

Bill No. 3-22
Concerning: Legislative Branch – Climate Assessments - Required
Revised: 7/7/2022 Draft No. 6
Introduced: February 1, 2022
Enacted: July 12, 2022
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Hucker 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) require the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment;
- (3) specify the required contents of a climate assessment;
- [[3)]] (4) require [[an annual report regarding climate assessments]] the publication of climate assessment templates; and
- [[4)]] (5) generally amend the law governing the enactment of legislation.

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

By amending
Montgomery County Code
Chapter 33A, Planning Procedures
Section 33A-14

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

3 (a) Definitions. In this Section, the following terms have the meanings
 4 indicated.

5 Director means the Director of the Office of Legislative Oversight or the
 6 Director’s designee.

7 Planning Board means the Montgomery County Planning Board.

8 (b) Climate assessments required.

9 (1) The Director must submit an assessment to the Council describing
 10 the climate impact, if any, of each bill[[, zoning text amendment,
 11 master plan, and master plan amendment]] under consideration by
 12 the Council.

13 (2) The Planning Board must submit an assessment to the District
 14 Council describing the climate impact, if any, of each zoning text
 15 amendment, master plan, and master plan amendment under
 16 consideration by the District Council.

17 (c) Time for submission.

18 (1) A climate assessment should be submitted to the Council, [[no
 19 more than 21 days after]] or the District Council, at least 7 days
 20 prior to a public hearing on a bill, zoning text amendment, master
 21 plan, or master plan amendment [[is introduced]].

22 (2) If the Director or the Planning Board is unable to submit the
 23 assessment within the time required [[by]] under paragraph (1), the
 24 Director or the Planning Board must notify the Council President
 25 in writing of the delay, the reason for the delay, and the revised
 26 delivery date.

27 (3) If the Council President finds that the revised delivery date is
 28 unreasonable, the Council President may set a different delivery
 29 date.

30 (d) Contents of climate assessment.

31 (1) Each climate assessment must include:

32 (A) the sources of information, assumptions, and methodologies
 33 used;

34 (B) a description of variables that could affect the assessment;
 35 and

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

39 (2) Each climate assessment must include:

40 (A) the potential positive or negative effects, if any, of the bill,
 41 zoning text amendment, master plan, or master plan
 42 amendment upon climate change~~], including greenhouse~~
 43 gas emissions, sequestration, and carbon drawdown~~];~~
 44 ~~[[and]]~~

45 (B) quantitative or qualitative evaluations of the identified
 46 effects upon greenhouse gas emissions, sequestration, and
 47 carbon drawdown; and

48 ~~[(B)]~~ (C) quantitative or qualitative evaluations of the of the
 49 identified effects upon community resilience and adaptative
 50 capacity.

51 (3) Each climate assessment must identify amendments or other
 52 recommendations, if any, that would reduce or eliminate any

53 anticipated negative effects of the bill, zoning text amendment,
 54 master plan, or master plan amendment upon carbon dioxide
 55 removal, sequestration, drawdown, community climate resilience,
 56 and adaptive capacity.

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

60 [(f) Annual report.

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

64 (2) The annual report must include findings and recommendations of
 65 the Director regarding the climate impacts of enacted or pending
 66 bills, zoning texts amendments, master plans, and master plan
 67 amendments.]]

68 (f) Templates for climate assessments - required.

69 (1) Templates for the assessment of bills.

70 (A) The Director must develop and publish online a climate
 71 assessment template to guide the development of climate
 72 assessments for bills under this Section.

73 (B) At least once every 2 years, the Director must review the
 74 template and update the template as needed.

75 (2) Templates for the assessment of zoning text amendments and
 76 master plans.

77 (A) The Planning Board must develop and publish online a
 78 climate assessment template to guide the development of

79 climate assessments for zoning text amendments, master
 80 plans, and master plan amendments under this Section.

81 (B) At least once every 2 years, the Planning Board must review
 82 the template and update the template as needed.

83 **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

84 As part of the factors and conditions outlined in Section 21-104 of the Regional
 85 District Act and Section 1-201 of the Land Use Article of the Maryland Code in
 86 preparing the Plan, the Planning Board must:

87 (a) ~~[[assess the Plan’s potential impact on greenhouse gas emissions in the~~
 88 ~~County, including a carbon footprint analysis]]~~ conduct a climate
 89 assessment under Section 2-81D; and

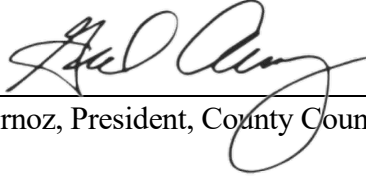
90 ~~[[~~(b) consider ways to reduce vehicle miles traveled in the County;

91 (c) consider options that would minimize greenhouse gas emissions; and]]

92 ~~[[~~(d)] (b) consider the impact of the plan on racial equity and social justice
 93 in the County, as defined in Section 2-64A.

94 **Section 2. Transition.** The Director of the Office of Legislative Oversight must
 95 begin providing climate assessments under Section 1 of this Act beginning January 1,
 96 2023. The Planning Board must begin providing climate assessments under Section 1
 97 of this Act beginning March 1, 2023.

Approved:



7/12/2022

Gabriel Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date