



House Bill 596 – Constitutional Amendment – Environmental Rights

Position: Unfavorable

Maryland REALTORS® has concerns with HB 596 which amends the Maryland Constitution to establish that every person has certain environmental rights. This legislation creates vague “inalienable rights” which courts would have difficulty defining and enforcing. There is no general standard by which to measure if the “rights” are being infringed or upheld. Unfortunately, HB596 essentially grants the courts broad discretion to interpret what the rights mean and creates opportunity for numerous lawsuits which could further delay the hard and controversial development process to approve new housing.

Maryland is the fifth most densely populated state in the country. To meet future population growth, the state and local governments will increasingly turn to infill development which currently is almost always challenged because it impacts individuals living in established communities. This bill significantly expands and does not define the ability or the rights to challenge community developments even if the individual is not a member of that community or is directly impacted by the project given its directive to *conserve*.

While REALTORS® certainly support environmental protection, every housing development project today is subject to numerous federal, state and local laws evaluating the project’s impact on our environment. As a state, Maryland must find balance between expanding housing opportunity and supply and important environmental protections. Creating an opportunity for future development projects including much needed affordable housing to be denied based on “inalienable environmental rights” will only decrease a much-needed housing supply boost and further increase the cost of all housing.

Finally, by giving Maryland the right to serve as the trustee for “land” raises questions about the extent of fee-simple ownership by private entities.

For these reasons, the Maryland REALTORS® recommends an unfavorable report.

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