

HOUSE BILL 1310

M5, C8, M3

1lr0336

By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2021

Assigned to: Appropriations and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Clean Energy and Energy Efficiency – Investment in Low–Income Communities**

3 FOR the purpose of requiring the Commission on Environmental Justice and Sustainable
4 Communities to develop certain policies and recommendations to place certain
5 priorities in certain years for directing certain spending on clean energy and energy
6 efficiency programs, projects, or investments to benefit certain low–income
7 communities; providing for the application of certain priorities to certain programs,
8 projects, and investments; requiring the Commission on Environmental Justice and
9 Sustainable Communities to consult with the Department of the Environment, the
10 Public Service Commission, certain other units of State and local government, and
11 certain other communities and interests to achieve certain priorities; requiring the
12 Commission on Environmental Justice and Sustainable Communities to work with
13 certain units to coordinate and develop certain specific recommendations for
14 identification of, and providing assistance to, certain communities; requiring the
15 Commission on Environmental Justice and Sustainable Communities to review
16 certain guidelines and recommendations each year; requiring the Commission on
17 Environmental Justice and Sustainable Communities to submit a certain report each
18 year to the Governor and the General Assembly; requiring certain State and local
19 governmental units to invest or direct certain resources in a certain manner, in
20 consultation with certain agencies; defining certain terms; requiring certain federal
21 funding appropriated in certain manners to be prioritized in a certain manner, with
22 a certain exception; requiring the Department of Budget and Management to report
23 to certain committees of the General Assembly each year on certain federal funding
24 and the share of the funding directed to certain low–income communities; and
25 generally relating to investment in clean energy and energy efficiency in low–income
26 communities.

27 BY repealing and reenacting, with amendments,

28 Article – Environment

29 Section 1–701

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2013 Replacement Volume and 2020 Supplement)

BY adding to

Article – Environment

Section 1–703

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, The State of Maryland has been a leader in addressing issues of environmental justice from the cumulative effects of disparate impacts on historically burdened and disadvantaged communities, which are often low-income communities, and in developing sustainable communities, through the establishment of a Commission on Environmental Justice and Sustainable Communities and other legislation; and

WHEREAS, The State of Maryland has also been a leader in addressing issues of the environmental and economic impacts of climate change, through legislation requiring the State to participate in the Regional Greenhouse Gas Initiative, establishing a Commission on Climate Change, and the concomitant establishment of greenhouse gas emissions reductions for the State; and

WHEREAS, The effects of climate change loom large over our State as a whole, potentially impairing our ability to develop and maintain sustainable communities, but may also have a disproportionately large impact on historically burdened and disadvantaged communities, particularly low-income communities; and

WHEREAS, It would be beneficial to the State to follow the example of New York State, which is pioneering the Climate Leadership and Community Protection Act in response to increasing and cumulative climate impacts that have had a heightened impact on disadvantaged and low-income communities in that state, particularly from acid rain and increased tropical storm impacts; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

1–701.

(a) In this [section, “environmental] **SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(b) **“COMMISSION” MEANS THE COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES.**

1 (C) "ENVIRONMENTAL justice" means equal protection from environmental and
2 public health hazards for all people regardless of race, income, culture, and social status.

3 (D) "LOW-INCOME COMMUNITY" MEANS A POPULATION CENSUS TRACT
4 THAT:

5 (1) HAS A POVERTY RATE OF AT LEAST 20%; OR

6 (2) (I) FOR A TRACT NOT LOCATED WITHIN A METROPOLITAN
7 AREA, HAS A MEDIAN FAMILY INCOME THAT DOES NOT EXCEED 80% OF THE
8 STATEWIDE MEDIAN FAMILY INCOME; OR

9 (II) FOR A TRACT LOCATED WITHIN A METROPOLITAN AREA,
10 HAS A MEDIAN FAMILY INCOME THAT DOES NOT EXCEED 80% OF THE GREATER OF:

11 1. THE STATEWIDE MEDIAN FAMILY INCOME; OR

12 2. THE METROPOLITAN AREA MEDIAN FAMILY INCOME.

13 1-702.

14 [(b)] (A) There is a Commission on Environmental Justice and Sustainable
15 Communities.

16 [(c)] (B) (1) The Commission consists of the following 20 members:

17 (i) One member of the Senate of Maryland, appointed by the
18 President of the Senate;

19 (ii) One member of the House of Delegates, appointed by the Speaker
20 of the House;

21 (iii) The Secretary, or the Secretary's designee;

22 (iv) The Secretary of Health, or the Secretary's designee;

23 (v) The Secretary of Planning, or the Secretary's designee;

24 (vi) The Secretary of Commerce, or the Secretary's designee;

25 (vii) The Secretary of Housing and Community Development, or the
26 Secretary's designee;

27 (viii) The Secretary of Transportation, or the Secretary's designee; and

1 (ix) Twelve members appointed by the Governor who represent the
2 following interests:

- 3 1. Affected communities concerned with environmental
4 justice;
- 5 2. Business organizations;
- 6 3. Environmental organizations;
- 7 4. Health experts on environmental justice;
- 8 5. Local government; and
- 9 6. The general public with interest or expertise in
10 environmental justice.

11 (2) Of the twelve members appointed by the Governor under paragraph
12 (1)(ix) of this subsection, at least two members shall represent affected communities
13 concerned with environmental justice.

14 **[(d)] (C)** (1) The term of a member appointed by the Governor is 3 years.

15 (2) At the end of a term, a member continues to serve until a successor is
16 appointed and qualifies.

17 (3) A member who is appointed after a term has begun serves only for the
18 rest of the term and until a successor is appointed and qualifies.

19 (4) A member may not be appointed to more than two consecutive terms.

20 **[(e)] (D)** The Governor shall designate the chairman of the Commission.

21 **[(f)] (E)** The Department shall provide staff for the Commission.

22 **[(g)] (F)** (1) The Commission shall meet at the times and places that the
23 chairman determines.

24 (2) A majority of members of the Commission shall constitute a quorum for
25 the transaction of business.

26 (3) A member of the Commission:

27 (i) May not receive compensation as a member of the Commission;
28 but

29 (ii) Is entitled to reimbursement for expenses under the Standard

1 State Travel Regulations, as provided in the State budget.

2 **[(h)] (G)** The Commission shall:

3 (1) Advise State government agencies on environmental justice and related
4 community issues;

5 (2) Review and analyze the impact of current State laws and policies on the
6 issue of environmental justice and sustainable communities;

7 (3) Assess the adequacy of State and local government laws to address the
8 issue of environmental justice and sustainable communities;

9 (4) Coordinate with the Children’s Environmental Health and Protection
10 Advisory Council on recommendations related to environmental justice and sustainable
11 communities;

12 (5) Develop criteria to assess whether communities in the State may be
13 experiencing environmental justice issues; and

14 (6) Recommend options to the Governor for addressing issues, concerns, or
15 problems related to environmental justice that surface after reviewing State laws and
16 policies, including prioritizing areas of the State that need immediate attention.

17 **[(i)] (H)** On or before October 1 of each year, the Commission shall report its
18 findings and recommendations to the Governor and, subject to § 2–1257 of the State
19 Government Article, the General Assembly.

20 **1–703.**

21 **(A) NOT LATER THAN DECEMBER 1, 2021, THE COMMISSION SHALL**
22 **DEVELOP POLICIES AND RECOMMENDATIONS TO PLACE THE HIGHEST PRIORITY ON**
23 **OVERALL SPENDING ON CLEAN ENERGY AND ENERGY EFFICIENCY PROGRAMS,**
24 **PROJECTS, AND INVESTMENTS IN THE STATE TO BENEFIT LOW-INCOME**
25 **COMMUNITIES.**

26 **(B) (1) THE PRIORITY UNDER SUBSECTION (A) OF THIS SECTION APPLIES**
27 **IN EACH FISCAL YEAR TO SPENDING ON CLEAN ENERGY AND ENERGY EFFICIENCY**
28 **PROGRAMS, PROJECTS, AND INVESTMENTS IN THE AREAS OF HOUSING, WORKFORCE**
29 **DEVELOPMENT, POLLUTION REDUCTION, LOW-INCOME ENERGY ASSISTANCE,**
30 **ENERGY, TRANSPORTATION, AND ECONOMIC DEVELOPMENT, STARTING WITH**
31 **FISCAL YEAR 2023.**

32 **(2) THE SPENDING ON PROGRAMS, PROJECTS, AND INVESTMENTS**
33 **INCLUDES CLEAN ENERGY INDUSTRY AND ENERGY EFFICIENCY PROGRAMS THAT**

1 ARE WHOLLY OR PARTLY FUNDED UNDER:

2 (I) § 5-1501 OF THE ECONOMIC DEVELOPMENT ARTICLE;

3 (II) § 11-708.1 OF THE LABOR AND EMPLOYMENT ARTICLE;

4 AND

5 (III) TITLE 9, SUBTITLES 20A, 20B, AND 20C OF THE STATE
6 GOVERNMENT ARTICLE.

7 (C) (1) TO ACHIEVE THESE PRIORITIES, THE COMMISSION SHALL
8 CONSULT WITH THE DEPARTMENT, THE PUBLIC SERVICE COMMISSION, THE
9 MARYLAND ENERGY ADMINISTRATION, OTHER RELEVANT UNITS OF STATE AND
10 LOCAL GOVERNMENT, AND REPRESENTATIVES OF LOW-INCOME COMMUNITIES,
11 CLEAN ENERGY INDUSTRIES AND RELATED ENERGY INTERESTS, ENVIRONMENTAL
12 ADVOCATES, AND THE GENERAL PUBLIC.

13 (2) THE CONSULTATION UNDER THIS SUBSECTION SHALL INCLUDE
14 THE CONDUCTING OF PUBLIC INFORMATION-GATHERING SESSIONS IN DIFFERENT
15 AREAS OF THE STATE TO SOLICIT INPUT FROM LOW-INCOME COMMUNITIES AND
16 THE PUBLIC.

17 (3) AFTER THE PUBLIC CONSULTATION UNDER PARAGRAPHS (1) AND
18 (2) OF THIS SUBSECTION, THE COMMISSION SHALL WORK WITH THE DEPARTMENT,
19 THE PUBLIC SERVICE COMMISSION, AND THE MARYLAND ENERGY
20 ADMINISTRATION TO COORDINATE AND DEVELOP SPECIFIC RECOMMENDATIONS
21 CONCERNING IDENTIFICATION OF, AND PROVIDING ASSISTANCE TO, LOW-INCOME
22 COMMUNITIES UNDER THIS SECTION, INCLUDING RECOMMENDED LEGISLATIVE
23 AND REGULATORY CHANGES TO ACHIEVE THE PRIORITIES UNDER THIS SECTION.

24 (4) THE COMMISSION:

25 (I) SHALL REVIEW ITS GUIDELINES AND RECOMMENDATIONS
26 EACH YEAR, INCLUDING THE CRITERIA AND METHODS USED TO IDENTIFY
27 LOW-INCOME COMMUNITIES; AND

28 (II) MAY RECOMMEND MODIFICATIONS BASED ON NEW DATA
29 AND OTHER INFORMATION.

30 (5) ON OR BEFORE OCTOBER 1 EACH YEAR, BEGINNING IN 2022, THE
31 COMMISSION SHALL SUBMIT A REPORT OF ITS ACTIVITIES AND RECOMMENDATIONS
32 TO THE GOVERNOR AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT
33 ARTICLE, THE GENERAL ASSEMBLY.

1 (D) STATE AND LOCAL GOVERNMENTAL UNITS, IN CONSULTATION WITH
2 THE COMMISSION, THE DEPARTMENT, THE PUBLIC SERVICE COMMISSION, AND
3 THE MARYLAND ENERGY ADMINISTRATION SHALL, TO THE EXTENT PRACTICABLE,
4 INVEST OR DIRECT AVAILABLE AND RELEVANT PROGRAMMATIC RESOURCES IN A
5 MANNER DESIGNED TO ACHIEVE THE PRIORITIES FOR LOW-INCOME COMMUNITIES
6 UNDER THIS SECTION.

7 (E) (1) (I) FEDERAL FUNDS APPROPRIATED EITHER IN THE BUDGET
8 BILL OR BY BUDGET AMENDMENT TO AGENCIES AND PROGRAMS RECEIVING FUNDS
9 FOR THE PURPOSE OF CLEAN ENERGY AND ENERGY EFFICIENCY PROGRAMS AND
10 PROJECTS, ENERGY, HOUSING, WORKFORCE DEVELOPMENT, POLLUTION
11 REDUCTION, LOW-INCOME ENERGY ASSISTANCE, TRANSPORTATION, AND
12 ECONOMIC DEVELOPMENT SHALL BE PRIORITIZED IN A MANNER THAT PROVIDES
13 FUNDING TO LOW-INCOME COMMUNITIES UNDER THIS SECTION.

14 (II) FUNDS SUBJECT TO THIS SUBSECTION INCLUDE THOSE
15 FUNDS APPROPRIATED TO:

16 1. THE MARYLAND ENERGY ADMINISTRATION
17 (PROGRAMS D13A13.06, D13A13.07, AND D13A13.08);

18 2. THE DEPARTMENT (PROGRAM U00A07.01);

19 3. THE DEPARTMENT OF LABOR (PROGRAM
20 P00G01.07);

21 4. THE DEPARTMENT OF HUMAN SERVICES (PROGRAM
22 N00I00.06);

23 5. THE DEPARTMENT OF HOUSING AND COMMUNITY
24 DEVELOPMENT (PROGRAMS S00A14.01, S00A24.02, S00A25.02, S00A25.03,
25 S00A25.04, S00A25.07, S00A25.09, AND S00A25.15);

26 6. THE DEPARTMENT OF TRANSPORTATION (J00);

27 7. THE DEPARTMENT OF COMMERCE (PROGRAMS
28 T00F00.03, T00F00.09, T00F00.11, AND T00F00.15); AND

29 8. ANY OTHER AGENCIES AND PROGRAMS RECEIVING
30 FUNDS FOR PURPOSES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

1 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A**
2 **PROGRAM OR ACTIVITY TO THE EXTENT THAT THE REQUIREMENT CONFLICTS WITH**
3 **FEDERAL LAW OR REGULATIONS FOR THAT PROGRAM OR ACTIVITY.**

4 **(3) ON OR BEFORE DECEMBER 31, 2021, AND EACH YEAR**
5 **THEREAFTER, THE DEPARTMENT OF BUDGET AND MANAGEMENT, IN**
6 **COORDINATION WITH THE APPROPRIATE STATE AGENCIES, SHALL SUBMIT AN**
7 **ANNUAL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE**
8 **HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE**
9 **STATE GOVERNMENT ARTICLE, PROVIDING INFORMATION ON:**

10 **(I) THE AMOUNT OF FEDERAL FUNDS APPROPRIATED FOR THE**
11 **PURPOSES OF CLEAN ENERGY AND ENERGY EFFICIENCY PROGRAMS AND PROJECTS,**
12 **ENERGY, HOUSING, WORKFORCE DEVELOPMENT, POLLUTION REDUCTION,**
13 **LOW-INCOME ENERGY ASSISTANCE, TRANSPORTATION, AND ECONOMIC**
14 **DEVELOPMENT; AND**

15 **(II) THE SHARE OF FUNDS DIRECTED TO LOW-INCOME**
16 **COMMUNITIES UNDER THIS SECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
18 1, 2021.