u>Circle #</u>
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Bill No. 3-22
Concerning: Legislative Branch – Climate Assessments - Required
Revised: 2/1/2022 Draft No. 4
Introduced: February 1, 2022
Expires: August 1, 2023
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Huckler and Council President Alborno
Co-Sponsors: Councilmember Friedson, Council Vice-President Glass, and Councilmembers
Navarro, Katz, Riemer, Jawando, and Rice

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 3-22 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:	Office of Management and Budget (OMB)
ECONOMIC IMPACT:	Office of Legislative Oversight (OLO)
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

Economic Impact Statement

Office of Legislative Oversight

Bill 3-22

Legislative Branch – Climate Assessments – Required

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 3-22 would have no direct impacts on economic conditions in the County in terms of the Council’s priority indicators.

BACKGROUND

The goal of Bill 3-22 is to enhance the Council’s understanding of the potential impacts of proposed legislation on climate change.¹ The Bill would attempt to achieve these goals by requiring the Office of Legislative Oversight to prepare climate impact assessments for every Bill, Zoning Text Amendment, Master Plan, and Master Plan Amendment under consideration by the Council.²

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess Bill 3-22’s impacts on County-based private organizations and residents in terms of the Council’s priority economic indicators.³ By requiring climate impact statements for Bills, Zoning Text Amendments, Master Plans, or Master Plan Amendments, Bill 3-22 could influence Council action in the future, thereby shaping their economic impacts for private organizations and residents in the County. These potential impacts would be indirect consequences of enacting Bill 3-22. It is beyond the scope of this analysis to estimate these potential, indirect impacts.

VARIABLES

Not applicable

¹ Legislative Request Report, Bill 3-22.

² Bill 3-22.

³ Montgomery County Code, [Sec. 2-81B](#).

Economic Impact Statement

Office of Legislative Oversight

IMPACTS

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Businesses, Non-Profits, Other Private Organizations

Not applicable

Residents

Not applicable

DISCUSSION ITEMS

Not applicable

WORKS CITED

Montgomery County Code. [Sec. 2-81B, Economic Impact Statements](#).

Montgomery County Council. [Bill 3-22, Legislative Branch – Climate Assessments – Required](#). Introduced on February 1, 2022.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. 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

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.

Fiscal Impact Statement
Bill 3-22, Legislative Branch – Climate Assessments - Required

1. Legislative Summary.

Bill 3-22 would require the Director of the Office of Legislative Oversight, no more than 21 days after the Bill, to submit an assessment to the County Council describing the climate impact, if any, of each Bill, zoning text amendment, master plan, and master plan amendment under consideration by the Council.

Under Bill 3-22, the Director of the Office of Legislative Oversight must also submit to the County Council a report that compiles and analyzes the climate assessments provided during the preceding year.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

This legislation has no impact on County revenues.

The Office of Legislative Oversight could conduct climate impact assessments for Council bills without fiscal impact, however, Bill 3-22 could require one additional analyst or funding for a consultant to conduct climate impact assessments for zoning text amendments, master plans, and master plan amendments.

Based on recent hires, a Performance Management and Data Analyst would cost an estimated \$100,000 per fiscal year, including benefits. Cost to hire a consultant is estimated at \$100,000 for the first year due to the need to establish an assessment process. Ongoing costs per fiscal year thereafter for consultant are estimated at \$50,000.

3. Revenue and expenditure estimates covering at least the next six fiscal years.

Per the response to Question #2, this Bill could increase County expenditures by an estimated \$300,000 to \$600,000 over the next six fiscal years, dependent upon whether the Department hires a new staff analyst or utilizes consultant services to conduct the assessments. These estimates do not include an assumption for future inflation or compensation costs.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the Bill authorizes future spending.

Bill 3-22 does not authorize future spending.

7. An estimate of the staff time needed to implement the Bill.

The implementation of this Bill is expected to have a minimal impact on staff time to conduct climate impact assessments for Council bills, however, the Department would need one additional analyst or contactor support for climate impact assessments of zoning text amendments, master plans, and master plan amendments.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

Per the response to Question #2, implementing this Bill could require one additional FTE to conduct climate impact assessments for zoning text amendments, master plans, and master plan amendments.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a Bill is likely to have no fiscal impact, why that is the case.

Not applicable.

13. Other fiscal impacts or comments.

Not applicable.

14. The following contributed to and concurred with this analysis:

Blaise DeFazio, Office of Legislative Oversight
Julie Knight, Office of Management and Budget



Jennifer R. Bryant, Director
Office of Management and Budget

2-24-21

Date