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The Honorable Delores G. Kelley  
The Honorable Susan Lee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

RE: Senate Bill 486 - Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act) - Unfavorable

Dear Chair Kelley and Members of the Committee,

I am writing on behalf of my client, the Building Owners and Managers Association of Greater Baltimore (BOMA) to register their opposition to Senate Bill 486.

BOMA, through its nearly 300 members, represents owners and managers of all types of commercial, industrial and mixed use properties, comprising 143 million square feet of office space in Baltimore and Central Maryland. Our members' facilities support over 19,000 jobs and contribute \$2.5 billion to the Maryland economy each year.

BOMA's initial concern about this bill is found on the list of essential employers beginning on page 4 of the bill. On page 5, at lines 6 and 7, "property maintenance companies" are listed. BOMA members are commercial property managers. It is unclear whether, therefore, the bill is intended to apply to property management services, in whole or in part.

An additional concern for BOMA is the application of SB 486 to a broad range of businesses, such as construction firms, landscapers, janitorial firms and others that clearly fall within the scope of the bill. We note that the extensive new regulation governing these businesses may have a material impact on BOMA members' businesses as well.

One example of the extended effect of SB 486 may be found in the description of "unsafe work environment" beginning on page 11 at line 5 of the bill. This new section 3-1605 imposes very broad requirements on the essential employers who are subject to the bill's new regulatory requirements. Many, perhaps most, of these essential employers who do business with individual BOMA members are themselves small businesses. They do not have the resources to meet the complex compliance requirements under this section. Their noncompliance could subject BOMA members to liability themselves.

Similarly, Section 3-1606, beginning on page 13, requires essential employers to prepare (and presumably officially adopt) a "HEALTH EMERGENCY PREPAREDNESS PLAN." The plan is highly detailed, must be reviewed annually, and any changes must be submitted to the Maryland Emergency Management Agency. Again, the administrative burden on small essential employers alone presents a compliance obligation that is enormously complex and beyond the ability of the many small businesses with whom BOMA members interact every day. The disruption caused to the normal operations of those small businesses will inevitably have a negative effect on BOMA members and their tenants.

For these and other reasons, BOMA respectfully requests an unfavorable report on Senate Bill 486.

Very truly yours,



Bryson F. Popham, Esq.