

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

June 12, 2008

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

Re: Baltimore City Council Bill 08-0063 – Property Maintenance –  
Responsibilities of City as Owner or Operator

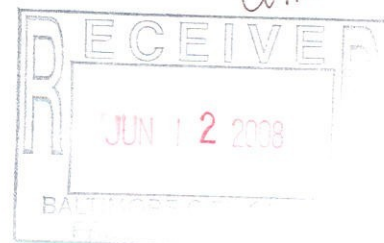
Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0063 (Property Maintenance – Responsibilities of City as Owner or Operator) for form and legal sufficiency. The bill makes the express provision that “person,” as defined in the Baltimore City Building Code and applied in the Property Maintenance Code, includes “the Mayor and City Council of Baltimore and any instrumentality, agency, or unit of City government” except when related to a penalty or fine. Additionally, the bill requires City agencies to submit to the Mayor and City Council a schedule for bringing all City-owned or –operated properties “to code” within 36 months of the effective date of the ordinance, if enacted.

The Law Department has concerns with the phrase “to code” as it is used on page 4 of the bill. As the owner of last resort of thousands of vacant and abandoned properties, the City’s current goal is to maintain all of the properties that it owns or operates in a clean, safe, and secure manner that is graffiti-free and trash-free. If the objective of the bill is to require the City to bring every vacant and abandoned building it owns into compliance with every requirement of the City’s Building, Fire, and Related Codes – which include energy efficiency, mechanical, electrical, fuel gas, and plumbing requirements – then the implications of the bill are massive; the Law Department cannot advise toward that end.

As the Department of Housing and Community Development advises in its bill report, the cost of such rehabilitation would exceed \$300,000,000. Additionally, during the 2008 legislative session, the Maryland General Assembly authorized the establishment of a Land Bank authority, which would make the acquisition and disposition of vacant and abandoned properties within the City much more effective and efficient. Furthermore, rehabilitation of thousands of properties to make them “habitable” pursuant to the Building, Fire, and Related Codes could expose the City to millions of dollars in liability, based on the quality of the repair work completed prior to habitation.

*Comments*

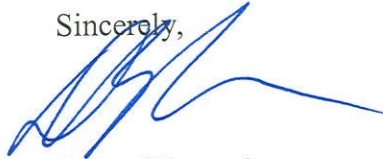


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On the other hand, if the intent of the bill is to require the City to maintain all of the properties that it owns or operates in a clean, safe, and secure manner that is graffiti-free and trash-free, that objective matches with the City's current goal. The Law Department approves of that objective as a reasonable goal and requirement for the City.

The Law Department recommends that the intent of the bill be clarified. If the objective is to require the City to comply with every requirement found in the Building, Fire, and Related Codes (including energy efficiency, mechanical, electrical, fuel gas, and plumbing requirements) on every property it owns or operates – including thousands of vacant and abandoned buildings – the Law Department cannot approve a policy that would create such an unduly burdensome requirement on the City. However, if the objective of the bill is to require the City to keep all of the properties it owns or operates in a clean, safe, and secure manner, then the Law Department would approve the bill.

Sincerely,



Deepa Bhattacharyya  
Assistant Solicitor

cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Linda C. Barclay, Chief Solicitor  
Elena DiPietro, Assistant Solicitor  
Ashlea Brown, Assistant Solicitor  
Peter Dolkart, HCD  
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