



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations Committee will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chair**

PUBLIC HEARING

**Wednesday May 22, 2024
1:00 PM**

CLARENCE "DU" BURNS COUNCIL CHAMBERS

***Ordinance 24-0491
Footway Repairs - Citations and Billing***

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SYNOPSIS

Committee: Public Safety and Government Operations

Bill: 24-0491

Footway Repairs - Citations and Billing

Sponsor: Councilmember Dorsey

Introduced: February 12, 2024

Purpose: For the purpose of altering the notice and appeal time lines for certain footway improvements, gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

BY repealing and re-ordaining, with amendments

Article 26 - Surveys, Streets, and Highways

Sections 10-1 to 10-3, 10-5, and new sections 10-8(b) and 10-9

Baltimore City Code

(Edition 2000)

By renumbering

Article 26 - Surveys, Streets, and Highways

Sections 10-8 and 10-9

to be

New sections 10-9 and 10-8

Baltimore City Code

(Edition 2000)

Effective: On the 30th day from the date enacted

AGENCY REPORTS

City Solicitor	Approved for form & sufficiency with amendments
Dept of Transportation	Supports
Dept Public Works	Defers to Dept of Transportation
BMZA	Supports
Dept of Finance	Supports

ANALYSIS

City Law

Subtitle 10 of Article 26 of the Baltimore City Code deals with footways along paved streets. Subtitle 9 of the article grants the Director of Transportation full power to “...grade and regulate the footways in all paved streets, lanes, and alleys in the City, and all streets, lanes, and alleys to be paved, repaved, or repaired, to the grade of ½ of an inch ascent (as nearly as practicable in each case) for every 1 foot in width of the footway, from the top of the curb or gutter to the line of the street, lane, or alley ...” (26-9-3 (a))

Subtitle 10 deals with footways when they are in need of repair the section applies whenever the Director of Transportation finds that a footway is:

- Not properly graded or paved.
- In bad repair.
- In a defective condition.
- Is inconsistent with a streetscape plan (approved as laid out in subtitle 10A of the Article).

Or if the Director determines:

- A footway needs grading, repaving, or repairing.
- Needs to be brought into compliance with a streetscape plan.

The Article requires that the Director serve each person whose property binds or abuts on the footway with written notice of the repairs to take place and gives all interested persons 5 days from the date of notice to show why it shouldn't happen.

The Article also lays out:

- how the notice is to be given in cases where property owners can not be found.
- How to appeal decisions to have the work done.
- By whom the work will be completed and the manner in which it is completed.
- How cost for these improvements or repairs is assessed.
- How responsibility for damage caused by trees is determined.
- How payments are to be made and the manner in which they are collected.
- An appeals process including administrative appeal and judicial & appellate review.

Bill Summary

If enacted this bill would modify the notice and appeals process for work done maintaining footways in Baltimore City. Changes would include:

- 10-1 (b)(ii) Notice to Property Owners
 - This bill would change the notice requirement from all interested persons to all persons whose property binds or abuts the footway
- 10-2 (a) Appeal of Proposed Work
 - This bill would change the timeline for appeal from 2 days to 30 days and requires appeals to be submitted by those whose property binds or abuts the footway.
- 10-3(b) By Whom Work to be Done
 - Removes the 15-day window for the owner to privately improve the footway and allows the owner to privately improve the footway if:
 - It is within 45 days of the notice required in 10-1 having been provided.
 - If appealed and within 15 days of the BMZA decision.
- 10-5 Assessment of Cost
 - This bill would remove the requirement that the DOT publish an assessment of the cost to repair footways in a daily newspaper.
 - Removes the requirement that the DOT create an Issuance of Assessment for footway repair projects.
- 10-8 Collections
 - This bill would remove the 30-day appeal window wait time to collect on assessments.
 - Assessments would bear interest unless:
 - Paid on time
 - Under appeal
- 10-9 Appeals
 - This bill would change the venue for judicial review from the Court of Special Appeals to the Appellate Court of Maryland

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): 24-0491 1st reader, Agency Reports, Baltimore City Code

Analysis by: Anthony Leva
Analysis Date: May 17, 2024

Direct Inquiries to: 410-396-1091

CITY OF BALTIMORE
COUNCIL BILL 24-0491
(First Reader)

Introduced by: Councilmember Dorsey, Bullock, Ramos, Cohen, Torrence

Introduced and read first time: February 12, 2024

Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Public Works, Department of Transportation, Board of Municipal and Zoning Appeals

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Footway Repairs – Citations and Billing**

3 FOR the purpose of altering the notice and appeal time lines for certain footway improvements,
4 gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under
5 certain circumstances; making conforming changes; and generally relating to the citation and
6 billing process for footway repairs.

7 BY repealing and re-ordaining, with amendments

8 Article 26 - Surveys, Streets, and Highways

9 Sections 10-1 to 10-3, 10-5, and new sections 10-8(b) and 10-9

10 Baltimore City Code

11 (Edition 2000)

12 By renumbering

13 Article 26 - Surveys, Streets, and Highways

14 Sections 10-8 and 10-9

15 to be

16 New sections 10-9 and 10-8

17 Baltimore City Code

18 (Edition 2000)

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
20 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 24-0491

Baltimore City Code

Article 26. Surveys, Streets, and Highways

Subtitle 10. Footways – Along Paved Streets

§ 10-1. Notice to property owners.

(a) *Scope.*

This section applies whenever the Director of Transportation:

(1) finds that any footway, in whole or in part, of any paved street, lane, or alley of the City:

(i) is not properly graded and paved;

(ii) is in bad repair;

(iii) is otherwise in a defective condition; or

(iv) is inconsistent with a streetscape plan approved in accordance with Subtitle 10A of this article; and

(2) determines, in his or her judgment, that the footway:

(i) needs grading, paving, repaving, or repairing; or

(ii) otherwise needs to be brought into compliance with the approved streetscape plan.

(b) *Notice.*

(1) The Director must:

(i) [serve] PROVIDE each person whose property binds or abuts on the footway with a written notice of the Director's intention to improve, grade, pave, repave, or repair it; and

(ii) give all persons [interested] WHOSE PROPERTY BINDS OR ABUTS ON THE FOOTWAY an opportunity [5] 30 days after the date of notice to show cause, if any, why the footway should not be improved, graded, paved, repaved, or repaired.

(c) *Service alternatives.*

(1) The Director of Transportation must cause the notice provided for in this section to be given to the [proprietor] OWNER of each lot adjacent to which a footway is required to be improved, graded, paved, repaved, or repaired.

Council Bill 24-0491

1 (2) For this purpose, [a copy of the order] NOTICE may be:

2 (i) left at any house on the lot;

3 (ii) served personally on the [proprietor or on his, her, or its] OWNER OR THE
4 OWNER'S tenant, agent, or guardian;

5 (iii) left at [his, her, or its] THE OWNER'S residence;

6 (iv) published in 1 or more newspapers of the City; or

7 (v) posted or set up on the premises.

8 (3) Notice given in any of these ways suffices for the purposes of this section and §§ 11-1
9 and 17-4 of this article.

10 **§ 10-2. Appeal of proposed work.**

11 (a) *Appeal to BMZA.*

12 Within [2] 30 days from the date of the hearing by the Director of Transportation, any
13 person WHOSE PROPERTY BINDS OR ABUTS ON THE FOOTWAY AND WHO IS dissatisfied with
14 the Director's decision on the need for improving, grading, paving, repaving, or repairing
15 any [footway] FOOTWAY, may appeal to the Board of Municipal and Zoning Appeals.

16 (b) *BMZA's decision final.*

17 That Board must hear the appeal, and its decision is final.

18 **§ 10-3. By whom work to be done.**

19 (a) *Director.*

20 If no appeal is taken from the Director's decision or if, after appeal, the Director's
21 decision is affirmed by the Board of Municipal and Zoning Appeals, the Director must
22 then have the footway properly improved, graded, paved, repaved, or repaired.

23 (b) *Owner.*

24 [However, within 15 days after the notice or, if an appeal is taken, within 15 days after
25 the decision of the Board of Municipal and Zoning Appeals, the owner of the property has
26 the option of having the footway improved, graded, paved, repaved, or repaired.]

27 THE OWNER OF THE PROPERTY MAY PRIVATELY IMPROVE, GRADE, PAVE, REPAVE, OR
28 REPAIR THE FOOTWAY EITHER:

29 (1) WITHIN 45 DAYS AFTER THE NOTICE DESCRIBED UNDER § 10-1(B) IS PROVIDED TO
30 THE OWNER; OR

Council Bill 24-0491

1 (2) IF AN APPEAL IS TAKEN, WITHIN 15 DAYS AFTER THE DECISION OF THE BOARD OF
2 MUNICIPAL AND ZONING APPEALS.

3 **§ 10-5. Assessments of costs.**

4 [(a) *Record.*]

5 When work under this subtitle is [completed,] COMPLETED BY THE DEPARTMENT OF
6 TRANSPORTATION, the Director of Transportation must determine and record in [his or
7 her office:] THE DIRECTOR'S OFFICE:

8 (1) the fact that the work has been done;

9 (2) the date the work was completed;

10 (3) the total expense of doing the work, including expenses reasonably incurred to
11 ascertain the names of abutting property owners;

12 (4) the names of the abutting property owners;

13 (5) the scope of the work done at each property for which the property or its owner is
14 to be assessed; and

15 (6) the total amount proposed to be assessed against each of the abutting properties
16 and their owners.

17 [(b) *Publication of notice.*]

18 [(1) The Director of Transportation must then publish a notice in 2 of the daily
19 newspapers of Baltimore City.]

20 [(2) The notice must:]

21 [(i) state that the footway has been improved, graded, paved, repaved, or repaired,
22 as the case may be;]

23 [(ii) give the location of the footway; and]

24 [(iii) state that, within 10 days of the notice, the Director of Transportation will
25 hear any owner of property abutting on the footway in reference to his, her, or
26 its liability for all or part of the cost of the work.]

27 [(c) *Issuance of assessment.*]

28 [(1) Within 10 days of the notice, the Director of Transportation must hear any aggrieved
29 owner who wants to be heard.]

Council Bill 24-0491

1 [(2) After the 10 days have expired, the Director of Transportation must assess the entire
2 cost incurred by the Director in doing the work, together with the expense of the
3 notice by publication, on all owners of property abutting on the footway, in proportion
4 to the amount of work done at each property.]

5 **§ 10-8. [10-9.] Collections.**

6 (a) *Director of Finance to collect.*

7 [After the 30-day appeal period has expired,] ONCE MADE, the Director of Transportation
8 must report the assessments [made] to the Director of Finance, who must proceed to
9 collect them in the same manner that real estate taxes are collected.

10 (b) *When payable; election to defer.*

11 (1) All assessments are due as soon as reported to the Director of Finance.

12 (2) Assessments may be paid:

13 (i) pursuant to an election to be made before the interest date, in deferred
14 payments as provided in § 10-7 of this subtitle; or

15 (ii) in full, without interest, at any time prior to 30 days after the 1st of the
16 month succeeding the date of the report to the Director of Finance.

17 (3) [Unless paid on time, all] ALL assessments bear interest from the date due until paid
18 in [full.] FULL, UNLESS:

19 (1) THE ASSESSMENT IS PAID ON TIME; OR

20 (2) THE ASSESSMENT IS PENDING APPEAL.

21 (c) *Assessment as lien.*

22 The assessments are liens on the property from the date the work is completed, subject, as
23 to any party who has appealed, to the final decision on appeal.

24 (d) *Remedies.*

25 (1) The Director of Finance:

26 (i) has the same remedies for the collection of assessments, interest, and penalties
27 as those provided by law for the collection of ordinary taxes on real estate; and

28 (ii) may use these remedies on default of any 1 annual payment.

29 (2) A default causes all of the amount assessed and yet unpaid to be due and payable.

Council Bill 24-0491

1 **§ 10-9. [10-8.] Appeals.**

2 (a) *Administrative appeal.*

3 Within 30 days of the mailing of a notice of assessment, the owner of the property on
4 which the assessment is levied may appeal the assessment to the Board of Municipal and
5 Zoning Appeals in accordance with the City Charter.

6 (B) [(a-1)] *Judicial and appellate review.*

7 (1) A person aggrieved by a decision of the Board of Municipal and Zoning Appeals
8 under this section may seek judicial review of that decision by petition to the Circuit
9 Court for Baltimore City in accordance with the Maryland Rules of Procedure.

10 (2) A party to the judicial review may appeal the court’s final judgment to the [Court of
11 Special Appeals] APPELLATE COURT OF MARYLAND in accordance with the Maryland
12 Rules of Procedure.

13 (C) [(b)] *Relation back.*

14 If, on appeal, an assessment is sustained in whole or in part, the lien relates back to the
15 time the work was completed.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
17 after the date it is enacted.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

AGENCY REPORTS

**Ordinance -24-0491
Footway Repairs - Citations and
Billing**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 21, 2024

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

Re: City Council Bill 24-0491 – Footway Repairs – Citations and Billing

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0491 for form and legal sufficiency. The bill would alter the notice and appeal times for certain footway improvements, grading, paving, repaving, or repairs; except an assessment from bearing interest under certain circumstances; and make conforming changes to existing Code provisions. The ordinance would take effect 30 days after its enactment.

Certain Charter provisions are applicable to footway repairs.

Charter Art. VII, § 116(b)(6):

Whenever an assessment or charge is to be made against a property for paving a street, alley, or sidewalk, the Department after giving the owner of the property involved due notice and an opportunity to be heard, shall fix the amount of the assessment or charge.

Charter Art. VII, § 85. Board of Municipal and Zoning Appeals: Paving assessments:

(a) Appeal to Board.

Whenever the Department of Transportation levies an assessment or charge for the paving of a street, alley, or sidewalk under § 116 of this article, the owner of the property on which the assessment or charge is levied may, within 30 days of the mailing to the owner of a notice of the assessment or charge, bring the assessment or charge to the Board for its review.

(b) Decision.

On reasonable notice in accordance with its rules and this Charter, the Board shall:

- (1) determine whether the assessment or charge is proper; and
- (2) if not, set it at the amount that the Board determines to be proper.

Code provisions have been enacted in Art. 26, Subtitle 10 regarding the process for notice and assessments to abutting property owners when repairs are made to footways. Council Bill 24-0491 clarifies to whom notice must be given of proposed repairs and increases the time to 30 days for an owner to show cause to the Department of Transportation (“DOT”) as to why the repair should not be made and increases the time to 30 days to appeal to the BMZA if the abutting property owner is dissatisfied with DOT’s decision. The time during which the property owner may choose

to privately improve, grade, pave, repave, or repair a footway after receiving notice of impending repairs by the City is also increased. Certain sections for Article 26, Subtitle 10 are renumbered for clarity.

The Law Department recommends an amendment to the bill to clarify that the property owner may appeal the assessment to the Director of Transportation within 10 days of receipt of the notice of assessment from the Director of Finance. Furthermore, the property owner may appeal the assessment to the BMZA in accordance with § 10-9. The recommended amendment is attached.

For the reasons stated above, if the amendments suggested by the Law Department are adopted, we can approve Council Bill 24-0491 for form and legal sufficiency.

Very truly yours

A handwritten signature in cursive script, appearing to read "Michele M. Toth".

Michele M. Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown

**AMENDMENTS TO COUNCIL BILL 24-0491
(1st Reader Copy)**

By: Law Department

{To be offered to the Public Safety and Government Operations Committee}

Amendment No. 1

On page 1, in line 9, strike “10-8(b)” and substitute “10-8”; and, on page 5, in lines 19 and 20, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and, on that same page, after line 20, insert:

“(C) APPEAL OF ASSESSMENT.

A PROPERTY OWNER MAY APPEAL AN ASSESSMENT:

(1) TO THE DIRECTOR OF TRANSPORTATION WITHIN 10 DAYS OF RECEIPT OF A NOTICE OF ASSESSMENT FROM THE DIRECTOR OF FINANCE; OR

(2) TO THE BOARD OF MUNICIPAL AND ZONING APPEALS WITHIN 30 DAYS OF THE MAILING OF A NOTICE OF ASSESSMENT, IN ACCORDANCE WITH § 10-9 OF THIS SUBTITLE.”;

and, on that same page, in lines 21 and 24, strike “(c)” and “(d)”, respectively, and substitute “(D)” and “(E)”, respectively.

CITY OF BALTIMORE

Brandon M. Scott
Mayor



BOARD OF MUNICIPAL
& ZONING APPEALS

Rebecca Witt
Executive Director
417 E. Fayette Street
Suite 922
Baltimore, MD 21202

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Rebecca Witt, Executive Director, BMZA

Date: February 23, 2024

Re: City Council Bill 24-0491 - Footway Repairs - Citations and Billing.

The Board of Municipal and Zoning Appeals (BMZA) staff and Board members have reviewed City Council Bill 24-0491 Footway Repairs - Citations and Billing, for the purpose of altering the notice and appeal timelines for certain footway improvements, gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

Since 2021, BMZA and DOT, with the help of the Law Department and Councilman Dorsey, have been hard at work improving the alley and footway appeal process for city residents, a long-overdue and technical task.

Through this process, it has become clear that several sections of City Code, Article 26, Surveys, Streets and Highways, need to be updated.

- (1) CCB 24-0491 would allow 30 days each for a property owner to:**
- a. show cause to DOT why the footway should not be fixed and,**
 - b. if DOT denies the property owner's appeal, for the property owner to appeal from the DOT citation to BMZA.**

In the current Code, Art. 26, § 10-1(b)(ii), a property owner has five (5) days to reach out to DOT to contest the footway citation. After receiving the property owner's complaint, if DOT rules that the citation should be upheld, under § 10-2(a), the property owner then has two (2) days from the DOT ruling to file their appeal to BMZA. These bizarrely short timeframes lead to a lot of panicked phone calls from property owners to BMZA, DOT, the Mayor's Office, and council members' constituent services staff.

Thirty (30) days for each process is a reasonable amount of time and, we hope, will significantly reduce the amount of stress to property owners as well as to city employees who take these calls from constituents.

(2) CCB 24-0491 would remove an expensive and unnecessary newspaper publication of notice requirement.

BMZA supports the removal of the publication of notice requirement in two daily newspapers found in Art. 26, § 10-5(b).

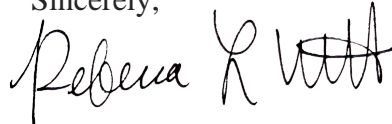
Property owners receive personal notice of their assessments; therefore, there is no need for the City to pay for notices to be advertised in the newspaper as well, especially since the sidewalk improvements have already been completed at this point in the process.

(3) CCB 24-0491 would clarify that the responsibility for paying the assessment is stayed while the appeal to BMZA is pending. Appellants also should not be charged interest while their BMZA appeal is pending; this bill would clarify this.


Appellants are sometimes informed by city employees that if they do not pay their assessment while their appeal is pending, they will be charged interest. *This should not be true*; a properly filed appeal should stay the payment of the assessment and any interest that would otherwise accrue, until after BMZA has made its determination.

For the above reasons, BMZA supports City Council Bill 24-0491.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Witt". The signature is written in a cursive style with a large, stylized "R" and "W".

Rebecca Witt
Executive Director

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Dept. of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 24-0491		

DATE: 2/26/2024

TO: Mayor Brandon Scott
TO: Public Safety and Government Operations
FROM: Department of Transportation
POSITION: **Support**
SUBJECT: Council Bill 24-0491

TITLE – Footway Repairs - Citations and Billing

PURPOSE – For the purpose of altering the notice and appeal time lines for certain footway improvements, gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

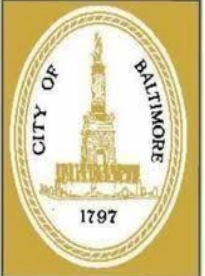
COMMENTS – Council Bill 24-0491 is the culmination of a collaborative efforts between the Department of Transportation, the Board of Municipal Zoning Appeals, the Law Department, and the Council. The current footway repair process presents challenges for many residents, such as a short timeframe for feedback and appeals. The Department wants to contribute to a more accommodating process that will benefit the needs of our stakeholders. If passed, CB 24-0491 rectifies issues with the Code language, streamlines the Footways financial processes, and extends timelines for appeals.

DOT POSTION – The Department believes this legislation will bring forth beneficial quality-of-life changes to the property owners who are required to navigate the Footway repair process every year. Therefore, the Department **supports** the advancement of Council Bill 24-0491.

Please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207 if you have any questions or concerns.



Corren Johnson
Director

FROM	NAME & TITLE	Richard J. Luna, Interim Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 24-0491		

February 22, 2024

TO:

Public Safety and Government Operations Committee

I am herein reporting on City Council Resolution 24-0491 introduced by Council Members Dorsey, Bullock, Ramos, Cohen, and Torrence.

The purpose of the Bill is to alter the notice and appeal timelines for certain footway improvements, gradings, paving, repaving, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

The Baltimore City Department of Transportation, Footway Section is responsible for repairing or replacing defective sidewalks throughout the City of Baltimore. The Footway Section within the Department of Transportation replaces approximately 300,000 square feet of footways each year.


For these reasons, while the Department of Public Works does not have any objections to the bill, the Department of Public Works defers to the Department of Transportation on City Council Bill 24-0491.



Richard J. Luna
Interim Director

RJL:WCC

RJL:WCC

FROM	NAME & TITLE	Robert Cename, Deputy Finance Director <i>RC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Finance Room 454, City Hall		
	SUBJECT	24-0491 Footway Repairs – Citations and Billing		

DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400

November 24, 2023

Position: Support

The Department of Finance is herein reporting on City Council Bill 24-0491, Footway Repairs – Citations and Billing, for the purpose of altering the notice and appeal timelines for certain footway improvements, gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

Background

There are approximately 3,600 miles of sidewalks throughout Baltimore City. The process for ensuring that every sidewalk is in need of grading, paving, repaving, or repairing is Article 26 Subtitle 10 of the Baltimore City Code. This legislation aims to clarify and revise this subtitle.

The legislation broadly revises and clarifies language throughout the subtitle. The most important changes include giving the property owner more time at key points throughout the process such as, to appeal the Director’s decision that the footway needs improvement, if the property owner can have the footway privately improved, and to appeal the assessed cost of repairing the footway. The legislation removes the requirement that notice be published in a newspaper. This reduces costs for the City as well as the property owner.

Fiscal Impact

The Department of Finance anticipates that this legislation will ultimately have a minor cost savings to Department of Transportation capital project budgets, based on reduced publication requirements. The process changes enumerated above will have minimal fiscal impact to implement. The proscription that interest on unpaid bills be paused when there is an appeal, will likely result in minimal lost revenue.

Other Considerations

The Council may consider examining other municipal processes that include a required publishing in a newspaper, and if this is the best practice to meet an intended goal. The goal of publishing in a newspaper is to raise awareness or serve as public notice. Publication costs continue to rise and this becomes another source of expenditure must be supported, in this case, by capital project budgets.

Conclusion

The Department of Finance supports this legislation, as it clarifies and creates a more customer focused process for assessing and repairing Baltimore’s footways. The legislation also eliminates the need for

advertising that work on footways has been completed in the local newspaper, in lieu of more direct methods of notice.

For the reasons stated above, the Department of Finance supports City Council Bill 24-0491.

cc: Michael Mocksten
Nina Themelis