
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
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January 18, 2024

The Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 22-0225 Vacant Structures – Nuisance Abatement – Penalty

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 22-0225, which is for the purpose of increasing a certain penalty for failing to obey a nuisance abatement order at a certain type of property; providing for a special effective date; and generally relating to nuisance abatement penalties for vacant structures.

The bill increases the penalty for owners of vacant structures for a certain offense, thereby creating a classification resulting in differential treatment which could be challenged under the Equal Protection Clause. *See, e.g., Rinaldi v. Yeager*, 384 U.S. 305, 309 (1966) (“legislation may impose special burdens upon defined classes in order to achieve permissible ends. But the Equal Protection Clause does require that, in defining a class subject to legislation, the distinctions that are drawn have ‘some relevance to the purpose for which the classification is made.’”).

In other words, there must be a rational basis for the differential treatment of owners of vacant structures that serves a governmental interest. If the policy concern is that vacant structures pose a greater threat to the neighborhood as a repeat nuisance, a more legally defensible way to structure the bill would be to increase the penalty for all repeat offenders. This would achieve the same policy goal without presenting the same legal vulnerabilities.

Thus, if the differential treatment of owners of vacant properties can be founded on a rational basis that serves a purpose that treating all owners the same would not serve, or, in the

alternative, the bill is amended to apply the increased penalties to repeat offenders of the neighborhood nuisance law, regardless of whether they are owners of vacant structures, the Law Department would approve Council Bill 22-0225 for form and legal sufficiency.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ashlea Brown', enclosed in a thin blue rectangular border.

Ashlea Brown
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Stephen Salsbury
Matthew Bradford
Nikki Thompson, President's Office
Nina Themelis, MOGR
Hilary Ruley
Jeff Hochstetler,
Ashlea Brown
Michele Toth
Teresa Cummings
Ahleah Knapp