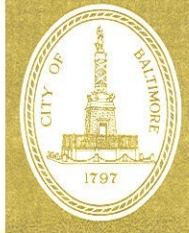


CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

April 21, 2009

The Honorable President of the Baltimore City Council  
Attn: Andrew Smullian, Executive Secretary  
City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

The Honorable Councilmember James Kraft  
Chair, Judiciary and Legislative Investigations Committee  
Baltimore City Council  
City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: Law Department proposed Amendment for 08-0181, Second Reader

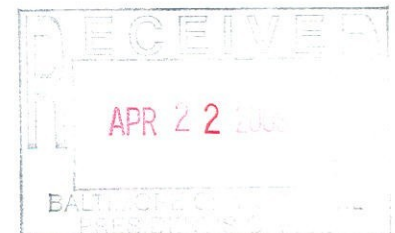
Dear Madame President and Councilmember Kraft:

Enclosed please find a Law Department Amendment for City Council Bill 08-0181, which is currently on Second Reader. On First Reader, the Law Department recommended inserting the language "restricted delivery" after each instance of "certified mail" to ensure the bill met Due Process requirements. Since this amendment was not passed on First Reader, the Law Department was asked to determine whether it could approve the bill for form and legal sufficiency. During that review, the Law Department determined that Section 16-16A of the Public Local Laws of Baltimore City mandate the type of service for Civil Citations. Therefore, the Law Department submits the enclosed amendment for the bill on Second Reader. This amendment implements the requirements of the Public Local Law for Civil Citations, and inserts the necessary language "restricted delivery" with respect to certified mail for Environmental Citations and International Building Code citations, as in the Law Department's First Reader Amendment. Without the enclosed amendment, the Law Department will be unable to approve the bill for form or legal sufficiency.

Sincerely,

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Cc: Marguerite Murray, Staff, Judiciary and Legislative Investigations Committee  
Angela C. Gibson, Mayor's Legislative Liaison  
George Nilson, City Solicitor  
Elena DiPietro, Chief Solicitor  
Deepa Bhattacharyya, Assistant Solicitor  
Ashlea Brown, Special Assistant Solicitor



CITY OF BALTIMORE  
COUNCIL BILL 08-0181  
(Amendment to 2<sup>nd</sup> Reader)

On page 2, Section 40-7 (c) (Environmental Citations), line 9, after “certified mail” insert “RESTRICTED DELIVERY:”

On page 2, Section 41-6 (a) (Service; copies), strike lines 21 through 30 and insert:

A CIVIL CITATION SHALL BE SERVED ON THE DEFENDANT:

(1) IN ACCORDANCE WITH MARYLAND RULE 3-121; OR

(2) FOR VIOLATIONS RELATED TO REAL PROPERTY, IF PROOF IS MADE BY AFFIDAVIT THAT A GOOD FAITH EFFORT TO SERVE THE DEFENDANT BY PERSONAL DELIVERY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED HAS NOT SUCCEEDED, BY:

(i) REGULAR MAIL TO THE DEFENDANT’S LAST KNOWN ADDRESS; AND

(II) 1. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IN THE STATE IS NOT A POST OFFICE BOX:

A. DELIVERY TO AN ADULT AT THE LAST KNOWN ADDRESS OF THE DEFENDANT; OR

B. POSTING AT THE LAST KNOWN ADDRESS OF THE DEFENDANT;

OR

2. IF THE LAST KNOWN ADDRESS OF THE DEFENDANT IS OUTSIDE OF THE STATE OR IS A POST OFFICE BOX, POSTING THE CITATION AT THE PROPERTY WHERE THE VIOLATION OCCURRED.

(3) SERVICE ON DEFENDANT — ADDITIONAL ADDRESSES:

FOR THE PURPOSES OF SERVICE OF A CIVIL CITATION:

(1) THE ADDRESS PROVIDED IN THE RENTAL PROPERTY REGISTRATION RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN ADDRESS OF A DEFENDANT WHO IS AN ABSENTEE OWNER OF RESIDENTIAL REAL PROPERTY; OR

(2) THE MAIL-TO ADDRESS PROVIDED IN THE REAL PROPERTY TAX RECORDS OF BALTIMORE CITY MAY BE USED AS THE LAST KNOWN ADDRESS OF A DEFENDANT WHO:

(i) IS AN ABSENTEE OWNER OF RESIDENTIAL REAL PROPERTY; AND

(ii) HAS FAILED TO REGISTER IN THE RENTAL PROPERTY REGISTRATION RECORDS OF BALTIMORE CITY.

On page 3, Section 123 (Notices), line 14, after “certified mail” insert “RESTRICTED DELIVERY:”