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**BALTIMORE CITY COUNCIL  
WAYS AND MEANS  
COMMITTEE**

*Mission Statement*

*The Committee on Ways and Means (WM)* is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**TUESDAY, APRIL 27, 2021  
10:02 AM**

**VIRTUAL WEBEX MEETING**

*Council Bill 21-0042*

**Real Estate Records - Modernization**

# CITY COUNCIL COMMITTEES

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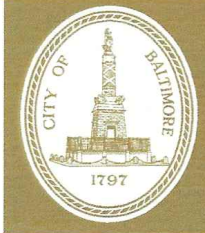
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**BILL SYNOPSIS**

**Committee:** Ways and Means

**Bill:** 21-0042

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**Real Estate Records – Modernization**

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**Sponsor:** President Mosby at the request of the Office of the Comptroller

**Introduced:** February 22, 2021

**Purpose:**

**For the purpose of** modernizing the methods by which the Comptroller shall make certain information regarding the City’s real estate records available to the public; making certain stylistic changes; and conforming and correcting related provisions.

**Effective:** On the 180<sup>th</sup> day after the date it is enacted.

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**Agency Reports**

Law Department	<i>Favorable</i>
Office of the Comptroller	<i>None as of this writing</i>
Department of Finance	<i>Favorable</i>
Baltimore City Information Technology	<i>None as of this writing</i>
Department of Housing and Community Development	<i>Favorable/Amend</i>
Department of Real Estate	<i>None as of this writing</i>
Baltimore City Archives	<i>None as of this writing</i>

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**Analysis**

**Current Law**

Baltimore City Code – Article 5 under Finance, Property and Procurement – outlines the rules, regulations and mandates for the City’s Records and Inventory of Real Property, and Article 28 under Taxes outlines how tax deeds are copied and recorded.

## Background

At the request of the Office of the Comptroller, this legislation is one (1) of three (3) bills; **21-0041, 21-0042 and 21-0043** coming before the committee on April 27, 2021.

If enacted Council Bill 21-0042 will rescind a portion of the City Code that requires the Comptroller's Office to retain physical copies of real estate property records and tax deeds, and will replace it with a public database.

Currently the City Code requires the Office to maintain copies in a well-bound record book.

Per the primary sponsor, "We have a book containing all properties in the City. The legislation will allow properties to be online instead; bringing us up to date to the 21<sup>st</sup> century, making information more transparent, more open and accessible way of maintaining that information."<sup>1</sup>

The bill will become effective approximately six (6) months after the date it is enacted.

### Note:

1. The Department of Housing and Community Development is recommending a minor amendment to the bill: **to change a word from fair to assessed. *The agency report is attached.***

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## Additional Information

**Fiscal Note:** Per the Department of Finance the legislation will cost approximately \$25,000 – *See attached agency report.*

**Information Source(s):** City Code, Council Bill 21-0042, see footnote below, and all agency reports received as of this writing.

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*Marguerite M. Currin*

Analysis by: Marguerite M. Currin                      Direct Inquiries to: (443) 984-3485  
Analysis Date: April 23, 2021, **revised April 26, 2021**

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<sup>1</sup> The Honorable Bill Henry, Baltimore City Comptroller.

# **Council Bill: 21-0042**

## **AGENCY REPORTS**

**SEE ATTACHED**

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
JAMES L. SHEA, CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

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April 22, 2021

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 21-0042 – Real Estate Records – Modernization

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0042 for form and legal sufficiency. It would change the City Code in two separate places: Subtitle 16 of Article 5 concerning Records of Real Property and Subtitle of Article 28 concerning Tax Sales. The bill seeks to remove the requirement for the Comptroller to keep certain records in paper form and move to an electronic system.

There are no legal impediments to the change of these sections of the City Code as they do not permit the destruction of existing paper copies or those paper copies that may be received in the future. Md. Code, State Gov.'t, § 10-615(4), (5) (State Archivist must approve record destruction in accordance with previously approved record inventory and record retention schedules); COMAR 14.18.02.05.B; *see also* 14.18.02.08 (records designated as permanent are so regardless of form of record). Nor does the bill violate the state law requirement concerning photographic reproduction of originals. Md. Code, State Gov.'t, § 10-619.

There appears to be no conflict between this bill and the City's Record Retention requirements in Section 10 of Article 1 of the City Code. However, the City Records Management Officer, who is appointed by the Director of the Department of Legislative Reference, is charged with creating "standards, procedures, and techniques for the effective management of City records." City Code, Art. 1, § 10-6(b)(1). There is an existing requirement that the City Records Management Officer "review all proposals for the digitization of records, whether or not the ultimate destruction of the original record is involved." City Code, Art. 1, § 10-6(b)(3). However, this later enacted and more specific bill would govern over the existing, general record management law. *See, e.g., Atkinson v. Anne Arundel County*, 236 Md. App. 139, 161 (2018).

The bill is able to be approved for form and legal sufficiency.


Very truly yours,



Hilary Ruley  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalo, Chief Solicitor  
Ashlea Brown, Assistant Solicitor

*Robert Cennamo*

<b>FROM</b>	NAME & TITLE	Robert Cennamo, Budget Director	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall		
	SUBJECT	City Council Bill 21-0042 – Real Estate Records - Modernization.		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

April 22, 2021

**Position: Support**

The Department of Finance is herein reporting on City Council Bill 21-0042, Real Estate Records-Modernization for the purpose of modernizing the method by which the Comptroller shall make certain information regarding the City's real estate records available to the public; making certain stylistic changes; and conforming and correcting related provisions.

**Background**

The City currently requires the Comptroller to keep a well-bound record book recording all deeds and leases made to the City, as well as contracts and agreements made in relation to City property. In addition, the Comptroller and Director of Finance are tasked with jointly maintaining an inventory of City-owned real property that is updated quarterly. This legislation will require the Comptroller to maintain an online database of City property, which is publicly accessible and searchable, instead of the current record book.

**Fiscal Impact**

The Department of Finance anticipates this legislation will cost approximately \$25,000 annually, which can be absorbed in the agency's current budget. This estimate is based on conversations with the Comptroller's Office about the plan to utilize specific database software. The Office plans to establish two workflows, which will cost approximately \$12,500 annually each and there are no additional start-up costs.

Expense	Cost	Total Cost
Software Workflow	\$ 12,500	\$ 25,000

**Conclusion**

The goal of this legislation to modernize the real estate records through an online database can increase efficiency, accountability, and transparency. The Department of Finance supports these efforts and anticipates that additional costs to implement this legislation will be absorbed by the agency's budget.

**For the reasons stated above, the Department of Finance supports City Council Bill 21-0041.**

cc: Henry Raymond  
Natasha Mehu  
Nina Themelis





## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Acting Housing Commissioner

Date: April 21, 2021

### Re: City Council Bill 21-0042 Real Estate Records – Modernization

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 21-0042 for the purpose of modernizing the methods by which the Comptroller shall make certain information regarding the City’s real estate records available to the public; making certain stylistic changes; and conforming and correcting related provisions.

If enacted, City Council Bill 21-0042 would repeal and re-ordain, with amendments Article 5 - Subtitle 16 and Article 28, Section 8-2 of the Baltimore City Code to modernize the office of the Baltimore City Comptroller. The Bill requires that real estate records be maintained in an online public database and available for public inspection instead of maintained in a “well-bound leather book.” The Bill also deletes obsolete references to paper bound record keeping systems and provides for a publicly facing searchable database. Finally, the Bill provides for a 6-month implementation period.

City Council Bill 21-0042 is part of a Legislative reform and modernization package of 4 bills introduced to update the way the office of the Comptroller operates. DHCD will continue to work with the Comptroller and the Director of Finance in maintaining the inventory of City-owned real property and note that much of the real property information is already available to the public on Open Data Baltimore.

DHCD would recommend a minor amendment on page 3 line 1 of the Bill to replace the word “fair” with “assessed” value. This amendment requires that the Comptroller and the Director of Finance maintain information on the assessed market value of the property, which is updated every 3 years. Fair Market Value is the agreed upon price between a willing and informed buyer and a seller under ordinary circumstances, while assessed value is a valuation placed on a property by a public tax assessor for purposes of taxation. It would be unreasonable for the agencies named in this Bill to maintain an inventory of fair market value for every parcel of property in the City of Baltimore without third party assessors.

DHCD **supports** the passage of City Council Bill 21-0042.

AK/sm

cc: Ms. Themelis, Nina, *Mayor’s Office of Government Relations*

Brandon M. Scott, Mayor • Alice Kennedy, Acting Housing Commissioner

417 East Fayette Street • Baltimore, MD 21202 • 443-984-5757 • dhcd.baltimorecity.gov

**CITY OF BALTIMORE  
COUNCIL BILL 21-0042  
(First Reader)**

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Introduced by: The Council President  
At the request of: Office of the Comptroller  
Introduced and read first time: February 22, 2021  
Assigned to: Ways and Means Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Comptroller, Department of Finance,  
Baltimore City Information Technology, Department of Housing and Community Development,  
Department of Real Estate, Baltimore City Archives

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Real Estate Records – Modernization**

3 FOR the purpose of modernizing the methods by which the Comptroller shall make certain  
4 information regarding the City’s real estate records available to the public; making certain  
5 stylistic changes; and conforming and correcting related provisions.

6 BY repealing and re-ordaining, with amendments

7 Article 5 - Finance, Property, and Procurement  
8 Subtitle 16 - Records and Inventory of Real Property  
9 Baltimore City Code  
10 (Edition 2000)

11 BY repealing and re-ordaining, with amendments

12 Article 28 - Taxes  
13 Section 8-2  
14 Baltimore City Code  
15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
17 Laws of Baltimore City read as follows:

18 **Baltimore City Code**

19 **Article 5. Finance, Property, and Procurement**

20 **Subtitle 16. Records and Inventory of Real Property**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 21-0042**

**§ 16-1. Record of conveyances and contracts.**

(a) *Comptroller to [keep record book] MAINTAIN ONLINE DATABASE.*

The Comptroller shall [keep a well-bound record book, and have therein recorded]  
MAINTAIN A PUBLICLY-ACCESSIBLE ONLINE DATABASE THAT INCLUDES:

(1) all deeds and leases made to the City, or sufficient extracts from [such] THOSE  
deeds and leases [as will fully explain the same] TO FULLY IDENTIFY THE NATURE  
OF THE CITY'S INTEREST IN THE SPECIFIC PROPERTY; and [also]

(2) all contracts and agreements made in relation to the property of the City.

[(b) *Form.*]

[The records in said record book to be written on every other page, so that the page  
opposite the record may be left blank for any remarks that may be necessary to be made in  
regard to the disposition of said property.]

(B) *SEARCHABLE INDEX* [(c) *Index.*]

The [said record book] DATABASE REQUIRED BY THIS SECTION shall [also have an  
alphabetical index made] BE SEARCHABLE for [more] easy reference to [said] the deeds,  
leases, contracts, and agreements WITHIN THE DATABASE.

**§ 16-2. Comprehensive inventory required.**

(a) *Comptroller and Director of Finance to maintain.*

The Comptroller and the Director of Finance must maintain jointly a comprehensive  
inventory of City-owned real property, which must be updated quarterly to reflect  
acquisitions and dispositions.

(b) *Information required.*

For each parcel of property, the inventory must provide the following information:

(1) a street address or, if there is no street address, a description sufficient to identify  
the location of the property;

(2) the date when the City acquired or took possession of the property;

(3) the purchase price paid by the City;

(4) the name of the grantor; and

**Council Bill 21-0042**

1 (5) an estimate of the FAIR market value of the property, which must be updated every  
2 3 years.

3 (c) *Agencies to cooperate.*

4 All City agencies that own, acquire, or dispose of real property must comply with  
5 requests of the Comptroller and the Director of Finance in maintaining the inventory.

6 (d) *Inventory open to public inspection.*

7 The inventory must be [kept in the office of the Comptroller and must be open] POSTED  
8 ONLINE FOR PUBLIC INSPECTION [during regular office hours].

9 **Article 28. Taxes**

10 **Subtitle 8. Tax Sales**

11 **§ 8-2. Tax deeds copied, recorded.**

12 [It shall be the duty of the] THE Comptroller of the City SHALL, [upon receiving] ON RECEIPT  
13 OF a deed from the Director of Finance of any property purchased by the City of Baltimore at  
14 any sale for taxes:

15 (1) to have [said] THE deed:

16 (i) [copied into a book kept in his office for the purpose] SCANNED  
17 ELECTRONICALLY INTO THE DATABASE REQUIRED BY CITY CODE, ARTICLE 5,  
18 § 16-1 {"RECORD OF CONVEYANCES AND CONTRACTS"}; and

19 (ii) [also] duly recorded among the land records in the Clerk’s office of the  
20 Circuit Court for Baltimore City; and

21 (2) when recorded, to [keep and file] RETAIN the original deed in the Comptroller’s  
22 office.

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
24 are not law and may not be considered to have been enacted as a part of this or any prior  
25 Ordinance.

26 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 180<sup>th</sup>  
27 day after the date it is enacted.