

HOUSE BILL 1206

M5, M3

0lr0730

By: **Delegate Rosenberg**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Clean Energy and Energy Efficiency – Investment in Disadvantaged**
3 **Communities**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 Commission on Environmental Justice and Sustainable Communities to designate
6 certain communities as disadvantaged communities in accordance with certain
7 criteria; requiring the Department to publish certain draft criteria and lists before
8 finalizing certain criteria; requiring the Commission on Environmental Justice and
9 Sustainable Communities to develop certain policies and recommendations to place
10 certain priorities in certain years for directing certain spending on clean energy and
11 energy efficiency programs, projects, or investments to benefit disadvantaged
12 communities; providing for the application of certain priorities to certain programs,
13 projects, and investments; requiring the Commission on Environmental Justice and
14 Sustainable Communities to consult with the Department, the Public Service
15 Commission, and certain other units of State and local government, and certain other
16 communities and interests to achieve certain priorities; requiring the Commission
17 on Environmental Justice and Sustainable Communities to work with certain units
18 to coordinate and develop certain specific recommendations for identification of and
19 providing assistance to certain disadvantaged communities; requiring the
20 Commission on Environmental Justice and Sustainable Communities to review
21 certain guidelines and recommendations each year; requiring the Commission on
22 Environmental Justice and Sustainable Communities to submit a certain report each
23 year to the Governor and the General Assembly; requiring certain State and local
24 governmental units to invest or direct certain resources in a certain manner, in
25 consultation with certain agencies; requiring the Commission on Climate Change to
26 consult with the Commission on Environmental Justice and Sustainable
27 Communities, the Department, and other State units for certain purposes; defining
28 certain terms; and generally relating to investment in clean energy and energy
29 efficiency in disadvantaged communities.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Environment
2 Section 1–701 and 2–1303
3 Annotated Code of Maryland
4 (2013 Replacement Volume and 2019 Supplement)

5 BY adding to
6 Article – Environment
7 Section 1–703
8 Annotated Code of Maryland
9 (2013 Replacement Volume and 2019 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – Environment
12 Section 2–1301
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 Preamble

16 WHEREAS, The State of Maryland has been a leader in addressing issues of
17 environmental justice from the cumulative effects of disparate impacts on historically
18 burdened and disadvantaged communities and in developing sustainable communities,
19 through the establishment of a Commission on Environmental Justice and Sustainable
20 Communities and other legislation; and

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

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

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

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

37 **Article – Environment**

1 1-701.

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

4 (B) “COMMISSION” MEANS THE COMMISSION ON ENVIRONMENTAL
5 JUSTICE AND SUSTAINABLE COMMUNITIES.

6 (C) “DISADVANTAGED COMMUNITY” MEANS A COMMUNITY DESIGNATED BY
7 THE DEPARTMENT AS A DISADVANTAGED COMMUNITY UNDER § 1-703 OF THIS
8 SUBTITLE.

9 (D) “ENVIRONMENTAL justice” means equal protection from environmental and
10 public health hazards for all people regardless of race, income, culture, and social status.

11 1-702.

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

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

15 (i) One member of the Senate of Maryland, appointed by the
16 President of the Senate;

17 (ii) One member of the House of Delegates, appointed by the Speaker
18 of the House;

19 (iii) The Secretary, or the Secretary’s designee;

20 (iv) The Secretary of Health, or the Secretary’s designee;

21 (v) The Secretary of Planning, or the Secretary’s designee;

22 (vi) The Secretary of Commerce, or the Secretary’s designee;

23 (vii) The Secretary of Housing and Community Development, or the
24 Secretary’s designee;

25 (viii) The Secretary of Transportation, or the Secretary’s designee; and

26 (ix) Twelve members appointed by the Governor who represent the
27 following interests:

28 1. Affected communities concerned with environmental
29 justice;

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

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

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

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

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

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

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

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

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

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

22 (3) A member of the Commission:

23 (i) May not receive compensation as a member of the Commission;
24 but

25 (ii) Is entitled to reimbursement for expenses under the Standard
26 State Travel Regulations, as provided in the State budget.

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

28 (1) Advise State government agencies on environmental justice and related

1 community issues;

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

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

6 (4) Coordinate with the Children's Environmental Health and Protection
7 Advisory Council on recommendations related to environmental justice and sustainable
8 communities;

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

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

14 [(i)] (H) On or before October 1 of each year, the Commission shall report its
15 findings and recommendations to the Governor and, subject to § 2-1257 of the State
16 Government Article, the General Assembly.

17 **1-703.**

18 (A) **THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL**
19 **DESIGNATE COMMUNITIES AS DISADVANTAGED COMMUNITIES IN ACCORDANCE**
20 **WITH THIS SECTION.**

21 (B) (1) **DISADVANTAGED COMMUNITIES SHALL BE IDENTIFIED BASED ON**
22 **GEOGRAPHIC, PUBLIC HEALTH, ENVIRONMENTAL HAZARD, AND SOCIOECONOMIC**
23 **CRITERIA, INCLUDING:**

24 (I) **AREAS BURDENED BY CUMULATIVE ENVIRONMENTAL**
25 **POLLUTION AND OTHER HAZARDS THAT CAN LEAD TO NEGATIVE PUBLIC HEALTH**
26 **EFFECTS;**

27 (II) **AREAS WITH CONCENTRATIONS OF PEOPLE WHO ARE OF**
28 **LOW INCOME, HIGH UNEMPLOYMENT, HIGH RENT BURDEN, LOW LEVELS OF HOME**
29 **OWNERSHIP, LOW LEVELS OF EDUCATIONAL ATTAINMENT, OR MEMBERS OF GROUPS**
30 **WHO HAVE HISTORICALLY EXPERIENCED DISCRIMINATION ON THE BASIS OF RACE**
31 **OR ETHNICITY; AND**

32 (III) **AREAS VULNERABLE TO THE IMPACTS OF CLIMATE CHANGE**
33 **SUCH AS FLOODING, STORM SURGES, AND URBAN HEAT ISLAND EFFECTS.**

1 **(2) BEFORE FINALIZING THE CRITERIA FOR IDENTIFYING**
2 **DISADVANTAGED COMMUNITIES AND BEFORE IDENTIFYING AND DESIGNATING**
3 **DISADVANTAGED COMMUNITIES UNDER THIS SUBTITLE, THE DEPARTMENT SHALL**
4 **PUBLISH DRAFT CRITERIA AND A DRAFT LIST OF DISADVANTAGED COMMUNITIES**
5 **AND MAKE THAT INFORMATION AVAILABLE ON THE DEPARTMENT’S WEBSITE.**

6 **(C) (1) THE COMMISSION SHALL DEVELOP POLICIES AND**
7 **RECOMMENDATIONS TO PLACE THE HIGHEST PRIORITY ON OVERALL SPENDING ON**
8 **CLEAN ENERGY AND ENERGY EFFICIENCY PROGRAMS, PROJECTS, AND**
9 **INVESTMENTS IN THE STATE TO BENEFIT DISADVANTAGED COMMUNITIES NOT**
10 **LATER THAN 2026.**

11 **(2) (I) THE PRIORITY UNDER PARAGRAPH (1) OF THIS**
12 **SUBSECTION APPLIES TO SPENDING ON CLEAN ENERGY AND ENERGY EFFICIENCY**
13 **PROGRAMS, PROJECTS, AND INVESTMENTS IN THE AREAS OF HOUSING, WORKFORCE**
14 **DEVELOPMENT, POLLUTION REDUCTION, LOW-INCOME ENERGY ASSISTANCE,**
15 **ENERGY, TRANSPORTATION, AND ECONOMIC DEVELOPMENT.**

16 **(II) THE SPENDING ON PROGRAMS, PROJECTS, AND**
17 **INVESTMENTS INCLUDES CLEAN ENERGY INDUSTRY AND ENERGY EFFICIENCY**
18 **PROGRAMS THAT ARE WHOLLY OR PARTLY FUNDED UNDER:**

19 1. **§ 5-1501 OF THE ECONOMIC DEVELOPMENT**
20 **ARTICLE;**

21 2. **§ 11-708.1 OF THE LABOR AND EMPLOYMENT**
22 **ARTICLE; AND**

23 3. **TITLE 9, SUBTITLES 20A, 20B, AND 20C OF THE**
24 **STATE GOVERNMENT ARTICLE.**

25 **(3) AS AN INTERIM AIM, THE STATE SHOULD PLACE A HIGH PRIORITY**
26 **ON DIRECTING SPENDING ON CLEAN ENERGY AND ENERGY EFFICIENCY PROGRAMS,**
27 **PROJECTS, AND INVESTMENTS TO BENEFIT DISADVANTAGED COMMUNITIES IN**
28 **EACH OF THE YEARS 2022 THROUGH 2025.**

29 **(4) (I) TO ACHIEVE THESE PRIORITIES, THE COMMISSION SHALL**
30 **CONSULT WITH THE DEPARTMENT, THE PUBLIC SERVICE COMMISSION, THE**
31 **MARYLAND ENERGY ADMINISTRATION, OTHER RELEVANT UNITS OF STATE AND**
32 **LOCAL GOVERNMENT, AND REPRESENTATIVES OF DISADVANTAGED COMMUNITIES,**
33 **CLEAN ENERGY INDUSTRIES AND RELATED ENERGY INTERESTS, ENVIRONMENTAL**
34 **ADVOCATES, AND THE GENERAL PUBLIC.**

1 **(II) THE CONSULTATION UNDER THIS PARAGRAPH SHALL**
2 **INCLUDE THE CONDUCTING OF PUBLIC INFORMATION GATHERING SESSIONS IN**
3 **DIFFERENT AREAS OF THE STATE TO SOLICIT INPUT FROM DISADVANTAGED**
4 **COMMUNITIES AND THE PUBLIC.**

5 **(III) AFTER THE PUBLIC CONSULTATION UNDER THIS**
6 **PARAGRAPH, THE COMMISSION SHALL WORK WITH THE DEPARTMENT, THE**
7 **COMMISSION ON CLIMATE CHANGE, THE PUBLIC SERVICE COMMISSION, AND THE**
8 **MARYLAND ENERGY ADMINISTRATION TO COORDINATE AND DEVELOP SPECIFIC**
9 **RECOMMENDATIONS CONCERNING IDENTIFICATION OF, AND PROVIDING**
10 **ASSISTANCE TO, DISADVANTAGED COMMUNITIES UNDER THIS SECTION, INCLUDING**
11 **RECOMMENDED LEGISLATIVE AND REGULATORY CHANGES TO ACHIEVE THE**
12 **PRIORITIES UNDER THIS SECTION.**

13 **(IV) THE COMMISSION:**

14 **1. SHALL REVIEW ITS GUIDELINES AND**
15 **RECOMMENDATIONS EACH YEAR, INCLUDING THE CRITERIA AND METHODS USED BY**
16 **THE DEPARTMENT TO IDENTIFY DISADVANTAGED COMMUNITIES; AND**

17 **2. MAY RECOMMEND MODIFICATIONS BASED ON NEW**
18 **DATA AND OTHER INFORMATION.**

19 **(V) ON OR BEFORE OCTOBER 1, 2022, AND EACH YEAR**
20 **THEREAFTER, THE COMMISSION SHALL SUBMIT A REPORT OF ITS ACTIVITIES AND**
21 **RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1257 OF THE STATE**
22 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

23 **(5) STATE AND LOCAL GOVERNMENTAL UNITS, IN CONSULTATION**
24 **WITH THE COMMISSION, THE DEPARTMENT, THE COMMISSION ON CLIMATE**
25 **CHANGE, THE PUBLIC SERVICE COMMISSION, AND THE MARYLAND ENERGY**
26 **ADMINISTRATION SHALL, TO THE EXTENT PRACTICABLE, INVEST OR DIRECT**
27 **AVAILABLE AND RELEVANT PROGRAMMATIC RESOURCES IN A MANNER DESIGNED**
28 **TO ACHIEVE THE PRIORITIES FOR DISADVANTAGED COMMUNITIES UNDER THIS**
29 **SECTION.**

30 2-1301.

31 (a) There is a Commission on Climate Change in the Department to advise the
32 Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt
33 to the consequences of climate change.

34 (b) The Department and the Department of Natural Resources shall jointly staff

1 the Commission.

2 2–1303.

3 (a) The Commission shall establish:

4 (1) A Scientific and Technical Working Group;

5 (2) A Greenhouse Gas Mitigation Working Group;

6 (3) An Adaptation and Response Working Group; and

7 (4) An Education, Communication, and Outreach Working Group.

8 (b) The Commission may establish other working groups as needed.

9 (c) The Chair of the Commission shall appoint working group members who
10 represent both public and private interests in climate change, including representatives of:

11 (1) Academic institutions;

12 (2) Renewable and traditional energy providers;

13 (3) Environmental organizations;

14 (4) Government agencies;

15 (5) Labor organizations; and

16 (6) Business interests, including the insurance and real estate industries.

17 (d) The Commission shall prioritize working group actions, including:

18 (1) Strengthening and maintaining existing State climate action plans;

19 (2) Developing broad public and private partnerships with local, State, and
20 federal agencies;

21 (3) Communicating with and educating citizens about the urgency of acting
22 to reduce the impacts of climate change;

23 (4) Maintaining an inventory of Maryland's greenhouse gas emissions
24 sources and carbon sinks;

25 (5) Addressing any disproportionate impacts of climate change on
26 low-income and vulnerable communities;

1 (6) Assessing the impacts that climate change may have on the State's
2 economy, revenues, and investment decisions;

3 (7) Assessing the needs for utilities and other public and private service
4 providers throughout the State to adjust their operating practices and investment
5 strategies to mitigate the impacts of climate change on their customers and the public;

6 (8) Assessing the impacts that climate change may have on agriculture in
7 the State;

8 (9) Recommending short- and long-term strategies and initiatives to
9 better mitigate, prepare for, and adapt to the consequences of climate change;

10 (10) Assisting local governments in supporting community-scale climate
11 vulnerability assessments and the development and integration of specific strategies into
12 local plans and ordinances;

13 (11) Establishing comprehensive and accountable annual working group
14 work plans that set annual goals and performance benchmarks and prioritize new and
15 existing climate change mitigation and preparedness actions and initiatives;

16 (12) Maintaining a comprehensive action plan, with 5-year benchmarks, to
17 achieve science-based reductions in Maryland's greenhouse gas emissions;

18 (13) Convening regular working group and full Commission meetings to
19 ensure that sufficient progress is being made across all sectors and communities in
20 Maryland; [and]

21 (14) **CONSULTING WITH THE COMMISSION ON ENVIRONMENTAL**
22 **JUSTICE AND SUSTAINABLE COMMUNITIES, THE DEPARTMENT, AND OTHER STATE**
23 **UNITS TO COORDINATE AND DEVELOP RECOMMENDATIONS CONCERNING**
24 **IDENTIFICATION OF, AND PROVIDING ASSISTANCE TO, DISADVANTAGED**
25 **COMMUNITIES DESIGNATED UNDER § 1-703 OF THIS ARTICLE; AND**

26 (15) Considering other related matters as the Commission determines to be
27 necessary.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2020.