LPDD MODEL LAWS FOR DEEP DECARBONIZATION IN THE UNITED STATES

**LPDD Top Resources: Low Income/Disadvantaged Communities**

*Updated July 2024*

LPDD.org is an extraordinarily vast database, spanning more than 2,500 model laws, best practices, and policy documents touching on 34 different pathways to reducing emissions in the United States, at every level of government (and some in the private sector). For states and localities participating in EPA's CPRG Technical Assistance Forums, we've compiled a brief list of top resources relating to Low Income/Disadvantaged Communities.

1) **[State & Local] Environmental Equity**
   a) **[State]** **LPDD Model Law: Requiring Cumulative Impact Analysis to Renew Permits of Covered Facilities in an Environmental Justice Area**: This bill requires the state environmental protection agency to identify and publish a list of areas disproportionately burdened by environmental hazards and limited participation in decision-making processes, and reform the process for renewing permits in these areas.
   b) **[State]** **LPDD Model Law: Identifying and Mitigating Cumulative Impacts in Environmental Justice Areas**: This model law aims to curb the development of new polluting facilities in frontline communities where residents are disproportionately burdened by environmental harms and exposed to toxic pollutants. It restricts as-of-right zoning in designated environmental justice areas.
   c) **[State]** **LPDD Model Law Eliminating As-Of-Right Status of Polluting Facilities in Environmental Justice Areas**: This model bill introduces new permit renewal requirements that mandate a comprehensive analysis of how existing facilities interact with environmental stressors in the area. Consultation with affected communities is also emphasized, allowing for informed decision-making regarding the continued operation of these facilities.
   d) **[State]** **LPDD Model Law: Requiring Indirect Source Permits for New or Expanded Facilities Generating Significant Vehicular Traffic**: This model law aims to address the pollution generated by new indirect sources, which attract increased vehicle traffic and mobile sources of pollution. While the pollution from these sources may not be significant individually, the vehicles they attract contribute to air pollution in the surrounding areas. Unfortunately, high-traffic facilities and major roadways are often located in low-income communities and communities of color, which already face multiple sources of pollution and public health stressors. As e-commerce expands and the demand for warehouses and distribution centers rises, emissions from shipping trucks and other polluting sources pose a greater risk to nearby communities. To mitigate pollution from these sources, this bill imposes new permitting requirements on the construction or expansion of facilities that attract significant traffic in designated environmental justice areas.
   e) **[State]** **LPDD Model Law Establishing an Environmental Advisory Board**: This model law establishes a platform for advocating equity in historically marginalized communities. The Environmental Advisory Board created by this bill would provide insights, accountability, and a platform for impacted communities to engage with government decision-makers.
   f) **[State & Local] Pathway: Restricting Fossil-Fuel Pollution in Frontline Communities**: Frontline communities are both powerful champions against the expansion of fossil infrastructure and deserving of special concern, as they absorb the brunt of local pollution from these facilities. We highlight resources and examples of legislation defending frontline communities from fossil pollution.

g) **[State]** Connecticut's Cumulative Impacts in Permitting Legislation gives the state authorities the ability to deny a permit for new facilities based on the "cumulative impact" of environmental and public health stressors that already exist in justice communities.

h) **[State]** Massachusetts' Amended State Air Pollution Regulations require certain facilities seeking air emissions permits in or near communities with Environmental Justice populations to conduct a cumulative impact analysis. The regulations also require meaningful involvement with EJ populations in the permitting process.

2) **[State & Local] Equity in Electricity**

a) **[State & Local] Pathway:** Equitable Access to Renewables: Throughout the country, states legislatures and Public Utility Commissions are focused on expanding access to renewable energy through Shared Solar or other Community Renewables models. We highlight some of the best guides, practices, and examples of how to expand this market specifically to low- and moderate-income customers, which can create cost-savings for both projects and customers.

b) **[State] Pathway:** Reducing Fixed Electricity Charges: There is a tension in electricity rate-setting between utilities that want to shift their billing towards fixed customer charges (a standard charge for every customer, no matter their usage), and efficiency and low-income advocates who want bills calculated on a variable (per-kWh used) basis. We highlight resources on rate-setting that both incentivizes energy efficiency and reduces the low-income energy burden.

c) **[State]** A January 2024 report, Procedural Equity at Public Utility Commissions, from the Institute for Policy Integrity, focuses on the efforts of state Public Utility Commissions to enhance procedural justice — that is, to ensure that disadvantaged communities are given fair hearing and consideration in the regulatory process.

d) **[State]** Similarly, Michigan's SB 502 makes changes to the enabling act for Michigan's Public Service Commission to enhance its oversight over environmental and equity related matters. The bill requires that utilities' integrated resource plans include a review of environmental justice impacts for each new natural-gas-fired generation facility, including impacts to the environment, human health, and economic and social impacts.

e) **[State]** Maryland's Resiliency Hub Legislation: This legislation provides grants for microgrid and community solar projects at resiliency hubs serving low-income and moderate-income households during extended grid outages.

3) **[State & Local] Equity in Transportation**

a) **[State & Local] Pathway**: Equitable Access to Electric Vehicles: As electric vehicles expand, legal tools are being developed – like minimum percentages of charging infrastructure sited in LMI neighborhoods – to make the benefits of electrification accessible to all.

b) **[State]** LPDD Model Law: Electric Bike Rebates: This model would establish a rebate program for the purchase of new or used E Bikes from participating dealers, with an enhanced rebate for lower-income households.

c) **[State & Local]** Enabling Equitable Electric Vehicle Shared Mobility Programs: This report from the Interstate Renewable Energy Council overviews traditional transportation planning, new models of planning that integrate shared mobility, and the role of utilities in equitable EV shared mobility programs.

4) **[Local]** The Residential Retrofits for Energy Equity Playbook is designed as a tool for program administrators at community-based organizations and government offices seeking to establish,

improve, or expand building energy upgrade programs for low- and moderate-income housing in their communities.

5) **[State & Local] Investing in Communities**
   a) **[State & Local] Pathway:** Social Policies to Facilitate a Just Carbon Transition: As the decline of the fossil economy dislocates workers and communities, governments are concerned with providing training, transition grants, severance or retention, and representation for affected communities.
   b) **[Local]** The Portland Clean Energy Community Benefits Fund (PCEF) provides dedicated funding for climate action that advances racial and social justice. PCEF is supported by the city's Clean Energy Surcharge, a surcharge on large retailers. The Fund touts itself as the nation's first-ever climate-fund created and led by communities of color.
   c) **[Local]** The Emerald Cities J40 Playbook offers low income, rural, Black, Indigenous, and People of Color (BIPOC), frontline, and fenceline communities, and community-based organizations that serve these communities, guidance for developing Community Benefit Plans (CBP) that leverage the Justice40 Initiative, and ultimately securing federal infrastructure investment under the Bipartisan Infrastructure Law and the Inflation Reduction Act.