

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

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

December 14, 2012

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 12-0172 – Zoning – Administrative Appeal Standing for  
Community Associations

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-0172 for form and legal sufficiency. The bill would grant standing to registered community associations for administrative appeals of Zoning Administrator decisions to the Board of Municipal Zoning Appeals (“BMZA”).

Maryland law limits standing for appeals to the BMZA to “a person aggrieved by the decision” or the City. Md. Code, Land Use, §10-405(a). Although state law does have a definition of “person” that would include community associations, that definition does not apply in Baltimore City. Md. Code, Land Use, §1-101(k); Md. Code, Land Use, §10-103(b). Therefore, the term “person” cannot be read to include a community association. This bill’s expansion of the definition of “person” would be preempted by conflict with state law. *See, e.g., Worton Creek v. Claggett*, 381 Md. 499, 512 (2004)(citations omitted).

Therefore, the Law Department cannot approve the bill for form and legal sufficiency.

Very truly yours,

Hilary Ruley  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor’s Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor

