

**CITY OF BALTIMORE  
COUNCIL BILL 12-0077R  
(Resolution)**

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Introduced by: Councilmembers Clarke, Henry, Kraft, Stokes, Curran, Holton, President Young,  
Councilmembers Middleton, Welch, Branch, Reisinger, Scott

Introduced and read first time: December 3, 2012

Assigned to: Housing and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning  
Appeals, Planning Department

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A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Action – Community Association Standing**

3 FOR the purpose of respectfully requesting that the General Assembly adopt, and the Governor  
4 sign, legislation that would allow Baltimore City community associations the same access to  
5 the State court system for zoning disputes enjoyed by community associations in other  
6 Maryland jurisdictions.

7 **Recitals**

8 Community associations in Baltimore serve many important roles. Besides their direct  
9 efforts to improve the areas they represent, many of Baltimore’s community associations act as  
10 vital links between residents and City government. These organizations also typically represent  
11 the interests of neighborhood residents in discussions with developers and when liquor licenses  
12 or zoning changes are being approved.

13 Yet, when disputes about zoning compliance or changes must be decided by appeals before  
14 the Board of Municipal Zoning Appeals (BMZA) or state courts, community associations are  
15 often unable to continue to effectively represent the interests of their members by remaining  
16 parties to the dispute. Instead, since current law denies them standing to appeal zoning decisions  
17 to either the BMZA or the courts, community associations are often forced to step back from the  
18 most contentious disputes precisely when their involvement is most needed.

19 Because of this rule, individual property owners residing nearby a disputed site are forced to  
20 shoulder the entire burden of pursuing a remedy for concerns that may affect an entire  
21 community. This unfairly forces individuals to invest significant personal time and money into  
22 issues that go beyond their personal stakes in a matter, prevents a community from being able to  
23 take full advantage of its association’s technical knowledge of zoning issues and ability to pool  
24 resources, disadvantages neighborhoods that lack individuals with the resources to pursue  
25 appeals on their own, and makes it difficult to protest actions that may have small impacts on  
26 each individual property owner but large cumulative effects on a neighborhood as a whole.

27 Baltimore City can partially remedy this situation on its own by granting community  
28 associations standing to bring administrative appeals before the BMZA, but, under current State  
29 law, the City cannot explicitly grant associations standing to pursue an appeal into the court

EXPLANATION: Underlining indicates matter added by amendment.  
~~Strike out~~ indicates matter deleted by amendment.

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1 system. Therefore, if the City were to grant associations the right to bring administrative appeals,  
2 it could potentially create a bizarre situation where a community association that won an appeal  
3 to the BMZA could have that decision challenged in court, but the association would be unable  
4 to itself challenge an administrative decision against it in the courts – giving an association’s  
5 opponent two chances to prevail but the community group only one.

6 Maryland has allowed other jurisdictions to avoid this situation by granting community  
7 associations the right to pursue zoning appeals into the courts, but it has not given this power to  
8 Baltimore City. In order to allow the City to empower community associations to fully represent  
9 the needs of their members and neighborhoods in zoning disputes, the State should update this  
10 policy and allow Baltimore’s community associations standing to appeal zoning decisions into  
11 our courts.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the  
13 Council respectfully requests that the General Assembly adopt, and the Governor sign, legislation  
14 that would allow Baltimore City community associations the same access to the State court  
15 system for zoning disputes enjoyed by community associations in other Maryland jurisdictions.

16 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the  
17 Honorable Chair and Members of the Baltimore City House and Senate Delegations to the  
18 Maryland General Assembly, the President of the Maryland Senate, the Maryland House  
19 Speaker, the Mayor, and the Mayor’s Legislative Liaison to the City Council.