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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

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December 13, 2021

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

Re: City Council Bill 21-0068R – Informational Hearing - Naming City Properties

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0068R for form and legal sufficiency. The resolution is for the purpose of inviting the City Solicitor and representatives from the Commission on Historical and Architectural Preservation, Department of Planning, Department of Transportation, Department of General Services, Baltimore Development Corporation, Department of Recreation and Parks, and the Department of Real Estate to brief the City Council regarding the standards, procedures, practices and policies for naming and renaming City property and the ceremonial naming of City streets, and to discuss possible revisions of current standards, in light of national trends, so that our standards better foster equity and unity.

The Law Department has reviewed the City Charter and Code to establish the legal parameters that exist in naming and renaming City property. The following discussion outlines the existing City provisions.

Naming City Property (Excluding Naming Streets)

Pursuant to the City Charter, naming City properties is largely a legislative process. Specifically, Article II of the Charter delegates the Mayor and City Council the power, by legislation, to “regulate the numbering or designation of buildings, lots or parcels of land and the naming of streets and public ways and places.” City Charter, Art. II, § 3. The need for legislation to name or rename property is underscored by a provision in the City Code stating, “City property shall be named or renamed by an ordinance of the Mayor and City Council. City Code, Art. 5, § 20-3.

The Law Department notes, however, that this section of the City Code (Art. 5, § 20-3) expressly does not apply to the process for naming streets. City Code, Art. 5, § 20-4 (“This subtitle shall not apply to the naming of streets as provided in Article 26, Subtitle 7 of the City Code.”).

## Naming New Public Streets

Pursuant to the City Charter, “new public streets may not be designated by names until the names have been approved by the Department [of Transportation] and entered on the appropriate plats and records of the Department.” City Charter, Art. VII, § 116(f)(1). Furthermore, DOT, not the Mayor and City Council, is authorized to name a street when a private street has been conveyed to the City or when a private street has been dedicated for a public purpose. City Charter, Art. VII, § 116(f)(2) (“If a private street is dedicated for public purposes and the dedication is accepted, or if the title to a private street is conveyed to the City, the Department shall give the street a name by which it shall be known on all official records of the City.”).

As the above implies, while the Mayor and City Council may not name a new public street, the City Code makes clear that an ordinance or resolution must be introduced to “authorize the acceptance of a deed to the bed of any street, avenue, or other thoroughfare in the City” City Code Art. 26, § 7-2. This section of the City Codes also provides that when such legislation is introduced, it must be referred to DOT “for a report as to the name of the street, avenue, or other thoroughfare.” *Id.* If, however, “the same name by which such street, avenue, or other thoroughfare has been known is a duplicate of the name of any public street, avenue, or thoroughfare in the City of Baltimore,” DOT must report that fact and “suggest to the City Council...a new name for such street, avenue, or thoroughfare.” *Id.*

## Naming or Renaming Public Streets

With the exception of naming new streets as outlined above, naming streets and public ways is a legislative process. City Charter, Art. II, § 34. The Charter specifically prohibits changing the names of public streets “except by ordinance or resolution of the Mayor and City Council.” City Charter, Art. VII, § 116(f)(3). *See also* City Code Art. 26, § 7-4 (DOT may revise a street name “as may appear to be necessary and beneficial to the interests of the City...after approval and concurrence of the Mayor and City Council of Baltimore.”).

The City Code establishes guidelines for naming and renaming streets which “shall be observed;” Namely:

- (1) the name may not be the same as the name of an existing street, avenue, or thoroughfare;
- (2) the name may not be the name of a living person or persons;
- (3) the name may not be the name of an existing or proposed business or of an existing or proposed product of a business; and
- (4) the name shall be given to the entire length of the street, avenue, or thoroughfare/

## Renaming Private Streets

Pursuant to the City Code, the names of private streets in municipal records and on street signs can be changed by ordinance of the City Council, when a majority of the owners on a private street petition DOT requesting a change and DOT finds the change “satisfactory.” City Code Art. 26, § 7-5.

As a concluding observation, the Law Department notes that a City Council resolution such as this one is “an expression of opinion or mind concerning some particular item of business coming within the legislative body’s official cognizance.” *Inlet Assocs. v. Assateague House Condominium Assoc.*, 545 A.2d 1296, 1303 (Md. 1988) (quoting *McQuillin Mun. Corp.* § 15:2 (3rd Ed.)). Council Bill 21-0068R is an appropriate resolution to discuss possible revisions of current standards for naming and renaming City property.

Accordingly, the Law Department is prepared to approve Council Bill 21-0068R for form and legal sufficiency.

Sincerely,

*Victor K. Tervala*

Victor K. Tervala  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations  
Nikki Thompson, Director of Legislative Affairs  
Matthew Stegman, Director of Fiscal and Legislative Services  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor