



February 17, 2022

The Honorable Kumar Barve
House Environment and Transportation Committee
Taylor House Office Building, Room 251
6 Bladen Street
Annapolis, Maryland 21401

Dear Chairman Barve and Members of the House Environment and Transportation Committee:

ICSC, representing more than 1,100 members in Maryland including owners, developers, brokers, tenants, economic development officials and others in the marketplaces industry, writes in opposition to HB596/SB783 (Constitutional Amendment – Environmental Rights).

If enacted, this overly broad legislation would place on the November General Election ballot a state constitutional amendment that, while well-intended, effectively gives every Maryland association, business and citizen legal standing to obstruct or challenge any proposed development project anywhere in the state for almost any reason.

Standing is the legal right to initiate a lawsuit. The primary intent of standing is to ensure that those actually harmed by another party can seek legal redress in court. Thus, the injured party must show he/she has suffered real and remediable harm as a result of someone else's conduct before they can bring a lawsuit. As a practical matter, the threshold of standing helps protect the legal system from frivolous lawsuits that may clog the courts and ensures that attention can be given to legitimate actions.

HB596/SB783 is a sweeping bill that would potentially stop all types of land use/real estate development in the state by granting any citizen the authority to file suit to block or delay such plans. If the legislation is enacted and the state's voters approve the amendment, this sets the stage for endless court proceedings and extraordinary legal costs associated with those actions. The current process in Maryland for environmental litigation is sufficient and fair, allowing projects to move forward or, if necessary, be curtailed for valid reasons.

ICSC and our members in Maryland respectfully urge an unfavorable report on HB 596.

Please feel free to contact me (jhill@icsc.com) or Sushant Sidh (Sushant.sidh@capitol-strategies.com) with any questions.

Sincerely,

Jim Hill
Vice President, State & Local Government Relations
ICSC Office of Global Public Policy