



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

January 20, 2021

Committee: House Environment & Transportation

Bill: HB 82 – Constitutional Amendment – Environmental Rights

Position: Oppose

Reason for Position:

The Maryland Municipal League strongly opposes HB 82. This bill proposes an amendment to the Maryland Constitution to establish that every person has the right to a certain clean and healthy environment; authorizes the State, a political subdivision, and any person to enforce certain rights; and establishes that every person has the right to intervene in an action brought by the State or a political subdivision of the State to protect certain rights.

Under this legislation, the League feels that the actions of municipal governing bodies, planning commissions, boards of zoning appeals, and historic district commissions will be more apt to be questioned in a judicial setting under HB 82. This legislation would impose the burden of ensuring that EVERY person in the State, regardless of where they reside, would have the expectation that every municipality has jurisdiction over and the ability to provide clean air, pure water, healthful environment, natural resources ecosystems, the preservation of natural, scenic, historic, and aesthetic values of the environment. While these are lofty and important goals, the reality is that local governments are unable to ensure that these goals can be met, especially when most of these responsibilities may not be under their direct control. Not only would every municipality be subject to the impact of what other jurisdictions in the State may be doing, it would also mean that every city or town would be subject to abuses and have to take responsibility for actions taken or not taken by jurisdictions outside the State of Maryland, over which they have no control.

In essence, this legislation would blow the State's existing standing statute wide open and leave local governments completely vulnerable to the whim of any person living anywhere in the State with a real or perceived environmental impact which would likely result in legal action. Therefore, it is the opinion of the League that the existing standing statute in Maryland is more than adequate to address land use and environmental conflicts, and that this legislation significantly and unnecessarily widens the scope of those able to file suit against a local government. It is very likely that municipal finances will be significantly impacted to the extent that the bill results in more
Over...

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individuals or entities seeking judicial review of land use and environmental actions of a legislative body and/or an increase in the length of time and resources needed to address individual cases.

For these reasons, the Maryland Municipal League opposes HB 82 and respectfully requests an unfavorable committee report.

FOR MORE INFORMATION CONTACT:

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