

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

March 6, 2019

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 19-0328 – Urban Renewal – Hamilton Business Area –  
Amendment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0328 for form and legal sufficiency. The bill seeks to remove the existing prohibition on “second hand stores” from Section B.2 of the Hamilton Business Area Urban Renewal Plan (the “Plan”).

The City Department of Housing and Community Development must give this proposed amendment to the “Hamilton Businessmen’s Association and local improvement associations or their successors, for their review and comment” at or before the time the Planning Commission receives the proposed amendment. Plan, ¶ G.2. The associations have three weeks to respond to any proposed change. Plan, ¶ G.2. There must be a public hearing on the change. Plan, ¶ G.2. At least ten days before that hearing, the associations must be given written notice of the date and time of that hearing. Plan, ¶ G.2. “With respect to any land in the Project Area previously disposed of by the City for use in accordance with the urban renewal plan, the then owner of such land whose interests therein are materially affected by such changes shall receive at least ten days prior to such hearing, written notice of the time and place of such hearing and information as to where a copy of the proposed amendments may be inspected.” Plan, ¶ G.2.

Although Section 3 of this bill appears to negate the effect of these notice requirements if they are not followed, Section 3 cannot accomplish this goal. *See, e.g., Blackwell v. City Council for City of Seat Pleasant*, 94 Md. App. 393 (1992) (informing public that a law has changed after the fact did not satisfy requirement that public be notified in a certain way before law becomes effective). Although this bill could be amended to delete Section G of the Plan, the language in Section G would govern the adoption of that amendment and require certain notice of that change. Thus, Section 3 of this bill must be deleted.

Additionally, the Council should consider rewording Section 5 as it is vague and confusing in this context because the Plan is based on the old zoning code and its land use categories. It is unclear if Section 5 intends to effectuate a change to those categories and if so, how. Moreover, the City’s Zoning Code already provides for the interaction between its mandates and the terms in an Urban Renewal Plan. City Code, Art. 32, §1-204(b). While this

provision may be an attempt to mirror that requirement, it goes beyond it in scope and in citing codes like the building and electrical codes. The Law Department recommends deleting Section 5.

Any changes in an Urban Renewal plan, such as these changes, must be made by ordinance. City Code, Art. 13, §2-6(g). Subject to the foregoing two amendments and the requisite notice requirements, the Law Department can approve City Council Bill 19-0328 for form and legal sufficiency.

Very truly yours,



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Chief Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Kyron Banks, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 19-0328**  
**(1<sup>st</sup> Reader Copy)**

Proposed by: Law Dep't

**Amendment No. 1**

On page 2, delete lines 26 through 30.

**Amendment No. 2**

On page 2, delete lines 35 through 40. And on page 3, delete lines 1 through 3.