
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

January 18, 2024

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 22-0205 Vacant Structures – Emergency Response Fee

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0205, which would establish a fee structure for City emergency response services provided or rendered at vacant structures.

There are various forms of charges the City is authorized to implement and each has its own legal parameters. “Generally, a tax is designed primarily to raise revenue, a regulatory fee funds a regulatory measure, and a user fee pays for a commodity consumed or a service rendered.” 96 Opinions of the Attorney General at 67.

For a fee to qualify as regulatory, therefore, the fee generally must “require[] compliance with certain conditions beyond mere payment of a prescribed sum,” and “[t]he amount of revenue generated by [[the] ... fee must be ‘reasonable’ and bear ‘some definite relation to the purpose of the regulation.” 91 Opinions of the Attorney General 152, 156 (2006) (quoting *Mayor & City Council of Ocean City v. Purnell-Jarvis*, 86 Md. App. 390, 405 (1991)). In other words, to be a regulatory fee, there must be a sufficient “nexus between the charges and the stated regulatory purpose.” *Id.* (citing *Eastern Diversified Properties*, 319 Md. at 55).

Thus, if the amounts charged in the bill reflect the actual costs of the services being rendered, the Law Department would approve Council Bill 22-0205 for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', enclosed in a thin blue rectangular border.

Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury
Matthew Bradford
Nikki Thompson, President's Office
Nina Themelis, MOGR
Hilary Ruley
Jeff Hochstetler,
Ashlea Brown
Michele Toth
Teresa Cummings
Ahleah Knapp