
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

May 18, 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 22-0204 – Vacant Structures – 3-1-1 Complaint Fines

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0204 for form and legal sufficiency. It would add Subtitle 4A to Article 13 of the City Code to create an escalating fee scales for repeat 3-1-1 service requests to vacant structures.

The bill must be amended to reduce the fine amount to under \$1,000 as that is the maximum that state law allows the City to impose. City Charter, Art. II, § (48).

The bill must also be amended to remove the Director of the Environmental Control Board's discretion to decide whether to impose a \$50 late charge and to decide whether to revoke a license for non-payment of the fine or, alternatively, to give that discretion some legislative guidance. *See e.g., Andy's Ice Cream v. City of Salisbury*, 125 Md. App. 125, 162 (1999) ("municipal delegation of ministerial authority must contain sufficient guidelines to ensure that the officers carrying out the delegations will act in accordance with the legislative will, and not employ their own unbounded discretion."); *accord Dyer v. Board of Education of Howard County*, 216 Md. App. 530, 539-540 (2014). The Law Department recommends that the bill be amended to simply state that the late fee *shall* be imposed, and the license *shall* be revoked, instead of may be imposed or may be revoked, respectively. An amendment effectuating this change is attached to this bill report. Finally, the Law Department notes a typographical error in line 5 on page 2: the reference should be to AM 200-4 not AM 20-4.

Subject to the required amendments, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Hilary Ruley".

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
Ashlea Brown, Chief Solicitor
Jeffery Hochstetler, Chief Solicitor

AMENDMENTS TO COUNCIL BILL 22-0204
(1st Reader Copy)

Proposed by: Law Dep't

Amendment No. 1: Conform Fine Amount to State Imposed Maximum

On page 3, delete lines 14-16; on page 3, in line 13, delete "7TH" and replace with "ANY MORE THAN 6 RESPONSES".

Amendment No. 2: Legislative Guidance for Late Fee Imposition and License Revocation

On page 3 in lines 18 and 27, replace "MAY" with "SHALL".

Amendment No. 3: Typographical Error

On Page 2 in line 5 replace "AM 20-4" with "AM 200-4".