

Requested by Representative POWER

**PROPOSED AMENDMENTS TO
HOUSE BILL 2488**

1 On page 1 of the printed bill, delete lines 4 through 24 and delete pages
2 2 through 5 and insert:

3 **“SECTION 1. Sections 2 to 7 of this 2021 Act are added to and made**
4 **a part of ORS chapter 197.**

5 **“SECTION 2. Climate justice goal. (1) As used in this section:**

6 **“(a) ‘Climate justice goal’ means a statewide land use planning goal**
7 **that includes aspects to address climate change measures, equity, en-**
8 **vironmental justice and disparate impacts within land use planning**
9 **and decision-making.**

10 **“(b) ‘Disadvantaged group’ means a group that may experience past**
11 **or current discrimination, patterns of exclusion or an unfair distrib-**
12 **ution of resources, access and opportunity, including people of color,**
13 **individuals with low income or very low income as defined in ORS**
14 **458.610 and persons with disabilities.**

15 **“(c) ‘Disparate impact’ means an adverse and disproportionate ef-**
16 **fect for a disadvantaged group resulting from a lack of access to**
17 **housing or public infrastructure or greater exposure to health risks,**
18 **pollution or natural hazards that results from, or potentially results**
19 **from, a local or regional land use action, decision, policy or regulation.**

20 **“(d) ‘Environmental justice’ means equal protections, the fair**
21 **treatment and meaningful involvement and participation of all people**

1 regardless of race, color, national origin or income with respect to the
2 development, implementation and enforcement of land use laws, reg-
3 ulations, policies and decisions that affect the environment in which
4 people live, work, learn and practice spirituality and culture.

5 “(e) ‘Equity’ means the effort to provide different levels of support,
6 including the fair distribution of resources, power and opportunity, to
7 achieve fairness in outcomes for a disadvantaged group.

8 “(f) ‘People of color’ means individuals or groups who identify as:

9 “(A) Black or African American;

10 “(B) Hispanic or Latino;

11 “(C) Asian or Asian American;

12 “(D) Native Hawaiian or Pacific Islander;

13 “(E) American Indian or Alaska Native having origins in one of the
14 original peoples of North America;

15 “(F) Arabic or North African;

16 “(G) Middle Eastern;

17 “(H) Mixed race or mixed ethnicity; or

18 “(I) Another identity, ethnicity, or race as identified by the Land
19 Conservation and Development Commission, considering existing and
20 historical disparities and exclusions.

21 “(2) The Land Conservation and Development Commission shall in-
22 clude within the goals and guidelines described in ORS 197.225, a
23 statewide land use planning goal directing local governments to take
24 actions consistent with the following:

25 “(a) With respect to climate change:

26 “(A) Revise the objectives and policies of the comprehensive plan
27 or framework plan relating to public facilities and services, natural
28 hazards, natural resources, economic development, housing and
29 transportation to:

30 “(i) Reduce the per capita rate of greenhouse gas emissions con-

1 **sistent with state greenhouse gas emissions goals;**

2 **“(ii) Mitigate the effect of current and projected impacts of climate**
3 **change; and**

4 **“(iii) Protect and enact natural resources and green spaces that**
5 **accumulate and store greenhouse gases, including the oceans,**
6 **wetlands, forests and soil within the local government’s jurisdiction.**

7 **“(B) When amending an urban growth boundary, a city or metro-**
8 **politan service district shall:**

9 **“(i) Identify and evaluate how projected growth and development**
10 **could contribute to greenhouse gas emissions;**

11 **“(ii) Incorporate policies to reduce greenhouse gas emissions and**
12 **to mitigate the current and projected impacts of climate change; and**

13 **“(iii) Avoid resource areas with potential for greenhouse gas**
14 **sequestration and storage to the extent practicable, and, where no**
15 **practicable alternative exists, evaluate how to offset the loss of**
16 **sequestration capacity from expansion into resource areas with the**
17 **highest potential for greenhouse gas sequestration and storage.**

18 **“(b) With respect to environmental justice and equity:**

19 **“(A) Ensure that the opportunity to participate in land use planning**
20 **and decision-making is available to disadvantaged groups;**

21 **“(B) Identify relevant disparate impacts in land use planning and**
22 **decision-making through an equity mapping tool or comparable**
23 **methodology that uses geographic information system mapping and**
24 **other relevant tools to incorporate census data, public health data,**
25 **community-based input and other relevant information to highlight**
26 **disparate impacts;**

27 **“(C) Adopt and incorporate practices to address inclusion, environ-**
28 **mental justice and equity in land use planning and decision-making;**

29 **“(D) Provide fair notice to tribal communities and adopt an en-**
30 **gagement process leading to information exchange and informed**

1 **decision-making for land use decisions affecting lands, cultural sites**
2 **and other resources within the local government’s jurisdiction that**
3 **may be of interest to tribal communities; and**

4 **“(E) Identify and remedy disparate impacts when making any land**
5 **use decision described in ORS 197.015 (10)(a)(A) to achieve a fair dis-**
6 **tribution of the benefits and burdens to the greatest extent possible,**
7 **including making specific findings in its decision-making to demon-**
8 **strate consideration of any disparate impact and how the disparate**
9 **impact will be remedied.**

10 **“(3) Compensation under ORS 195.305 to 195.336 is not due to any**
11 **party based on a rule, land use regulation or land use decision that**
12 **enforces or implements the climate justice goal.**

13 **“(4) Notice is not required to be delivered to any property owner**
14 **under ORS 197.047, 215.503 or 227.186 based on a rule, land use regu-**
15 **lation or land use decision that enforces or implements the climate**
16 **justice goal.**

17 **“(5) Compliance with aspects of the climate justice goal requiring**
18 **climate change measures is optional for a city with a population of less**
19 **than 4,000 or a county with a population of less than 20,000.**

20 **“(6) As determined by the Land Conservation and Development**
21 **Commission, the climate justice goal is not enforceable to the extent**
22 **inconsistent with public health and safety or federal or state law.**

23 **“SECTION 3. Process for adoption of climate justice goal. The Land**
24 **Conservation and Development Commission shall adopt a new state-**
25 **wide land use planning goal relating to climate justice, as described**
26 **in section 2 of this 2021 Act, using the following process:**

27 **“(1) The commission shall adopt the climate justice goal under ORS**
28 **183.325 to 183.410, notwithstanding ORS 197.230, 197.235, 197.240 or**
29 **197.245.**

30 **“(2) The Department of Land Conservation and Development shall**

1 appoint an advisory committee under ORS 183.333 consisting of a
2 broad, diverse group of stakeholders, including representatives of
3 tribal communities and members who represent disadvantaged groups,
4 as defined in section 2 of this 2021 Act.

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

7 “(4) At least 60 days prior to adopting the climate justice goal, the
8 commission shall present draft goal language to an appropriate com-
9 mittee or interim committee of the Legislative Assembly.

10 “(5) The commission must hold at least one public hearing regard-
11 ing the draft goal language before, and separate from, the meeting at
12 which the commission adopts the climate justice goal.

13 “(6) The commission shall adopt the final climate justice goal on
14 or before June 30, 2023. Notwithstanding ORS 197.245, the goal is ef-
15 fective 30 days after adoption. Local governments are not required to
16 implement the goal except as provided in section 5 (1) of this 2021 Act.

17 **“SECTION 4. Agency coordination. (1) All state agencies shall assist**
18 **the Department of Land Conservation and Development and the Land**
19 **Conservation and Development Commission as necessary in the de-**
20 **velopment and adoption of the statewide land use planning goal relat-**
21 **ing to climate justice under section 2 and 3 of this 2021 Act.**

22 “(2) The Department of Environmental Quality, Department of
23 Transportation, State Department of Geology and Mineral Industries
24 and Oregon Health Authority shall commit technical and policy ex-
25 pertise and support to the development, adoption and implementation
26 of the climate justice goal.

27 “(3) The Department of Land Conservation and Development and
28 the commission may request the assistance of any public or private
29 organization, including federal agencies, other states and universities,
30 in the development and adoption of the climate justice goal.

1 **“SECTION 5. Implementation. (1) Notwithstanding ORS 197.250, a**
2 **local government is not required to request acknowledgment of com-**
3 **pliance under ORS 197.251 (1) for the local government’s comprehen-**
4 **sive plan or regional framework plan with the statewide land use**
5 **planning goal relating to climate justice adopted under sections 2, 3**
6 **and 4 of this 2021 Act:**

7 **“(a) Until June 30, 2025, for cities with a population of 25,000 or**
8 **more, for counties with a population of 100,000 or more and for Metro.**

9 **“(b) Until June 30, 2026, for cities with a population of 10,000 or**
10 **more and less than 25,000 and for counties with a population of 30,000**
11 **or more and less than 100,000.**

12 **“(c) Until June 30, 2027, for cities with a population of 4,000 or more**
13 **and less than 10,000 and for counties with a population of 20,000 or**
14 **more and less than 30,000.**

15 **“(d) At any time for cities with a population of less than 4,000 or**
16 **counties with a population of less than 20,000, except that on or before**
17 **June 30, 2027, those local governments must request acknowledgment**
18 **of compliance relating to the portion of the climate justice goal re-**
19 **lating to environmental justice and equity under section 2 (2)(b) of this**
20 **2021 Act.**

21 **“(2) Upon the request of any local government, the Land Conser-**
22 **vation and Development Commission shall grant a single 12-month**
23 **extension to the compliance schedule in subsection (1) of this section.**

24 **“(3) On a schedule published by the commission consistent with**
25 **subsection (1) of this section, each local government shall report to**
26 **the Department of Land Conservation and Development on the local**
27 **government’s compliance with the climate justice goal adopted under**
28 **sections 2, 3 and 4 of this 2021 Act.**

29 **“(4) In providing technical assistance to local governments for the**
30 **adoption of amendments to comprehensive plans or regional frame-**

1 work plans to comply with the climate justice goal under the compli-
2 ance schedule in subsection (1) of this section, the department shall:

3 “(a) Prioritize those counties and cities with fewer resources; and

4 “(b) Ensure that local technical assistance funding is distributed
5 throughout the regions of the state.

6 “(5) After adoption of the climate justice goal, the department and
7 relevant state agencies shall review and update existing coordinating
8 agreements to facilitate implementation of the climate justice goal. In
9 determining a schedule to review and update coordinating agreements,
10 the department and other state agencies may consider the compliance
11 schedule in subsection (1) of this section.

12 “SECTION 6. Reports. (1) No later than November 1, 2023, the De-
13 partment of Land Conservation and Development shall provide a re-
14 port summarizing the statewide land use planning goal relating to
15 climate justice and the process used to develop the climate justice goal
16 under sections 2, 3 and 4 of this 2021 Act to the office of the Governor,
17 the Oregon Global Warming Commission and, in the manner provided
18 in ORS 192.245, to an appropriate interim committee of the Legislative
19 Assembly.

20 “(2) No later than September 15, 2027, the department shall provide
21 to an appropriate interim committee of the Legislative Assembly, in
22 the manner provided in ORS 192.245, a report on the implementation
23 of and compliance with the climate justice goal under section 5 of this
24 2021 Act and to provide recommendations on whether cities with a
25 population of less than 4,000 and counties with a population of less
26 than 20,000 should be required to comply with section 2 (2)(a) of this
27 2021 Act.

28 “SECTION 7. Climate Justice Planning Goal Fund. (1) There is es-
29 tablished the Climate Justice Planning Goal Fund, separate and dis-
30 tinct from the General Fund.

1 **“(2) The Climate Justice Planning Goal Fund shall consist of mon-**
2 **eys credited to the fund from moneys appropriated or transferred to**
3 **the fund by the Legislative Assembly or received from the federal**
4 **government or other grants, gifts or donations from any source.**

5 **“(3) All moneys received under this section by the Land Conserva-**
6 **tion and Development Commission and Department of Land Conser-**
7 **vation and Development must be paid into the State Treasury to the**
8 **credit of the fund.**

9 **“(4) Moneys in the fund are continuously appropriated to the com-**
10 **mission to:**

11 **“(a) Assist local governments to implement the climate justice goal,**
12 **as defined in section 2 of this 2021 Act.**

13 **“(b) Seek public and private grant requests to be directed to the**
14 **fund.**

15 **“(c) Adopt and implement a climate justice goal under sections 3**
16 **to 6 of this 2021 Act.**

17 **“SECTION 8.** Section 7 of this 2021 Act is amended to read:

18 **“Sec. 7.** (1) There is established the Climate Justice Planning Goal Fund,
19 separate and distinct from the General Fund.

20 **“(2) The Climate Justice Planning Goal Fund shall consist of moneys**
21 **credited to the fund from moneys appropriated or transferred to the fund by**
22 **the Legislative Assembly or received from the federal government or other**
23 **grants, gifts or donations from any source.**

24 **“(3) All moneys received under this section by the Land Conservation and**
25 **Development Commission and Department of Land Conservation and Devel-**
26 **opment must be paid into the State Treasury to the credit of the fund.**

27 **“(4) Moneys in the fund are continuously appropriated to the commission**
28 **to:**

29 **“(a) Assist local governments to implement the climate justice goal, as**
30 **defined in section 2 of this 2021 Act.**

1 “(b) Seek public and private grant requests to be directed to the fund.

2 “[*(c) Adopt and implement a climate justice goal under sections 3 to 6 of*
3 *this 2021 Act.*]

4 **“SECTION 9. Sunset. (1) Sections 3 to 6 of this 2021 Act are repealed**
5 **on January 2, 2028.**

6 **“(2) The amendments to section 7 of this 2021 Act by section 8 of**
7 **this 2021 Act become operative on January 2, 2028.**

8 **“(3) The repeal of sections 3 to 6 of this 2021 Act by this section does**
9 **not affect a statewide land use planning goal relating to climate jus-**
10 **tice under section 2 of this 2021 Act.**

11 **“SECTION 10. Appropriation. In addition to and not in lieu of any**
12 **other appropriation, there is appropriated to the Land Conservation**
13 **and Development Commission, for the biennium beginning July 1, 2021,**
14 **out of the General Fund, the amount of \$800,000 for deposit into the**
15 **Climate Justice Planning Goal Fund established under section 7 of this**
16 **2021 Act.**

17 **“SECTION 11. Section captions. The section captions used in this**
18 **2021 Act are provided only for the convenience of the reader and do**
19 **not become part of the statutory law of this state or express any leg-**
20 **islative intent in the enactment of this 2021 Act.**

21 **“SECTION 12. Emergency clause. This 2021 Act being necessary for**
22 **the immediate preservation of the public peace, health and safety, an**
23 **emergency is declared to exist, and this 2021 Act takes effect on its**
24 **passage.”.**

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