

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

February 27, 2014

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

Re: City Council Bill 14-0307 – Urban Renewal – Madison Park South –
Amendment

Dear President and City Council Members:

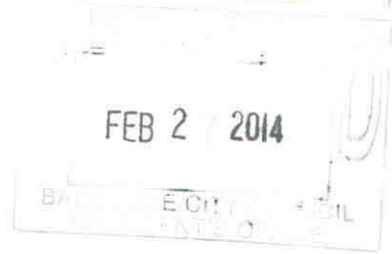
The Law Department has reviewed City Council Bill 14-0307 and Planning’s suggested amendment for form and legal sufficiency. The bill would modify project proposal requirements and revise an exhibit to the Plan in the Urban Renewal Plan for Madison Park South (hereinafter the “Plan”) by adding two new subsections. Planning’s amendment would add a requirement of notice to surrounding community organizations.

Proposed Section (1).D.5 states that “the project proposal for the redevelopment of the improved portion of Lot 10 . . . as documented in the building permit application that was filed with Baltimore City on August 16, 2013, including all drawings and materials submitted with it, *as amended by the project architect from time to time* to comply with the requirements of the Baltimore City Building, Fire and Related Codes and other City code requirements *and as finally constructed, shall be deemed to fully conform with this Plan.*” (emphasis added). Since it is not possible to state, in advance, that something will conform to the law before seeing that it actually does, in fact, conform, this language needs to be amended. The Law Department has drafted an appropriate amendment, which is attached to this report.

Additionally, the Law Department has worked with the Planning Department to draft an amendment to Section (1).D.6 that further defines the type of waivers that the Commissioner of Housing and Community Development (“HCD”) would be granting so that it complies with Maryland law. *See, e.g., County Council of Montgomery County v. Investors Funding Corp.*, 270 Md. 403, 441-42 (1973) (statute giving a County Commission unfettered discretion was held invalid because it completely lacked “legislative safeguards or standards” and therefore no “meaningful judicial review of the Commission’s assessment of such penalties would appear possible in light of the unrestricted nature of the discretion sought to be vested in the Commission.”); *accord Maryland Theatrical Corp. v. Brennan*, 180 Md. 377, 385 (1942)(striking down a Baltimore City ordinance that permitted “uncontrolled discretion of an administrative official”).

FA

FEB 27 2014



Subject to the necessary amendments, the Law Department can approve City Council Bill 14-0307 for form and legal sufficiency.

Very truly yours,




Hilary Ruley
Chief Solicitor

cc: The Honorable Councilmember William H. Cole, IV
The Honorable Councilmember Nick Mosby
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor

CITY OF BALTIMORE
COUNCIL BILL 14-0307
(Law Department Amendments)

On page 3, line 2, substitute "IS PERMITTED" for "SHALL BE DEEMED TO FULLY CONFORM WITH THIS PLAN"

On page 3, in line 5 add "SECTION C OF" before "THE RENEWAL PLAN"

FROM	NAME & TITLE	Karen Sitnick, Director 
	AGENCY NAME & ADDRESS	Mayor's Office of Employment Development 417 E. Fayette Street, Suite 468
	SUBJECT	City Council Resolution 13-0301: Labor & Employment Fair Criminal – Record Screening Practices

CITY of
BALTIMORE
MEMO



TO

The Honorable Bernard "Jack" Young
And Members of the Baltimore City Council

DATE:
February 26, 2014

Introduction:

City Council Bill 13-0301 proposes certain employers would be prohibited from making certain inquiries about, or taking certain actions because of certain arrests or accusations; prohibiting certain employers from conducting a criminal-record check or otherwise inquiring into an applicant's criminal record for administrative and judicial review of and remedial relief for violations; prohibiting reprisals against persons who allege a violation of these prohibitions; defining certain terms; imposing certain penalties; providing for a special effective date; and generally relating to the establishment of fair criminal-record screening practices for employers in the City of Baltimore.

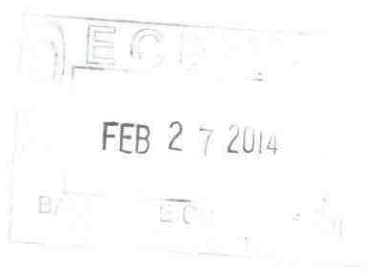
Response:

The Mayor's Office of Employment Development (MOED) fully supports the intent and purpose of Council Bill 13-0301. MOED is committed to providing persons with criminal backgrounds the support they need to make the successful transition to work and community. Our Re-Entry Center, located in the Northwest One Stop Career Center, offers a broad menu of resources and support to assist individuals with prior offenses develop their marketable skills in order to help them secure employment and acquire financial self-sufficiency. Employment is crucial to the successful reentry of those returning to society from prison. Research shows that recidivism risks are highest in the first 3-5 years following incarceration. The costs of a failed attempt to reintegrate into the community are high, both for the ex-offenders as well as the community at large. Also, successful reintegration of these individuals can strengthen the local economy.

Bill 13-0301 is designed to remove the "box" on job applications and/or prohibit employers from inquiring about the criminal past of an applicant prior to the time in which a conditional offer of employment is made or if no interview is conducted. This bill provides individuals with a criminal background an even playing field when initially applying for a job in the City of Baltimore and to allow this population a fair chance at gainful employment.

KS:va

- cc: Kaliopé Parthemos
- Andrew Smullian
- MacKenzie Garvin
- Angela Gibson



Attachment