

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

November 12, 2014

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

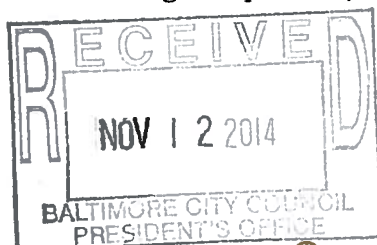
Re: City Council Bill 14-0442 – Animal Control – Impoundment Reform

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 14-0442 for form and legal sufficiency. The bill deletes provisions allowing for the appeal of certain animal control decisions to the Circuit Court for Baltimore City by right. It also reduces the period in which an animal's owner must respond to the denial, suspension, or revocation of a license from 10 to 5 days; removes the requirement that a new owner of an animal whose previous owner has had a license denied, suspended, or revoked live outside of the City; clarifies the requirements for transferring an animal to a new owner when the previous owner's permit for the animal has been denied, suspended, or revoked; lengthens the period of time for which an individual who has had an animal permit denied or revoked may not apply for another animal permit; allows for the temporary impoundment of an animal during certain investigations; requires the payment of certain animal care expenses when an individual requests review of a decision regarding the animal; and corrects, clarifies, and conforms related provisions.

The Law Department takes special note that Council Bill 14-0442 deletes provisions providing for an appeal of an administrative ruling to the Circuit Court and Special Court of Appeals. There is no legal requirement for the City to grant such appeals, as outlined in *Willis v. Montgomery Cnty.*, 415 Md. 523 (2010):

*We start with the "basic premise that, in order for an administrative agency's action properly to be before this Court (or any court) for judicial review, there generally must be a legislative grant of the right to seek judicial review." Harvey v. **455 Marshall, 389 Md. 243, 273, 884 A.2d 1171, 1189 (2005). "The right to an appeal is not a right required by due process of law, nor is it an inherent or inalienable right.*



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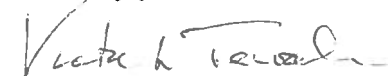


An appellate right is entirely statutory in origin and no person or agency may prosecute such an appeal unless the right is conferred by statute.

Willis v. Montgomery Cnty., 415 Md. at 454-455.

As there are no legal obstacles to the passage of this bill, the Law Department approves the bill for form and legal sufficiency as drafted.

Sincerely yours,



Victor K. Terval
Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor of Opinions & Advice
Hilary Ruley, Chief Solicitor
Jennifer Landis, Special Assistant Solicitor
Hana Rose Kondratyuk, Assistant Solicitor