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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
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April 22, 2021

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 21-0042 – Real Estate Records – Modernization

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0042 for form and legal sufficiency. It would change the City Code in two separate places: Subtitle 16 of Article 5 concerning Records of Real Property and Subtitle of Article 28 concerning Tax Sales. The bill seeks to remove the requirement for the Comptroller to keep certain records in paper form and move to an electronic system.

There are no legal impediments to the change of these sections of the City Code as they do not permit the destruction of existing paper copies or those paper copies that may be received in the future. Md. Code, State Gov.'t, § 10-615(4), (5) (State Archivist must approve record destruction in accordance with previously approved record inventory and record retention schedules); COMAR 14.18.02.05.B; *see also* 14.18.02.08 (records designated as permanent are so regardless of form of record). Nor does the bill violate the state law requirement concerning photographic reproduction of originals. Md. Code, State Gov.'t, § 10-619.

There appears to be no conflict between this bill and the City's Record Retention requirements in Section 10 of Article 1 of the City Code. However, the City Records Management Officer, who is appointed by the Director of the Department of Legislative Reference, is charged with creating "standards, procedures, and techniques for the effective management of City records." City Code, Art. 1, § 10-6(b)(1). There is an existing requirement that the City Records Management Officer "review all proposals for the digitization of records, whether or not the ultimate destruction of the original record is involved." City Code, Art. 1, § 10-6(b)(3). However, this later enacted and more specific bill would govern over the existing, general record management law. *See, e.g., Atkinson v. Anne Arundel County*, 236 Md. App. 139, 161 (2018).

The bill is able to be approved for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor