



September 2, 2020

The Honorable President and Members  
of the Baltimore City Council  
Fourth Floor, City Hall  
Baltimore, Maryland 21202  
c/o Natawna Austin, Executive Secretary

**Re: Bill 20-0557 {"Baltimore City Administrative Procedure Act - Regulations"}**

You have referred the above-referenced bill to the Department of Legislative Reference ("DLR") for its comments. As introduced, the bill would put Baltimore City in line with nearly every other major jurisdiction in the State and the State itself by requiring a standard procedure for the publication and adoption of agency regulations. While DLR has concerns regarding the strain this bill would place on existing DLR resources, DLR can support this ordinance if DLR is given the additional staffing resources necessary to properly implement it.

Currently, DLR is involved only tangentially in the City's "regulatory process." Specifically, a number of City Code provisions require that agencies, prior to its regulations taking effect, file those regulations with DLR for indexing within our library.<sup>1</sup> DLR presently has no role in drafting regulations, nor does DLR have a role in reviewing these regulations for consistency in form or language. Moreover, outside of mere indexing, DLR does not have any responsibility to collate or codify regulations.

DLR believes that this bill would represent a tangible operational shift for City government as it would standardize the regulatory process to include a mandated and formalized publication period and require that all regulations be codified into a newly-created, publicly available Code of Baltimore Regulations Annotated ("COBRA"). Under the bill, COBRA would be maintained, organized, and published by DLR, much as DLR does with the City Code itself. Further, as all agencies would bear the individual responsibility of drafting their own regulations, the bill would authorize DLR to make non-substantive changes to regulatory text to ensure textual consistency.

While DLR broadly and conceptually supports the bill's aims, DLR is very concerned that its current resources are insufficient to properly absorb the duties to which it has been assigned under the bill as drafted. Looking at some other jurisdictions in Maryland, we believe that maintenance of COBRA could be a sizable task. For example, Montgomery County's COMCOR

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<sup>1</sup>DLR would not be able to state with any certainty that the regulations that we have indexed within our library represent the totality of any City agency's regulations.



contains approximately 70 chapters of varying length and breadth. Baltimore County's COBAR has codified 19 chapters, but notes on its website that "[t]he County has many other regulations that have not yet been revised for the COBAR project but nevertheless remain in effect."

DLR believes that by statutorily standardizing the definition of "regulation," the City would be expanding the potential universe for what would be required to be in agency regulations. Something that might not be a regulation today may, under the provisions of this bill, be required to be a regulation moving forward. Thus, in all likelihood, in order to maintain the levels of legislative drafting and research services that agencies and councilmembers are accustomed to receiving from DLR, we anticipate that we would need least 1, but no more than 2, additional staffmembers to assist with these new duties and be trained and dedicated to codifying, editing, and curating an organized and publicly-accessible COBRA.

Given the assurance that we would be provided with the additional resources necessary to properly implement this bill, we would be ready to fully embrace and support it.

cc: The Honorable Eric Costello  
Mr. Matthew Stegman  
Ms. Nina Themelis  
Mr. Caylin Young