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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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June 13, 2022

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 22-0207 – Vacant Building Notices

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0207 (“Bill”) for form and legal sufficiency. The Bill would add Section 116.11 to the “Unsafe Structures” portion of the City’s Building Code for the purpose of defining the term “vacant building notice,” authorizing the Building Official to issue a citation for failure to abate a vacant building notice, and providing penalties for such citations. As explained below, although the Law Department does not have legal concerns with the Bill *per se*, much of the Bill is duplicative of existing Code provisions, which could lead to unnecessary confusion and ambiguity if enacted.

The Bill defines the term “vacant building notice” to mean a violation notice issued under Section 116 of the Building Code that designates a structure to be a vacant structure. Section 116.4 of the Building Code defines “vacant structure” as “a structure or distinguishable part of a structure” that is unoccupied and either: 1) unsafe or unfit for human habitation or other authorized use; or 2) a nuisance property. Building Code, § 116.4.1.2. A structure may be “unsafe or unfit for human habitation or other authorized use” for a variety of reasons outlined in Section 116.1.1 of the Building Code. And a structure may be deemed a “nuisance property” if it is “an unoccupied structure” which has received certain violations that have gone uncorrected. Building Code, § 116.4.1.3.

Section 116.5 of the Building Code requires “a structure found to be unsafe or unfit for human habitation or other authorized use [to] be rehabilitated and an occupancy permit obtained.” The Building Code already authorizes the Building Official to issue a violation based on a structure being unsafe/unfit or being a nuisance property. *See* Building Code, § 114.2 (authorizing the Building Official to serve a violation notice for any violation of the Building Code). The Building Code also already authorizes the Building Official to initiate appropriate legal proceedings for any violation that “is not promptly discontinued or abated” and for any violation notice or order that is “not complied with promptly.” Building Code, § 114.3. Among other enforcement measures, the Building Official may issue an environmental citation under City Code, Article 1, Section 40-

14(5c). Accordingly, proposed Section 116.11.2 (lines 9-11) of the Bill is duplicative and unnecessary.

Similarly, the Building Code and Section 40 of Article 1 of the City Code already provide that each day a violation occurs constitutes a separate offense for which a citation may be issued. *See* Building Code, § 114.4.2 (“Each day that a violation continues is a separate offense.”); City Code, Art. 1, § 40-14(c) (“If a provision of law provides that the continuation or recurrence of a violation constitutes a separate offense, a separate environmental citation may be issued for each separate offense.”). Accordingly, the Bill’s proposed Section 116.11.4 (lines 15-16) is duplicative and unnecessary.

Finally, Section 40-14(e)(5c) of Article 1 establishes a penalty of \$900 for failure to comply with an environmental citation issued under Section 116 of the Building Code. The Bill would raise the penalty to \$1,000 by amending this section (lines 20-30). The Bill’s additional \$1,000 penalty provision in proposed Section 116.11.3 (lines 12-14) is therefore duplicative and unnecessary.

Because raising the penalty for failure to comply with a notice or citation issued under Section 116 of the Building Code from \$900 to \$1000 is the Bill’s only substantive addition to existing law, it could effect this change by deleting lines 18 through 23 on page one and lines 1 through 16 on page two of the bill. This recommended deletion would also decrease the likelihood of confusion and ambiguity that could result from enacting duplicative provisions. Amendment language is attached.

Subject to the recommended amendment, the Law Department approves the Bill for form and legal sufficiency.

Very truly yours,



Jeffrey Hochstetler  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations  
Elena DiPietro, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Chief Solicitor

**AMENDMENTS TO COUNCIL BILL 22-0207**  
(1<sup>st</sup> Reader Copy)

Proposed by: Law Dep't  
{To be offered to the Economic and Community Development Committee)

**Amendment No. 1:** (removing duplicative language)

On page 1, delete lines 18 through 23; on page 2, delete lines 1 through 16.