

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

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

March 1, 2019

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 19-0344 – Licensing of Rental Dwellings

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0344 for form and legal sufficiency. The bill would require the Housing Commissioner to provide certain alternative methods for applying for a new or renewal rental dwelling license and amend the requirements for a renewal license inspection to except a dwelling unit in a 1 or 2 family dwelling under certain conditions and provides for a special effective date.

Under Article II, Section 17 of the Baltimore City Charter, the City has the general power to regulate all businesses within its jurisdiction. This regulation is an exercise of the City's police powers found in Article II, Section 27 of the City Charter. Police powers can be legitimately exercised when the regulations are rationally related to preserving the public health, safety, morals or general welfare of the public. *See* City Charter, Article II, Section 47. When such justification is present, the City is entitled to "great deference" in determining how it addresses its problems. *New Orleans v. Dukes*, 427 U.S. 297, 303-304 (U.S. 1976). This is an exercise of that licensing and regulatory authority.

The Law Department recommends clarifying the language in §5-7 (a)(2) by deleting "OR MAY BE" and "BUT WITHOUT THE NEED FOR THE OTHERWISE 3<sup>rd</sup> PARTY HOME INSPECTION." A suggested amendment is attached.

The Law Department approves the bill for form and legal sufficiency.

Sincerely,

Handwritten signature of Ashlea H. Brown in blue ink.

Ashlea H. Brown  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Karen Stokes, Director, Mayor's Office of Government Relations  
Jeff Amoros, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor, General Counsel  
Hilary Ruley, Chief Solicitor  
Victor Tervalá, Chief Solicitor

**AMENDMENTS TO COUNCIL BILL 19-344**

(1<sup>st</sup> Reader Copy)

Proposed by: Law Dep't

{To be offered to the Judiciary and Legislative Investigations Committee}

**Amendment No. 1**

On page 2, line 8, strike OR MAY BE and in lines 14-15, strike BUT WITHOUT NEED FOR THE OTHERWISE REQUIRED 3<sup>RD</sup> PARTY HOME INSPECTION