

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

May 20, 2008

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: *Revised* - Baltimore City Council Bill 08-0110 – Planned Unit Development –
Designation – Guilford/Holliday Towers

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0110 *{Planned Unit Development – Designation – Guilford/Holliday Towers}* for form and legal sufficiency. The bill would approve the application and Development Plan of RWN Development Group, LLC, its affiliates and assigns, to designate the properties known as 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday Street, 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street (“the Property”) as a Business Planned Unit Development (“PUD”).

Upon further consideration of the bill, the Law Department notes that the provision in lines 30-32 of page 2 that prohibits as principal or accessory uses “homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons,” as written, raises significant issues under the Americans With Disabilities Act, 42 U.S.C. § 12131-12165 (“ADA”). The potential problem can be eliminated altogether by deleting this phrase from the bill, or it can be mitigated by extending the prohibition to encompass all similar facilities that house and serve non-ADA protected populations. If the Council chooses the latter option, the Law Department recommends the following amendment:

On page 2, in lines 30 – 32, delete “homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons;” and replace with “LICENSED GROUP HOMES AND UNLICENSED RESIDENTIAL FACILITIES PROVIDING GROUP LIVING OPPORTUNITIES;”.

Subject to the suggested amendment, the Law Department approves City Council Bill 08-0110 for form and legal sufficiency.

Sincerely,


Ashlea Brown
Special Assistant Solicitor



cc: Honorable William Cole
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Linda C. Barclay, Chief Solicitor
Elena DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Gary Cole, Planning
Eric Tiso, Planning