

A-Engrossed
House Bill 2488

Ordered by the House April 15
Including House Amendments dated April 15

Sponsored by Representatives POWER, HELM, Senators GOLDEN, DEMBROW; Representatives ALONSO LEON, DEXTER, HOLVEY, HUDSON, MEEK, NERON, NOSSE, PHAM, SALINAS, SCHOUTEN, WILDE, Senators FREDERICK, PROZANSKI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires Land Conservation and Development Commission to make changes to statewide land use planning goals by December 31, 2026, to address climate justice by addressing climate change adaptation and mitigation and environmental justice for disadvantaged communities.]

[Requires Department of Land Conservation and Development to establish environmental justice advisory committee.]

[Requires commission to adopt interim climate justice standards for local government's use until meeting compliance with goal changes. Establishes deadlines for compliance with interim standards and changed goals.]

[Establishes Climate Justice Planning Goals Fund. Appropriates moneys to fund. Continuously appropriates moneys in fund to commission for specified purposes.]

[Sunsets interim standards on January 2, 2030. Sunsets goal amendment process after commission certifies adoption of goal.]

Requires that statewide land use planning goal relating to citizen involvement address participation and engagement for disadvantaged groups.

Requires Land Conservation and Development Commission to amend goal by June 30, 2023, consistent with requirement. Establishes timelines for local governments to implement amended goal.

Appropriates moneys from General Fund to commission for goal amendment and implementation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to addressing climate justice through land use planning; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 4 of this 2021 Act are added to and made a part of ORS chapter 197.

SECTION 2. Citizen involvement planning goal. (1) As used in this section:

(a) "Climate justice" means the involvement and participation in land use planning and decision-making by disadvantaged groups to consider and address impacts that are caused or exacerbated by the current or future effects of climate change.

(b) "Disadvantaged group" means a group that may experience past or current discrimination, patterns of exclusion or an unfair distribution of resources, access and opportunity, including people of color, individuals with low income or very low income as defined in ORS 458.610 and persons with disabilities.

(c) "Environmental justice" means equal protections, the fair treatment and meaningful involvement and participation of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of land use laws,

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 regulations, policies and decisions that affect the environment in which people live, work,
2 learn and practice spirituality and culture.

3 (d) "Equity" means the effort to provide different levels of support, including the fair
4 distribution of resources, power and opportunity, to achieve fairness in outcomes for a dis-
5 advantaged group.

6 (e) "People of color" means individuals or groups who identify as:

7 (A) Black or African American;

8 (B) Hispanic or Latino;

9 (C) Asian or Asian American;

10 (D) Native Hawaiian or Pacific Islander;

11 (E) American Indian or Alaska Native having origins in one of the original peoples of
12 North America;

13 (F) Arabic or North African;

14 (G) Middle Eastern;

15 (H) Mixed race or mixed ethnicity; or

16 (I) Another identity, ethnicity, or race as identified by the Land Conservation and De-
17 velopment Commission, considering existing and historical disparities and exclusions.

18 (2) The Land Conservation and Development Commission shall include within the goals
19 and guidelines described in ORS 197.225 a statewide land use planning goal that directs gov-
20 ernments to take actions consistent with the following:

21 (a) Ensuring that the opportunity to participate in land use planning and decision-making
22 is accessible to disadvantaged groups;

23 (b) Incorporating practices to engage the community, including disadvantaged groups, on
24 climate justice, environmental justice and equity in land use planning and decision-making;
25 and

26 (c) Utilizing current technologies and mediums to:

27 (A) Improve and expand communication between the local government and general pub-
28 lic, including disadvantaged groups; and

29 (B) Enhance the access to and accessibility of information used in land use planning and
30 decision-making to the general public including disadvantaged groups.

31 **SECTION 3. Process for amending goal.** The Land Conservation and Development Com-
32 mission shall amend the statewide land use planning goal relating to citizen involvement
33 consistent with section 2 of this 2021 Act and the following:

34 (1) The commission shall adopt the amendment under ORS 183.325 to 183.410,
35 notwithstanding ORS 197.230, 197.235, 197.240 or 197.245.

36 (2) The Department of Land Conservation and Development shall appoint an advisory
37 committee under ORS 183.333 consisting of a broad, diverse group of stakeholders, including
38 representatives of tribal communities and disadvantaged groups, as defined in section 2 of
39 this 2021 Act.

40 (3) The department shall hold at least one public hearing in each of the congressional
41 districts in this state.

42 (4) At least 60 days prior to adopting the amended goal, the commission shall present
43 draft goal language to an appropriate committee or interim committee of the Legislative
44 Assembly.

45 (5) The commission must hold at least one public hearing regarding the draft goal lan-

1 guage before, and separate from, the meeting at which the commission adopts the amended
2 goal.

3 (6) The commission shall adopt the final amended goal on or before June 30, 2023.
4 Notwithstanding ORS 197.245, the goal is effective 30 days after adoption.

5 (7) The commission shall rename the statewide land use planning goal relating to citizen
6 involvement to reflect, to the greatest extent possible, the broadest and most inclusive public
7 engagement and participation in land use planning and decision-making process by all mem-
8 bers of the community, including disadvantaged groups.

9 (8) The commission or department may request the assistance of any state agency, public
10 or private organization, including federal agencies, other states and universities, in the
11 amendment and adoption of the goal.

12 **SECTION 4. Implementation.** (1) Notwithstanding ORS 197.250, a local government is not
13 required to request acknowledgment of compliance under ORS 197.251 (1) for the local
14 government's comprehensive plan or regional framework plan with the amendment to the
15 statewide land use planning goal adopted under section 3 of this 2021 Act:

16 (a) Until June 30, 2024, for cities with a population of 10,000 or more, for counties with
17 a population of 30,000 or more, and for Metro.

18 (b) Until June 30, 2025, for cities with a population of 4,000 or more and less than 10,000
19 and for counties with a population of 20,000 or more and less than 30,000.

20 (c) Until June 30, 2026, for cities with a population of less than 4,000 or for counties with
21 a population of less than 20,000.

22 (2) Upon the request of any local government, the Land Conservation and Development
23 Commission shall grant an extension to the compliance schedule in subsection (1) of this
24 section:

25 (a) A single 12-month extension for any local government; and

26 (b) An ongoing extension if the local government has been unable to receive funding to
27 adopt and implement the amended goal.

28 (3) On a schedule published by the commission consistent with this section, each local
29 government shall report to the Department of Land Conservation and Development on the
30 local government's compliance with the amended goal adopted under section 3 of this 2021
31 Act.

32 **SECTION 5. Sunset.** (1) Sections 3 and 4 of this 2021 Act are repealed on January 2, 2028.

33 (2) The repeal of sections 3 and 4 of this 2021 Act by this section does not affect an
34 amendment to a statewide land use planning goal adopted under section 3 of this 2021 Act.

35 **SECTION 6. Appropriation.** In addition to and not in lieu of any other appropriation,
36 there is appropriated to the Land Conservation and Development Commission, for the
37 biennium beginning July 1, 2021, out of the General Fund, the amount of \$800,000 to adopt
38 an amendment to the statewide land use planning goal and to facilitate the adoption of the
39 goal by local governments consistent with sections 2 to 4 of this 2021 Act.

40 **SECTION 7. Section captions.** The section captions used in this 2021 Act are provided
41 only for the convenience of the reader and do not become part of the statutory law of this
42 state or express any legislative intent in the enactment of this 2021 Act.

43 **SECTION 8. Emergency clause.** This 2021 Act being necessary for the immediate preser-
44 vation of the public peace, health and safety, an emergency is declared to exist, and this 2021
45 Act takes effect on its passage.

