
CITY OF BALTIMORE

Brandon M. Scott
Mayor



BOARD OF MUNICIPAL
& ZONING APPEALS

Rebecca Witt
Executive Director
417 E. Fayette Street
Suite 922
Baltimore, MD 21202

MEMORANDUM

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

From: Rebecca Witt, Executive Director, BMZA

Date: February 23, 2024

Re: City Council Bill 24-0491 - Footway Repairs - Citations and Billing.

The Board of Municipal and Zoning Appeals (BMZA) staff and Board members have reviewed City Council Bill 24-0491 Footway Repairs - Citations and Billing, for the purpose of altering the notice and appeal timelines for certain footway improvements, gradings, pavings, repavings, or repairs; excepting an assessment from bearing interest under certain circumstances; making conforming changes; and generally relating to the citation and billing process for footway repairs.

Since 2021, BMZA and DOT, with the help of the Law Department and Councilman Dorsey, have been hard at work improving the alley and footway appeal process for city residents, a long-overdue and technical task.

Through this process, it has become clear that several sections of City Code, Article 26, Surveys, Streets and Highways, need to be updated.

- (1) CCB 24-0491 would allow 30 days each for a property owner to:**
- a. show cause to DOT why the footway should not be fixed and,**
 - b. if DOT denies the property owner's appeal, for the property owner to appeal from the DOT citation to BMZA.**

In the current Code, Art. 26, § 10-1(b)(ii), a property owner has five (5) days to reach out to DOT to contest the footway citation. After receiving the property owner's complaint, if DOT rules that the citation should be upheld, under § 10-2(a), the property owner then has two (2) days from the DOT ruling to file their appeal to BMZA. These bizarrely short timeframes lead to a lot of panicked phone calls from property owners to BMZA, DOT, the Mayor's Office, and council members' constituent services staff.

Thirty (30) days for each process is a reasonable amount of time and, we hope, will significantly reduce the amount of stress to property owners as well as to city employees who take these calls from constituents.

(2) CCB 24-0491 would remove an expensive and unnecessary newspaper publication of notice requirement.

BMZA supports the removal of the publication of notice requirement in two daily newspapers found in Art. 26, § 10-5(b).

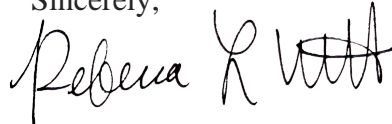
Property owners receive personal notice of their assessments; therefore, there is no need for the City to pay for notices to be advertised in the newspaper as well, especially since the sidewalk improvements have already been completed at this point in the process.

(3) CCB 24-0491 would clarify that the responsibility for paying the assessment is stayed while the appeal to BMZA is pending. Appellants also should not be charged interest while their BMZA appeal is pending; this bill would clarify this.

Appellants are sometimes informed by city employees that if they do not pay their assessment while their appeal is pending, they will be charged interest. *This should not be true*; a properly filed appeal should stay the payment of the assessment and any interest that would otherwise accrue, until after BMZA has made its determination.

For the above reasons, BMZA supports City Council Bill 24-0491.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Witt". The signature is written in a cursive style with a large, stylized "R" and "W".

Rebecca Witt
Executive Director