

CB89-2021

Sayers, Margery

From: Isaac Ambruso <iambruso@marylandbuilders.org>
Sent: Monday, December 6, 2021 9:20 AM
To: CouncilMail
Subject: MBIA CB-89 Letter of Opposition
Attachments: MBIA Opposition Letter to CB89 - Lookback Provision.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please accept the attached letter as the MBIA opposition to CB 89-21.

Isaac Ambruso
Director of Legislative and Regulatory Affairs
Cell: (202) 815-4445
iambruso@marylandbuilders.org
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759

December 6, 2021

Re: OPPOSITION TO CB 89 – Establishing a Lookback Provision

Dear Counsel Chair Walsh and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 89, which would create a lookback provisions for Forest Conservation Plans. The Forest Conservation Act of Howard County was repealed and reenacted in December 2019 with an effective date of February 5, 2020. A revised Forest Conservation Manual was approved by Resolution in February 2021. Since these Acts and Manuals were only recently passed, it is an unreasonable burden on builders and developers to now consider additional changes to the Forest Conservation Act. Both the County and the industry has only begun to implement these new rules and there isn't a track record that indicates that changes are necessary at this time.

This legislation would create a largely unenforceable requirement that a forest consultant evaluate a planned subdivision for tree cutting and clearing that occurred in the 5 years prior to a submission of a Forest Conservation Plan. Retroactively applying this standard would endanger multiple projects and landowners that have complied with current standards and place projects in jeopardy when considerable funds and manpower have already been attributed. Additionally, the practicality of determining which trees over the past 5 years that have been cleared would be difficult, if not impossible to determine and constitute a considerable investment in time and funds, and which will ultimately lead to forest stand delineation plans that can easily be challenged as inaccurate.

The impracticalities of implementing this legislation are clear. Additionally, we submit that it is legally inappropriate to retroactively punish people for legal behavior because it no longer conforms to the perspective of current legislators. For this reason, MBIA proposes that this bill be amended so that any lookback provision dates only from the time of the bill passage. This would at least avoid unfair and retroactive punishment for legal behaviors that were undertaken before the passage of the new law.

For these reasons, MBIA respectfully requests the Council vote against Council Bill 89-2021. Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at iambruso@marylandbuilders.org or (202) 815-4445.

Best regards,

Isaac Ambruso, Director of Legislative and Regulatory Affairs

Cc: Counsel Chair Elizabeth Walsh
Vice-Chair Opel Jones
Councilmember Deb Jung
County Executive Calvin Ball
Councilman David Yungmann

Sayers, Margery

From: Sarah Rayne <Sarah@hcar.org>
Sent: Tuesday, November 23, 2021 4:52 PM
To: CouncilMail
Subject: Revised Comment Letter on CB 89
Attachments: HCAR Comments on CB 89-2021.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good Afternoon,

Please accept the attached revised letter from the Howard County Association of Realtors regarding CB 89-2021. We needed to adjust our sales data to reflect the correct number of age-restricted homes sold in the county this year.

Thank you for your consideration.

Thanks,

Sarah Rayne, RCE, AHWD, ePro®, C2EX
Director of Operations
Howard County Association of REALTORS®
HCAR Cares
8600 Snowden River Parkway, STE. 104
Columbia, MD 21045
Office: (410) 715-1401
Cell: (410) 980-0443
Email: Sarah@hcar.org
Website: www.hcar.org