

19 May 2021

To: Senate Committee on Energy and Environment

Re: House Bill 3372

Dear Chair Senator Beyer, Vice-Chair Senator Findley, and members of the Committee:

So, House Bill 3372 would, among other things, authorize the DEQ to require certain information related to history of compliance with environmental quality laws from an applicant for license or permit. And additionally, authorize the department to re-refuse to issue or renew permit to applicants that are or include chronic violator. All things being equal, one could say, a laudable idea.

Yet as if yet more proof were needed that all things are indeed not equal, Senate Bill 282, would prohibit, precisely the same thing, i.e., using past history (of compliance) as the basis for conducting present day business, *"a landlord may not report to any consumer credit reporting agency a tenant's nonpayment of rent, charges or fees..."* It also prohibits *"reporting a tenant's nonpayment balance as delinquent..."* An equally laudable idea? Well, not if legally binding contracts are to have any validity left.

That SB 3372 deals with the environment and SB 282 deals with business does not invalidate my argument. Any intent of the "wrongdoer" has no application in the matter. In principle both bills are dealing with the same issue, which is past behavior being used to make a judgment, which of course has an affect on current and future behavior. That is the bottom line.

How one can prioritize one over the other is an entirely subjective judgment call, hardly some universally acknowledged Natural Law or some such. The former mandates such reporting and the latter prohibits it. A sort of *pro* and *con* at the same time. A conflict. An incoherent premise at best. Completely wrong-headed at worst.

Additionally, Senate Bill 86A would *"Authorize licensing agencies to revoke, suspend, impose conditions or refuse to renew a license to operate...."* based on *"considering performance and experience of applicants or licensee...."*

Yet in spite of both Senate Bills 3372 and 86A, past performance by a rental property owner's tenant is somehow sacrosanct. Off limits. Sealed. Expunged. There is no record of it. Gone. They are to be treated as pure as the driven snow. Angels come to earth.

The contradiction of principles in these bills is nearly beyond belief. That some legislators are able to support both bills is remarkable to say the least.

I realize House Bill 3372 is already on a fast track to passing and this letter will not make one iota of difference in your vote. My point in writing is to once more point out how rental property owners are being mistreated and cheated by arbitrary rulings such as these that are coming out of this 2021 legislative session.

Sincerely,

A handwritten signature in blue ink that reads "Richard Wisner". The signature is written in a cursive, flowing style.

Richard Wisner