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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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September 22, 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 22-0274 – Water Bills – Right to Review

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0274 for form and legal sufficiency. The bill would add language in Subtitle 2, “Bills,” of Article 24, “Water,” that the Department of Public Works must provide a copy of a water bill to a tenant or residential owner provided that they show they have a written lease or are the owner-occupant.

As explained in the hearings for the Water Accountability and Equity Act (Bill 18-307; Ordinance 20-336), the City’s record of the amount owed for water at a particular property is a document showing someone’s personal financial information and therefore the Maryland Public Information Act (“PIA”) prevents the City from disclosing it to someone other than the property owner because the owner is responsible for payment of the water consumed at that property. Md. Code, Gen. Prov., §4-336(b); 86 Md. Op. Atty. Gen. 94, 107 (2001) (local governments cannot allow disclosure of records that the state law prohibits); *Property Owners’ Ass’n of Baltimore City, Inc. v. City of Baltimore*, 268 Md. 194, 199 (1973) (water bills are owed by property owners).

The PIA requires the City to give a financial record to the owner or designee of the owner. Md. Code, Gen. Prov., §4-101(g)(1). Since the Water Accountability and Equity Act requires landlords to make tenants their designees for this purpose, the City is already required to release the records to owners or their tenants. City Code, Art. 23, § 7-3(a-1); Md. Code, Gen. Prov., §§ 4-201, 4-203.

While the language in this bill does not conflict with the PIA, it makes it seem that an owner or tenant must *prove* ownership or tenancy in order to receive a copy of a water bill to which they are already entitled. Thus, while the Law Department can approve this bill for form and legal sufficiency, the risk in adopting it would be that it becomes a requirement that owners and tenants present information in order to obtain a document to which they are already entitled.

Very truly yours,

Hilary Ruley  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
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