
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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January 10, 2024

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 22-0206 – Vacant Structures – Registration Fees and Penalties

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0206 for form and legal sufficiency. It would modify sections of the vacant structure registration fees contained in Subtitle 4 of Article 13 of the City Code by increasing the amount of the registration fees, changing the registration fee to be paid once and not annually, requiring an escalating amount of penalties for vacant structures with unabated violation notices “at the time a registration renewal is required” and shortening the registration term to every six months if the structure is vacant.

Currently, Section 14-1(i) of Article 13 of the City Code defines a vacant structure as “any structure that is subject to an unabated violation notice issued under § 116 {“Unsafe Structures”} of the Baltimore City Building Code.” With this definition of a vacant structure, the bill’s proposed changes are confusing.

The bill proposes (line 4 of page 2) to make the registration fees in Section 4-8(c) apply “except as otherwise specified in this subtitle” instead of as otherwise specified in that Section 4-8. The registration fees in Section 4-8(c) were intended to be for vacant structures that are not rooming houses detailed in Section 4-8(a), nor non-owner-occupied dwelling units detailed in Section 4-8(b). This is because subsection (c) is the overall type of building regulated by Subtitle 4 – vacant structure – with subsections (a) and (b) pulled out as subtypes. By changing the introductory language to subsection (c) to say that the fees are “unless otherwise specified in this subtitle” is unclear because there appears to be nothing in the rest of Subtitle 4 that would impose any other registration fees on vacant structures.

Next, the bill adds a “Penalties” section as part of the registration fee for vacant structures. This nomenclature is confusing because it is unclear if the penalties are meant to be fines, which the General Assembly caps at \$1,000. City Charter, Art. II, § (48). If so, the Charter would require the removal of lines 20 and 21 on page 2 of the bill. Yet, it’s hard to conceive of these as penalties because every structure regulated by Subtitle 4 is already defined as having unabated violations. Thus, the “Penalties” purported to be added to the registration fee amount under Section 4-8(c)

works more as an additional registration fee amount that would be payable by owners of all vacant structures—rooming houses, non-owner-occupied dwellings, and non-residential structures.

Additionally, the bill removes the annual registration fee for vacant structures that are not rooming houses or unoccupied dwellings, and instead changes that to a onetime fee paid by all vacant structures. The changes in Section 4-8(c) would appear to mean that only a vacant structure that is also a rooming house or a non-owner-occupied dwelling unit would ever have the requirement for annual re-registration under this bill. As written, the non-residential vacant structures only register once by paying the fee. Thus, those non-residential structures would never be subject to the escalating penalty structure in Section 4-8(c)(2) because those entities never re-register. These issues need to be clarified in amendments so that the bill can operate as intended.

In addition to the required amendment attached to this report, the Law Department can work to address these other issues so that the bill can be clarified. Assuming all necessary amendments are adopted, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Ebony M. Thompson, Acting City Solicitor
Nina Themelis, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor
Teresa Cummings, Assistant Solicitor
Michelle Toth, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 22-0206
(1st Reader Copy)

Proposed by: Law Dep't

On page 2, delete lines 20-21.