



January 19 ,2021

The Honorably Kumar Barve
Chair, House Environment and Transportation Committee
Taylor House Office Building, 2nd Floor
Annapolis MD 21401

RE: House Bill 82 – Constitutional Amendment – Environmental Rights
POSITION: OPPOSE

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

The Maryland members of the International Council of Shopping Centers oppose House Bill 82– Constitutional Amendment – Environmental Rights. Effectively, this legislation would give every Maryland association, business, and citizen legal standing to obstruct any proposed project anywhere in the State for almost any reason.

Standing is the legal right to initiate a lawsuit, and was designed to eliminate frivolous cases before courts so that attention could be given to legitimate actions. In order to file suit, a person must be sufficiently affected by the matter at hand, by injury in fact, a causal relationship between injury and the challenged conduct, or a likelihood that the injury will be redressed by a favorable decision.

The legal system established standing for very practical reasons. People that are not impacted by conduct or a decision should not have the right to impact another person’s right to legally act. This threshold keeps the court system clear from frivolous lawsuits so that attention can be given to legitimate actions.

House bill 82 is designed to stop any type of development in the State by granting every citizen the authority to file suit to essentially delay proposals through endless court proceedings and cost proposers considerable monies to defend their actions. The current process in Maryland is sufficient and fair for all parties to move projects forward or to block them from moving forward for valid reasons.

The members of the International Council of Shopping Centers respectfully urge an unfavorable report.