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MAYOR

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HB 82

January 20, 2021

TO: Members of the Environment and Transportation Committee
FROM: Natasha Mehu, Director of Government Relations
RE: HOUSE BILL 82 – Constitutional Amendment - Environmental Rights
POSITION: OPPOSE

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 82.

HB 82 provides "every person" with the right to "a healthful environment, including the right to clean air, water, and land, a stable climate, and the preservation, protection, and enhancement of ecological, scenic, and historic values of the environment." Accordingly, the State or a political subdivision, such as Baltimore City, may not infringe upon these rights by action or inaction, and any person may enforce these rights against any public party through legal proceedings.

HB 82 will lead to unintentional consequences and undeterminable liabilities for the Baltimore City. It creates a cause of action for rights that are not clearly defined in the bill. It is unclear what constitutes a "healthful environment" or "clean" air, water, and land, or a "stable" climate. Similarly, it is unclear what would constitute "ecological, scenic and historic values of the environment." Nonetheless, the bill grants anyone a clear right to bring suit against Baltimore City for an alleged violation. For example, someone could bring suit against a local jurisdiction for inaction to stop climate change, even though it is unclear what steps a local jurisdiction would take to satisfactorily stop climate change.

There are significant complexities involved with these concepts. There is a real threat that the Baltimore City could be faces with suits advancing competing interests. As a local jurisdiction that is responsible for a range of issues from wastewater treatment to roadways, it would be impossible to avoid liability for the expansive and yet undefined rights established herein.

For these reasons BCA respectfully request an **unfavorable** report on House Bill 82.

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