

CITY OF BALTIMORE

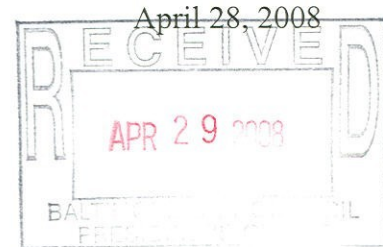
SHEILA DIXON, Mayor



DEPARTMENT OF LAW

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

The Honorable President and
Members of the Baltimore
City Council
c/o Karen Randle, Executive Secretary
409 City Hall
Baltimore, MD 21202



RE: City Council Bill 08-0040 – Property Owner Registry

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 08-0040. Bill 40 would require the Department of Public Works to maintain and keep current a central registry of property owners and requires purchasers of certain property to notify the Director of Public Works of any sale of real property in the City.

City Council Bill 08-0040 conflicts with several sections of the Baltimore City Charter. Article VII, Section 40(b) already requires that the Department of Public Works shall establish and maintain a system for uniform property identification of all real property in Baltimore City. Section 40(c) requires that the Department shall keep and currently maintain adequate plats and records including records of ownership of all parcels of real property in Baltimore City. Article VII, Sec. 40(c) also requires that these plats and records shall be the official plats and records to be used by all municipal agencies to identify and determine the location of every parcel of real property in Baltimore City.”

City Council Bill 40, in Section 5-1(A)(1) would require that the Department maintain either integrated with the records required by Article VII, Sec. 40 or as a separately maintained system an additional record of real property ownership called a central registry. This section is duplicative of the requirements of Article VII, Section 40(b) and (c) which already require that the Department of Public Works maintain these records and therefore impinges on the authority of the Department of Public Works’ powers under the Charter. The difference between the two records is that one would be based on recorded deeds and the other on documentation requirements established by the Director of Public Works.

Section 5-1(B) of the bill states that the central registry shall be the official record to be used by all municipal agencies to identify the owner of a parcel of real property in the City. This provision conflicts with the provisions of Article VII, Section 40(c) of the Baltimore City Charter

City Council Bill 08-0040

April 28, 2008

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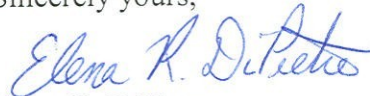
which states that the records compiled pursuant to that section shall be the official plats and records to be used by all municipal agencies to identify and determine the location of real property. The authority to provide for a system of real property identification is clearly granted to the Department of Public Works in the Charter. The City Council is without authority to enact ordinances that conflict with the powers granted to City departments under the Baltimore City Charter.

In addition to the legal impediments to the bill, it would be impractical to have two systems in place that collect the same information on the ownership of real property in the City. The bill also does not provide for a form of notification of the sale of property that would ensure the reliability of the information received. The bill seems to be designed to avoid the delays involved with waiting for the recordation of deeds so presumably contemplates relying on documentation other than the deeds to verify a sale. Whether that documentation is reliable can not be determined from the legislation.

The bill would also set up two separate property ownership registries that could contain conflicting information and could also potentially conflict with State property ownership records. Finally, the bill only requires purchasers at an execution sale, foreclosure sale or other judicial sale to report the sale to the Director of Public Works. Other sales would not be subject to the monitoring or the notification requirement. The records that this bill would require all City agencies to rely on would, therefore, be incomplete as there is no requirement that purchasers pursuant to other types of transactions notify the Department of the sale.

City Council Bill 08-0040 is in conflict with Article VII, Section 40 of the Baltimore City Charter and could create conflicting records within the City as well conflicts between the City and the State property ownership records. In addition, the bill would not result in the creation of a comprehensive record of ownership of real property in the City. The Law Department, therefore, does not approve the City Council Bill 08-0040 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Assistant Solicitor

cc: Honorable Robert Curran
Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor

Linda C. Barclay, Chief Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Ashlea Brown, Assistant Solicitor