



**Senate Bill 653** – Standing – Environmental and Natural Resources Protection  
Proceedings (Clean Water Justice Act of 2024)

**Position: Unfavorable**

The Maryland REALTORS® oppose SB 653 which expands legal standing under specific clean water laws. Many of these statutes affect residential construction such as sediment control, appropriation of water, wetlands and critical areas. Maryland faces a significant housing crisis that is measured not only in the 150,000 unit shortage but also in the average residential price assessment increase of 25.6% this past year.

Although Maryland standing rules are more limited than federal standing rules, Maryland standing rules are truer to the purpose of legal standing by granting standing to parties whose personal or property interest is directly impacted in a way different from the general public. Standing rules were created to ensure courts deal with particularized harms to individuals rather than more generalized harms to the public which is the realm of Legislatures.

As to the bill, the REALTORS® are concerned over the definition of an “injury of fact” which includes a negative impact to: aesthetic and recreational interests as well as a negative impact to a person’s use and enjoyment of a natural resource. Expanding standing based on aesthetic interests creates a very broad category of challenges that would be difficult for any agency or party to anticipate and provides a useful tool to kill projects through judicial delay. In the case of the critical areas law, any person within view of a home renovation would be able to contest the issuance of permits based on whether the person’s renovation was aesthetically pleasing.

When broadening standing rules are added to the already difficult process of obtaining permits for projects, the potential negative impacts to housing are concerning. Housing projects are always objected to even if the project conforms to local zoning and use restrictions. “Death by delay” is a real threat to many projects and increases the significant and growing costs of building and renovating housing.

For these reasons, the REALTORS® recommend an unfavorable report.

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