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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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April 13, 2026

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 25-0119 – Footways – Sidewalks – Accessibility

Dear President and City Council Members:

The Law Department has reviewed Mayor and City Council Bill 25-0119 for form and legal sufficiency. The bill would require a permit applicant to demonstrate that sidewalks adjoining a subject property comply with certain accessibility standards. It would also establish sidewalk accessibility standards and obligate a real property owner to construct, maintain, and repair accessible sidewalks. The bill amends the minimum permitted sidewalk width in the City from 4' to 5' wide. It establishes that a real property owner shall be responsible for inspection and repair of sidewalks and curb ramps to meet accessibility standards at or before certain trigger events. The bill establishes a new authority under which the Director of Transportation may require repair or replacement of a sidewalk, raises fines for noncompliance from \$10 daily to \$100 daily, defines certain terms, and generally relates to the construction and maintenance of accessible sidewalks in the City.

The Mayor and City Council of Baltimore have the express power to regulate the “construction, use, operation, maintenance and removal of buildings and structures, or any part thereof, of every kind” and to pass laws that promote the general welfare. City Charter, Art. II, §§ (1), (47). The City also has the express power to regulate the construction and installation of certain public right of ways. City Charter, Art. II, § (35). The City can require property owners to repair any footway that is “otherwise in a defective condition”. City Code, Art. 26, § 10-1(a)(1)(iii).

This broad express legislative power is subject to the statewide Maryland Building Performance Standards (“MBPS” or “Standards”), made up of the International Building Code (IBC), the International Residential Code (IRC), and the International Energy Conservation Code (IECC), with modifications by the State. Code of Maryland Regulations (“COMAR”), 09.12.51.02; Md.

Code, Pub. Saf., § 12-501(h). State law requires each jurisdiction in Maryland to “implement and enforce” the Standards for buildings and structures, subject to any local amendments. Md. Code, Pub. Saf., § 12-505(a)(1)(i).

Local jurisdictions may modify the Standards subject to certain restrictions:

(a)(1) A local jurisdiction may adopt local amendments to the Standards if the local amendments do not:

- (i) prohibit the minimum implementation and enforcement activities set forth in § 12-505 of this subtitle;
- (ii) weaken energy conservation and efficiency provisions contained in the Standards;
- (iii) except as provided in paragraph (3) of this subsection, weaken the automatic fire sprinkler systems provisions for townhouses and one- and two-family dwellings contained in the Standards; or
- (iv) weaken wind design and wind-borne debris provisions contained in the Standards.

Md. Code, Pub. Saf., § 12-504(a)(1).

A local jurisdiction must adopt a local amendment in accordance with applicable local law and provide a copy of the local amendment to the Maryland Department of Labor at least 15 days before the effective date of the amendment or within five days after the adoption of an emergency local amendment. Md. Code, Public Safety § 12-504(d)-(e). The modifications proposed by City Council Bill 25-0119 permissibly modify the Standards.

Assuming proper notice is provided to the Maryland Department of Labor following the enactment of the bill, as there are no legal impediments to this bill, the Law Department can approve it for form and legal sufficiency

Sincerely,



Desiree Luckey  
Assistant Solicitor

cc: Ebony Thompson, City Solicitor  
Hilary Ruley, Chief Solicitor  
Jeff Hochstetler, Chief Solicitor

Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor